



**Australian Government**

**Refugee Review Tribunal**

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# Country Advice

## China

China – CHN35881 – Fujian – Christians –  
Local Church – Reform through Labour –  
Police – Black lists – Medical bail and  
parole

8 January 2010

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### Questions

**1 Please advise on the current treatment of Local Church members (Shouters) in Fujian province.**

Contrasting information was found in the sources consulted regarding the treatment of Local Church members in Fujian province.

The following reports indicate improvements in the treatment of the Local Church within some parts of Fujian province:

- In February 2009 an elder of the Local Church in Melbourne advised that while the Local Church is viewed as illegal in Fujian province, the arrest of members has decreased. The Elder provided the following advice on the treatment of the Local Church in Fujian province:

As we understand it, the local churches in China are viewed differently in each province. Certain provinces allow the local churches to register with the authorities and once they have done so, they are allowed to worship. However, in other provinces, including Fujian province, the local churches are regarded as illegal gatherings, however as we understand from some members who come from this province, there is not much arrests as before. There is now more dialogue between members of the local church and the authorities.<sup>1</sup>

- A November 2008 report by the Country Research Section of the Department of Immigration and Citizenship (DIAC), *China's Protestants and Catholics*, also reports on the increased tolerance of the Local Church by government authorities in some areas of Fujian. The report states that some Local Churches now operate legally in Fuzhou and several rural counties in Fujian. The report provides the following relevant information:

It is important to note that Local Church repression is unevenly implemented and has eased greatly over the past ten years. In some areas, county level authorities have formally authorised Local Church congregations which now operate legally in Shanghai, Nanjing, Fuzhou and several rural counties in Fujian and Zhejiang Provinces. In Fujian's rural Longtian district, the Local Church recently built a massive church complex "with a 4,000 person seating capacity and adjoining classrooms for Sunday school." Following President Bush's appeal to Beijing over the Li Guanggiang, Yu Zhudi and Lin Xifu *Recovery Bible*-smuggling case, to appease the US CCP leaders reportedly instructed Fujian authorities "not to touch the Local Church, resulting in at least a temporary period of unprecedented freedom from official repression." According to Kindopp, the softening of official attitudes in some locations has coincided with – and perhaps has been influenced by – Local Church leaders' recent efforts "to bring the group into greater conformity with the evangelical Protestant mainstream." As

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<sup>1</sup> Elder of the Church in Melbourne 2009, Email to RRT Research & Information: 'Re: Request for information from the Refugee Review Tribunal, Sydney', 9 February – Attachment 1.

well as stepping back from its former exclusivist stance, Local Church rituals have been softened to make the group “more acceptable to mainstream evangelicals, no longer requiring members to yell out God’s name during services.”<sup>2</sup>

However, the 2009 US Congressional-Executive Commission on China report states that “official reports from two localities in Fujian province in early 2009 indicate that the Local Church has been singled out as one of the targets that public security forces must “strike hard” against”.<sup>3</sup>

These discrepancies may be the result of a hardening in government attitudes towards the Local Church in Fujian in 2009. The discrepancies may also be the result of varied implementation of government policy towards the Local Church within Fujian province. On 15 July 2008, the Department of Foreign Affairs and Trade (DFAT) advised that they are unable to provide “reliable information” as to whether large numbers of Shouter church members had been detained in Fujian province the past six years. DFAT notes however, that “‘Shouters’ are considered by the Chinese authorities to be an illegal sect” and that “those who attend churches which are not officially sanctioned may be subject to detention”.<sup>4</sup>

## **2 Is it likely that elders of the Local Church would have been sentenced to three years of reform through labour?**

Recent reports indicate that Re-education Through Labour (RTL) is a sentence frequently used to punish members of unregistered religious groups. Reports indicate an individual can be sentenced to RTL for a maximum initial period of three years, which can later be extended to four years. Local Church members in Zhejiang and Henan province have reportedly been subject to RTL and detention during the period of 2008 to 2009.

