

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please advise if a Chinese citizen married to a Taiwanese national would have the right to return to Taiwan.**
- 2. Is there evidence of mistreatment of Taiwan independence supporters within China?**

RESPONSE

- 1. Please advise if a Chinese citizen married to a Taiwanese national would have the right to return to Taiwan.**

A foreign national holding a visa containing the following stipulation: “The bearer of this permit is permitted to enter or exit the District of Taiwan, Republic of China if the entry or exit validity remains valid”, would appear not to have permanent residency in Taiwan and, based on the information presented below, would not have an automatic right of return to Taiwan. The National Immigration Agency of Taiwan reports that a foreign national holding an expired visa with the above condition may be able to enter Taiwan on a landing or tourist visa then apply for resumption of their resident status. Otherwise it might be necessary to apply for another resident visa. To confirm what an individual in these circumstances would need to do in order to return to Taiwan, the Taipei Economic and Cultural Office in Melbourne (<http://www.teco.org.au/contact.htm>) could be consulted.

According to Vice Minister of the Interior Chien Tai-lang, and reported in *The Taipei Times* on 4 March 2004, it takes eight years of residency before a Chinese spouse can apply for permanent residency. The process is as follows:

“First, after getting his or her unification visa (依親簽證), the Chinese spouse can stay for two years in Taiwan. Then the spouse can apply for short-term residency as a relative, which grants him or her four more years of residency. Finally, the spouse can apply for long-term

residency which grants him or her another two years of residency. At the end of the two-year period, the Chinese spouse can apply for permanent residency,” Chien said (Yiu, Cody 2004, ‘MOI raises bar for Chinese spouses’, *Taipei Times*, 4 March <http://www.taipeitimes.com/News/front/archives/2004/03/04/2003101034/> – Accessed 6 April 2006 – Attachment 1).

The most recent US Department of State’s *2008 Country Reports on Human Rights Practices*, published on 25 February 2009 also states that “PRC-born spouses must wait eight years to apply for Taiwan residency” (US Department 2009, *2008 Country Reports on Human Rights Practices – Taiwan*, 25 February, Section 5 ‘National/Racial/Ethnic Minorities’ – Attachment 2).

Chinese spouses of Taiwanese citizens are subject to *The Act Governing Relations Between Peoples of the Taiwan Area and the Mainland Area*, effective from 25 June 2008. Article 16 allows people of the Mainland Area, defined as “the territory of the Republic of China outside the Taiwan Area”, to enter Taiwan for the purpose of tourism. According to Article 17, a Mainland Area spouse may apply to enter Taiwan for family reunion. A spouse may apply for spouse residency if they have been married for two years or have a child. If the spouse stays in Taiwan for no less than 183 days a year for at least four years they can then apply for long-term residency. After two years of long-term residency the spouse can then apply for permanent residency. The relevant articles follow:

Article 16

Any of the people of the Mainland Area may apply to enter into the Taiwan Area for the purpose of business visit or tourism; regulations thereof shall be prescribed by the competent authorities.

In any of the following situations, any of the people of the Mainland Area may apply for permanent residency in the Taiwan Area:

1. Being a lineal relative by blood or the spouse of any of the people of the Taiwan Area, and of the age of no less than seventy or no more than twelve.

...An annual quota may be imposed on the number of permanent residency in the Taiwan Area to be granted to the people of the Mainland Area who apply in accordance with the provisions of Sub-paragraph 1 of the preceding paragraph.

...Article 17

Any of the people of the Mainland Area being the spouse of any of the people of the Taiwan Area may apply to enter into the Taiwan Area for family reunion in accordance with laws and regulations; in either of the following situations, it may apply for spouse residency in the Taiwan Area:

1. Being married for at least two years.
2. Having given birth to a child.

...Any person having a spouse residency in the Taiwan Area, which is permitted in accordance with the provisions of Paragraph 1, for at least four years, and during which its lawful residency in the Taiwan Area each year is no less than 183 days may apply for long-term residency.

...For any person permitted to have a long-term residency in the Taiwan Area in accordance with the provisions of the preceding two paragraphs, its period of residency is indefinite; it

may apply for permanent residency in the Taiwan Area provided that it has a long-term residency for at least two years and complies with the following provisions:

1. The period of its lawful residency in the Taiwan Area being no less than 183 days annually.
2. Being of the age of no less than twenty.
3. Having a character of integrity and with no criminal record.
4. Submitting a proof of losing its original household registration.
5. Having certain amount of properties for self-sufficiency or living upon reliable support.
6. Being in the national interests.

The Ministry of Interior may impose and publish after approval by the Executive Yuan the quota and categories for spouse residency, long-term residency and permanent residency (*Act Governing Relations between the Peoples of the Taiwan Area and the Mainland Area* (Effective 25 June 2008), Law and Regulations Database of The Republic of China website <http://law.moj.gov.tw/Eng/Fnews/FnewsContent.asp?msgid=3896&msgType=en&keyword=mainland+area> – Accessed 29 April 2009 – Attachment 3).