The following reports indicate that members of unregistered religious groups can be punished with RTL for a period of three to four years:

- The 2009 US Congressional-Executive Commission on China report states that RTL is an administrative punishment which according to the non governmental organisation Chinese Human Rights Defenders, is “frequently used” to punish practitioners from illegal religious groups, as well as other dissident groups. The report states that RTL is for a maximum period of three years but can be extended by a year.<sup>5</sup>
- The US Department of State *International Religious Freedom Report for 2009 – China* indicates that during 2009 members of unregistered religious groups were sentenced to RTL by local authorities. The report provides the following relevant information:

Local authorities often used an administrative process, through which citizens may be sentenced by a non-judicial panel of police and local authorities to up to three years in reeducation through labor (RTL) camps, to punish members of unregistered religious groups. During the reporting period, the Government reportedly held religious adherents and members of spiritual movements in RTL camps because of their religious beliefs. In 2009, the

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<sup>2</sup>DIAC Country Research Section 2008, *China’s Protestants and Catholics*, November, pp. 23 - 24 –Attachment 2.

<sup>3</sup> US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, p.139 – Attachment 3.

<sup>4</sup> DIAC Country Information Service 2008, *Country Information Report No. 08/66 – RRT Request CHN33508 – China – Shouters – additional information*, (sourced from DFAT advice of 14 July 2008), 15 July – Attachment 4.

<sup>5</sup>US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, pp. 138- 139 – Attachment 3.

Government reported that there a total of 190,000 individuals were being held in 320 RTL camps throughout the country.<sup>6</sup>

- The 2008 edition of the *Laogai Handbook*, which provides a list of labour camps across China, states that RTL “allows for the arrest and detention of petty criminals for up to three years without formal charge or trial”. This information is reiterated in a 2007 report by the DIAC Country Information Service which refers to the *Re-education through Labour Regulations*.<sup>7</sup> The *Laogai Handbook* also states that RTL “is regarded as a form of administrative detention and is often employed against political and religious dissidents”.<sup>8</sup>
- Article 40 of the 2005 *Regulations on Religious Affairs* allows for the imposition administrative penalties, on individuals engaging in unlawful religious activities. According to the regulations, individuals found to be engaging in unlawful religious activities which do not ‘constitute a crime’ are subject to administrative penalties, whereas individuals who engage in unlawful religious activities which do ‘constitute a crime’ are prosecuted under criminal law.<sup>9</sup>

The following reports found in sources consulted report on the sentencing of Local Church members to RTL for the period of 2008 to 2009:

- The US Department of State *International Religious Freedom Report for 2009 – China* states that in November 2008 in Zhejiang Province four Local Church leaders were given sentences of 12 to 18 months RTL.<sup>10</sup>
- The China Aid Association reported that in December 2008 three house church leaders, who were accused of belonging to the “Shouter evil cult”, were sentenced to one year of re-education through labour in Henan province.<sup>11</sup>

No other reports were found in the English language sources consulted regarding the sentencing of Local Church members to RTL during the period of 2008 to 2009. However, the following articles report the detention of Local Church members in China:

- The 2009 annual report of the US Congressional-Executive Commission on China, states that “Chinese authorities harassed, detained, and physically abused members of banned Protestant groups in the past year, particularly the South China Church (SCC) and the Local Church”.<sup>12</sup>
- On 3 December 2008, The China Aid Association reported on a 27 September 2008 raid on a house church retreat in Beijing associated with the Local Church. The report states

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<sup>6</sup>US Department of State 2009, *International Religious Freedom Report for 2009 – China*, 26 October, Section 2 - Attachment 5.

<sup>7</sup> DIMIA Country Information Service 2007, *Country Information Report No. 07/38 – CHINA: Fuqing Documentation*, (sourced from DFAT advice of 27 February 2007), 20 April – Attachment 7.

<sup>8</sup> The Laogai Research Foundation 2008, *Laogai Handbook: 2007-2008*, October, pp.1-2  
<http://www.laogai.org/news2/book/handbook2008-all.pdf> – Accessed 4 March 2009 – Attachment 6.

<sup>9</sup> *Religious Affairs Regulations* (Adopted 7 July 2004 & Effective 1 March 2005) – Attachment 8.

<sup>10</sup> US Department of State 2009, *International Religious Freedom Report for 2009 – China*, 26 October, Section 2 - Attachment 5.

<sup>11</sup> ‘Three Christians Sentenced to One Year of Re-education Through Labor in Zhoukou, Henan’ 2008, China Aid Association website, 6 January  
[http://www.chinaaid.org/qry/page.taf?id=105&\\_function=detail&sbtblct\\_uid1=1120](http://www.chinaaid.org/qry/page.taf?id=105&_function=detail&sbtblct_uid1=1120) - Accessed 6 January 2010 - Attachment 9.

<sup>12</sup> US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, pp. 138- 139 – Attachment 3.

that “more than 110 house church Christians were interrogated, and two were detained in administrative detention”.<sup>13</sup>

- On 15 July 2008, the Department of Foreign Affairs and Trade (DFAT) advised that “‘Shouters’ are considered by the Chinese authorities to be an illegal sect” and that “those who attend churches which are not officially sanctioned may be subject to detention”.<sup>14</sup>

It should be noted that according to 2006 advice from The Department of Foreign Affairs and Trade (DFAT) the “activities of the Chinese authorities to suppress this sect would not necessarily be reported”.<sup>15</sup>

### **3 Is it likely that Local Church members would have been detained for two months and then released on health grounds?**

Information provided in *Research Response CHN34880*, dated 22 May 2009 indicates that an individual pending trial can be released on bail for medical reasons. Reports also indicate that an individual convicted of a crime can be released on parole on medical grounds.<sup>16</sup> The following three reports describe instances in which individuals who have been detained for membership in unregistered religious groups have been released on medical grounds:

- The US Department of State *International Religious Freedom Report for 2009 – China* states that a house church pastor who was arrested sentenced to one year RTL in Henan province in October 2008 was released in December 2008 for medical reasons.<sup>17</sup>
- On 2 December 2008, The China Aid Association reported that a pastor from Zhejiang province, who was initially sentenced to a three year prison term in December 2006, was released on medical parole on 25 November 2008.<sup>18</sup>
- On 9 March 2004, South China Morning Post reported that two members of the ‘Shouter’ religion, who were arrested in May 2001 for smuggling bibles into Fuqing, were released on health grounds in 2002.<sup>19</sup>

### **4 Is it likely that Local Church members, once released, would continue to be harassed by the police?**

Information contained in the *Criminal Procedure Law of the People’s Republic of China* and the *Regulations of the People’s Republic of China on Arrest and Detention* indicates that individuals on bail or parole who have been released from detention on medical grounds would be subject to a high level of supervision and control by government authorities:

- Article 214 of the *Criminal Procedure Law of the People’s Republic of China* states that individuals serving their sentence outside of prison, including those on parole for medical

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<sup>13</sup> ‘House Church Training Raided in Beijing; 110 Interrogated, 2 Detained’ 2008, China Aid Association website, 3 December <http://chinaaid.org/2008/12/03/house-church-training-raided-in-beijing-110-interrogated-2-detained/> – Accessed 2 March 2009 – Attachment 10.

<sup>14</sup> DIAC Country Information Service 2008, *Country Information Report No. 08/66 – RRT Request CHN33508 – China – Shouters – additional information*, (sourced from DFAT advice of 14 July 2008), 15 July – Attachment 4.

<sup>15</sup> Department of Foreign Affairs and Trade 2006, *DFAT Report 515 – RRT Information Request: CHN30365*, 4 August – Attachment 11.

<sup>16</sup> RRT Research & Information 2009, *Research Response CHN34880*, 22 May - Attachment 12.

<sup>17</sup> US Department of State 2009, *International Religious Freedom Report for 2009 – China*, 26 October, Section 2 - Attachment 5.

<sup>18</sup> ‘Pastors Wang Weiliang and Zhu Baoguo Released Early From Prison’ 2008, China Aid Association website, 2 December [http://www.chinaaid.org/qry/page.taf?id=105&\\_function=detail&sbtblct\\_uid1=1085&\\_nc=b4e61b19fdd2e94cf4b849ac69dfff8f](http://www.chinaaid.org/qry/page.taf?id=105&_function=detail&sbtblct_uid1=1085&_nc=b4e61b19fdd2e94cf4b849ac69dfff8f) – Accessed 6 January 2010 - Attachment 13.