According to the National Immigration Agency of Taiwan, “Nationals living in the Taiwan Area with registered permanent residence (hereinafter called registered nationals) may freely enter and/or exit the ROC with their passports from 21st May 2000” (‘A.ROC Nationals’ 2008, National Immigration Agency website, 14 February http://www.immigration.gov.tw/immig_eng/aspcode/main7.asp – Accessed 1 May 2009 – Attachment 4).

An entry on the National Immigration Agency’s website dated 19 January 2009 provides information on what foreign nationals should do if their re-entry permits have expired:

What should foreign residents in the ROC do when entering the nation if they fail to apply for “reentry permits” in advance or if their single trip reentry permits already expired?

I People qualified for visa exemption and landing visas (not including Czech Republic, Hungary, Poland) presently may enter the ROC visa free. They should go directly to the local service center of National Immigration Agency to apply for the resumption of resident status.

II People not qualified for visa exemption or landing visas should apply for visitor visas to enter the ROC at the ROC’s embassies, consulates or representative offices stationed in foreign nations. After having entered the ROC, they should go to the local service center of National Immigration Agency to apply for the resumption of resident status.

III Those applying for the resumption of resident status should complete the procedures within the valid period of their landing visa, visa-exemption program, resident visa, or ARC (‘FAQ – What should foreign residents in the ROC do when entering the nation if they fail to apply for “reentry permits” in advance or if their single trip reentry permits already expired?’ 2009, Information for Foreigners, National Immigration Agency website, 19 January http://iff.immigration.gov.tw/enfront/faq.php?tr_id=3&id=580 – Accessed 29 April 2009 – Attachment 5).

The website of the Ministry of Foreign Affairs, Republic of China (Taiwan) provides the following information on resident visas:

Eligible Persons	Foreign nationals, who hold ordinary passports or other legal travel documents, who intend to stay in the Republic of China for more than six months for the purpose of joining family, pursuing studies, accepting employment, making investments, doing missionary work, or engaging in other permissible activities.
Requirements	<ol style="list-style-type: none">1. A passport valid for at least six months;2. A duly completed application form with two 2x2 inch color photos taken within

	<p>from the last six months.</p> <p>3. Supporting documents or official letters of approval from a competent authority of the ROC; and</p> <p>4. Other relevant documents.</p> <p>5. Health Certificate if applicable</p>
Visa Validity	A Resident Visa is valid for three months.
Duration of stay	Resident Visa holders are required to apply for the Alien Resident Certificate and Re-entry Permit at local service centers of the National Immigration Agency within 15 days starting from the next day of their arrival. They may stay in the ROC as long as the Alien Resident Certificate remains valid.
Fee	<p>1. NT\$ 2,200(US\$ 66)for single entry; NT\$4,400(US\$132)for multiple entry.</p> <p>2. The Visa application fee is NT\$4,585(US\$131) for US citizens.</p> <p>3. An additional handling charge of NT \$ 800 shall apply to applications made in the ROC by visitor visa holders applying for change or replacement of visitor visa or resident visa.</p> <p>4. For foreign nationals from the countries with which the ROC has entered into reciprocal agreements, the Resident Visa is issued gratis.</p>

(‘Information on Republic of China Resident Visas’ (undated), Bureau of Consular Affairs, Ministry of Foreign Affairs, Republic of China (Taiwan) website <http://www.boca.gov.tw/ct.asp?xItem=1309&ctNode=113&mp=2> – Accessed 29 April 2009 – Attachment 6).

The website of the Ministry of Foreign Affairs, Republic of China (Taiwan) provides the following specific information on the visa procedure for foreign spouses including mainland nationals:

Foreign spouses (nationals without household registration in Taiwan; foreigners; Hong Kong and Macau residents; mainland nationals) of those holding residence in Taiwan.

Required Documents:

1. Original and copies of documents related to marriage (must be authenticated by an ROC representative office stationed abroad), original to be returned after processing.
2. Alien Permanent Resident Certificate; Alien Resident Certificate [ARC]; or household registration documents or documents showing legal residence for Hong Kong or mainland-area residents in Taiwan. (original and one copy- original to be returned after processing).
3. Health certificate issued within the last three months.
4. Passport (valid for six months and with blank pages); one photocopy each of the passport’s basic information page and page showing entry into Taiwan.
5. Visa application form (applicants must personally sign for confirmation; the form can be requested at the counter or accessed from our website)
6. Two 2x2-inch color photos with a plain color (white color recommended) background taken within from the last six months.
7. Other requested documents for certain individual cases.

...Attention :

1. Visas are issued as stipulated by Article 12 of the Statute Governing Issuance of ROC Visas for Foreign Passports, As a sovereign nation, the ROC has the right to refuse applications for visas without providing any explanation for such a decision.