<sup>19</sup> Wan, F. 2004, ‘Freed bible smuggler keeps his faith intact’, *South China Morning Post*, 9 March – Attachment 14.

reasons, shall be under the “strict control and supervision” by the “executing organ” and “local grassroot organisations”.<sup>20</sup>

- Article 3 of the *Regulations of the People’s Republic of China on Arrest and Detention* (1979) states that in the case of a seriously ill “offender liable to arrest”, an alternative measure may be used involving obtaining “a guarantor pending trial or live at home under surveillance”.<sup>21</sup>

No reports were found in the sources consulted which describe the police treatment of individuals who have been released from detention on medical grounds.

## **5 Is it likely that Local Church members would be on a “blacklist”, and if so what are the implications of this? I.e. what is a blacklist in this context?**

Reports indicate that according to some individuals the Chinese government maintains a “blacklist” of individuals, both within China and overseas, who are considered suspicious by the government, including members of unregistered religious groups. Information from Chinese dissidents suggests that Chinese nationals who are engaged in prohibited religious groups in Australia may be placed on such a blacklist. This may result in them being questioned and potentially arrested upon return to China.

The following reports include indicate that the Chinese government maintains a blacklist for Chinese nationals involved in dissident organisations **overseas**:

- On 20 June 2005, Christian Science Monitor reported on Chen Yonglin, a Chinese embassy official who quit and applied for asylum in Australia. The report states that according to Chen Yonglin the “main task” of the Chinese consulate in Australia is to spy and report on dissident groups and that the embassy as a “database with hundreds of blacklisted names”. The report contains the following relevant information:

According to Chen Yonglin, China’s highest-profile defector in decades, the main task of the Chinese Consulate here is to spy on five so-called “poisonous groups” in the Australian community. Once a fortnight, he says, officials file reports about Free Tibet supporters, Taiwan independence advocates, Uighurs who want an East Turkistan homeland, Falun Gong members, and the Chinese pro- democracy movement.

...In a face-to-face interview with the Monitor, Chen said he had access to a database with hundreds of blacklisted names. He coordinated biweekly meetings to receive fresh intelligence data – sometimes new names, other times details on family members in Australia or in China. His job, which he took up in 2001, amounted to spying on Falun Gong and opposing demonstrators.<sup>22</sup>

- On 10 July 2005, the *Sunday Star Times* reported that according to a former Chinese “secret policeman” in New Zealand, a Chinese spy had “infiltrated a church group in Auckland and is sending information back to China”. The report states that “the agent was part of a network of spies gathering information on religious groups and other such as Falun Gong practitioners”. The report also states that “a blacklist has been formed with

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<sup>20</sup> *Criminal Procedure Law of the People’s Republic of China* (Adopted 1 July 1979 and Amended 17 March 1996), United Nations High Commission for Refugees website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=3ddbcd4e7&skip=&query=criminal%20procedure%20china> – Accessed 29 November 2007 – Attachment 15.

<sup>21</sup> *Regulations of the People’s Republic of China on Arrest and Detention*. Promulgation and Effective date: 23 February 1979, LawInfoChina website <http://www.lawinfochina.com/law/display.asp?db=1&id=2&keyword=arrest,detention> – Accessed 6 July 2007 – Attachment 16.

<sup>22</sup> Kremmer, J. 2005, ‘Chinese defector details country’s espionage agenda’, *Christian Science Monitor*, 30 June – Attachment 17.



the names of New Zealand Chinese” and that individuals on the list “face immediate arrest on their return to China.”<sup>23</sup>

- John Deller, the President of the Falun Dafa Association of NSW, provided advice to the Tribunals on 4 August 2006 in which he states that he is on a Chinese government blacklist and thus can not get a visa to China. John Deller also stated that “Chinese authorities do monitoring and surveillance both here and from China of me (and many others) as evidenced in the files exposed by Hao Feng Jun, the former policeman from 610 office who was granted asylum here last year.”<sup>24</sup>
- On 17 May 2004, *Asian Political News* reported that a Beijing court “sentenced an overseas-based activist who was on China’s dissident blacklist to five years in prison”.<sup>25</sup>
- A report dated 7 January 2007, published by *The Toronto Star* provides an interview with a Chinese Catholic who was seeking asylum in Canada. The Chinese Catholic stated that he was afraid to give his name to the interviewer as he believed he was on a Chinese government blacklist.<sup>26</sup>
- On 24 December 2008, *The International Herald Tribune* reported that “160 prominent writers, scholars and human rights advocates outside mainland China” signed a petition requesting that an intellectual be released from detention. The report states that “some of the scholars who signed the petition are already on the Chinese government blacklist, while others still have regular access to the country”.<sup>27</sup>

The following reports include claims of a government blacklist for dissidents **within China**:

- A report, dated 2 June 2009, published by *Kyodo News*, states that a student democracy advocate who led protests in Tiananmen Square in 1989 appealed to the current Chinese government to release political prisoners and “repeal the blacklist”.<sup>28</sup>
- A May 2007 report by The Immigration and Refugee Board of Canada (IRB) cites a 2006 news report which states that the PSB maintains a database for individuals who belong to banned religious groups. The report states that:

Officials in the PSB’s State Council Leadership Team for Preventing and Monitoring Cults Tianjin [northeast China] branch reportedly keep a database containing over 30,000 names of Falun Gong practitioners, as well as names of persons belonging to other banned religious groups.<sup>29</sup>

DFAT advice also indicates that the Chinese government maintain ‘movement alert lists’ for individuals subject to arrest warrants, and most likely also for people under investigation by the authorities.<sup>30</sup> In November 2006 the DFAT provided advice which states that “alert lists are connected to Chinese identity cards as well as passports” and that “alert lists operate at

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<sup>23</sup> Wall, T. 2005, ‘Spy who came into the fold’, *Sunday Star-Times*, 10 July – Attachment 18.

<sup>24</sup> Deller, J. 2006, Email ‘Re: ‘Request for assistance from Refugee Review Tribunal, Sydney Australia (RRT ref: CHN30443)’’, 4 August – Attachment 19.

<sup>25</sup> ‘China hands down 5-year sentence to U.S.-based democracy activist’ 2004, *Asian Political News*, 17 May, source: *Kyodo* – Attachment 20.

<sup>26</sup> Dabu, C. 2007 ‘Catholics in China, the unofficial story; first person in the underground church, mass might be a ‘private party’ where the priest is ‘boss’ first person’, *Toronto Star*, 7 January – Attachment 21.

<sup>27</sup> Wong, E. 2008, ‘Appeal made for China critic’s release’, *International Herald Tribune*, 24 December – Attachment 22.

<sup>28</sup> Lee, M. 2009, ‘Exile dissident calls for Tiananmen redress: watchdog’, *Kyodo News*, 2 June - Attachment 23.

<sup>29</sup> Immigration and Refugee Board of Canada 2007, CHN102493.E ‘China: Whether a person detained at an underground church meeting would have his or her name placed in the Public Security Bureau (PSB) database’, 8 May <http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451178> – Accessed 8 January 2010 – Attachment 24.

<sup>30</sup> DIMIA Country Information Service 2006, *Country Information Report No.06/42 – China: Failed asylum seeker return decision*, (sourced from DFAT advice of 7 August 2006), 25 August – Attachment 25.

railway stations as well as airports and border crossings”.<sup>31</sup> In 2000 DFAT advised that “Chinese border police check the identity of individuals arriving at points of entry against a movement alert list and that “it is likely that the names of known Falun Gong activists are included on this list.”<sup>32</sup> In keeping with this advice, it may also be possible that high profile members of other banned religious groups, such as the Local Church are included on movement alert lists.

### List of Attachments

1. Elder of the Church in Melbourne 2009, Email to RRT Research & Information: ‘Re: Request for information from the Refugee Review Tribunal, Sydney’, 9 February.
2. DIAC Country Research Section 2008, *China’s Protestants and Catholics*, November.
3. US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October.
4. DIAC Country Information Service 2008, *Country Information Report No. 08/66 – RRT Request CHN33508 – China – Shouters – additional information*, (sourced from DFAT advice of 14 July 2008), 15 July. (CISNET China CX205172).
5. US Department of State 2009, *International Religious Freedom Report for 2009 – China*, 26 October.
6. The Laogai Research Foundation 2008, *Laogai Handbook: 2007-2008*, October, <http://www.laogai.org/news2/book/handbook2008-all.pdf> – Accessed 4 March 2009.
7. DIMIA Country Information Service 2007, *Country Information Report No. 07/38 – CHINA: Fuqing Documentation*, (sourced from DFAT advice of 27 February 2007), 20 April. (CISNET China CX175914)
8. *Religious Affairs Regulations* (Adopted 7 July 2004 & Effective 1 March 2005).
9. ‘Three Christians Sentenced to One Year of Re-education Through Labor in Zhoukou, Henan’ 2008, China Aid Association website, 6 January [http://www.chinaaid.org/qry/page.taf?id=105&\\_function=detail&sbtblct\\_uid1=1120](http://www.chinaaid.org/qry/page.taf?id=105&_function=detail&sbtblct_uid1=1120) – Accessed 6 January 2010.
10. ‘House Church Training Raided in Beijing; 110 Interrogated, 2 Detained’ 2008, China Aid Association website, 3 December <http://chinaaid.org/2008/12/03/house-church-training-raided-in-beijing-110-interrogated-2-detained/> – Accessed 2 March 2009.
11. Department of Foreign Affairs and Trade 2006, *DFAT Report 515 –RRT Information Request: CHN30365*, 4 August.
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14. Wan, F 2004, ‘Freed bible smuggler keeps his faith intact’, *South China Morning Post*, 9 March. (FACTIVA)

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<sup>31</sup> DIAC Country Information Service 2006, *Country Information Report No. 06/65 – China: Passport and exit arrangements China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2006), 10 November – Attachment 26.

<sup>32</sup> DIMIA Country Information Service 2000, *Country Information Report No.396/00 – Update on Falun Gong (Falun Dafa)*, sourced from DFAT advice of 17 July 2000), 31 July – Attachment 27.

15. *Criminal Procedure Law of the People's Republic of China* (Adopted 1 July 1979 and Amended 17 March 1996), United Nations High Commission for Refugees website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=3ddbcd4e7&skip=&query=criminal%20procedure%20china> – Accessed 29 November 2007.
16. *Regulations of the People's Republic of China on Arrest and Detention*. Promulgation and Effective date: 23 February 1979, LawInfoChina website <http://www.lawinfochina.com/law/display.asp?db=1&id=2&keyword=arrest,detention> – Accessed 6 July 2007.
17. Kremmer, J. 2005, 'Chinese defector details country's espionage agenda', *Christian Science Monitor*, 30 June. (FACTIVA)
18. Wall, T. 2005, 'Spy who came into the fold', *Sunday Star-Times*, 10 July. (FACTIVA)
19. Deller, J. 2006, Email 'Re: 'Request for assistance from Refugee Review Tribunal, Sydney Australia (RRT ref: CHN30443)', 4 August.
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22. Wong, E. 2008, 'Appeal made for China critic's release', *International Herald Tribune*, 24 December.
23. Lee, M. 2009, 'Exile dissident calls for Tiananmen redress: watchdog', *Kyodo News*, 2 June. (FACTIVA)
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25. DIMIA Country Information Service 2006, *Country Information Report No.06/42 – China: Failed asylum seeker return decision*, (sourced from DFAT advice of 7 August 2006), 25 August. (CISNET China CX160293)
26. DIAC Country Information Service 2006, *Country Information Report No. 06/65 – China: Passport and exit arrangements China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2006), 10 November. (CISNET China CX164795)
27. DIMIA Country Information Service 2000, *Country Information Report No.396/00 – Update on Falun Gong (Falun Dafa)*, sourced from DFAT advice of 17 July 2000), 31 July. (CISNET China CX43498)