2. It takes seven working days to process resident visa applications in the ROC. Those who provide false information on their applications or who cannot update documents within a month of being informed to do so will not have their visas issued and will not be returned their application fee.
3. The fee for resident visas is NT\$2,200; related processing fees are NT\$4,585. (Presently, this only applies to U.S.citizens.) An additional handling charge of NT \$ 800 shall apply to applications made in the ROC by visitor visa holders applying for change or replacement of visitor visa or resident visa.
4. Applicants outside the ROC should apply at an ROC embassy, consulate or office abroad. Applicants who already have an exchangeable visitor or resident visa can apply for a change of visa at the Bureau of Consular Affairs and do not have to leave the country.
5. Those who have entered on resident visas or are in the ROC on exchangeable visas should apply for an Alien Resident Certificate and reentry permit at local service centers of the National Immigration Agency within 15 days of obtaining their updated resident visas. The duration of stay is based on the period stipulated in the ARC ('Information Regarding Procedures by which Foreign Spouses' (undated), Bureau of Consular Affairs, Ministry of Foreign Affairs, Republic of China (Taiwan) website <http://www.boca.gov.tw/ct.asp?xItem=1866&ctNode=113&mp=2> – Accessed 29 April 2009 – Attachment 7).

A flow chart for the resident visa application procedure is included at Attachment 8 ('Flow Chart for Resident Visa Application' (undated), Bureau of Consular Affairs, Ministry of Foreign Affairs, Republic of China (Taiwan) website <http://www.boca.gov.tw/ct.asp?xItem=1308&ctNode=113&mp=2> – Accessed 29 April 2009 – Attachment 8).

2. Is there evidence of mistreatment of Taiwan independence supporters within China?

No specific reports were found of mistreatment of Chinese nationals within China who support Taiwanese independence. An article dated 10 August 2008 by *The Associated Press* reports that "China has deported a pro-independence Taiwanese activist who wanted to cheer athletes from Taiwan at the Olympics." Yang Hui-ju, the activist, claims that "Beijing immigration officials searched her bag and confiscated her valid visa" ('Taiwan activist deported by China' 2008, *Associated Press*, 10 August – Attachment 9).

Numerous reports suggest that the PRC Government is opposed to Taiwanese independence and also suggest the topic is one subject to censorship in the press and the Internet.

The information provided in response to this question has been organised into the following three sections:

- Previous Research Responses;
- China's Attitude towards Taiwan since 2008; and
- Taiwanese Independence and Censorship by the Chinese Government.

Previous Research Responses

The following two research responses provide information relevant to this question:

- Question 2 of *Research Response CHN30547*, dated 11 September 2006, discusses supporters of Taiwanese independence in China in relation to the Chinese government's attitude to Taiwanese independence. Question 3 also discusses the attitude of the *Fenqing*

(nationalistic youth in China) to Taiwanese independence (RRT Country Research 2006, *Research Response CHN30547*, 11 September – Attachment 10); and

- *Research Response CHN23624*, dated 25 July 2005, also discusses supporters of Taiwanese independence, focussing on Fujian province, and the attitude of the Chinese Government to Taiwanese independence (RRT Country Research 2005, *Research Response CHN23624*, 25 July – Attachment 11).

Previous research responses also address the issues of China – Taiwan relations and attitudes towards Taiwanese independence. The responses also report the arrest of individuals accused of spying for Taiwan:

- Question 1 of *Research Response CHN33111*, dated 25 March 2008, describes relations between Taiwan and China. Question 2 suggests that the subject of Taiwanese independence is a sensitive topic in China, subject to some censorship, and that people distributing material on this topic risk punishment ranging from disciplinary action at government work units to police interrogation and detention. Question 3 also refers to the arrest of individuals on charges of spying for Taiwan (RRT Research & Information 2008, *Research Response CHN33111*, 25 March – Attachment 12);
- Question 1 of *Research Response CHN30969*, dated 21 November 2006, also touches on relations between China and Taiwan, in particular Fujian Province and Taiwan, and discusses the arrest and punishment of persons accused of spying for Taiwan (RRT Country Research 2006, *Research Response CHN30969*, 21 November – Attachment 13); and
- *Research Response CHN30219*, dated 31 May 2006, discusses illegal publications and the penalties imposed for their importation, including publications relating to Taiwanese independence (RRT Country Research 2006, *Research Response CHN30219*, 31 May – Attachment 14).

China's Attitude towards Taiwan since 2008

Following the 2008 success of Kuomintang (KMT, a pro-reunification party) in the Taiwanese presidential and parliamentary elections, it appears that tensions may be easing between China and Taiwan. This is supported by reports of the strengthening of economic ties between the two countries. In 23 September 2008 *The China Brief*, a Jamestown Foundation publication, reported on a deal relating to oil and gas resources in the Taiwan Straits:

The proposed cross-Strait joint exploitation of the Diaoyutai Islands' oil and gas resources signals the resumption of energy cooperation that was practically frozen during the previous Taiwanese administration in part due to Beijing's refusal to deal with the pro-Independence leaning Democratic Progressive Party (DPP). The projects between CNOOC and CPC include a Taiwan-Chaozhou oilfield (the water between Taiwan's Tainan and China's Chaozhou) prospecting contract signed in 2002, which was discontinued in 2005, and joint prospecting for oil and gas resources in the Nanri Islands basin in the Taiwan Strait. According to Ta Kung Pao, CPC will set up an office in Beijing while CNOOC and China Petrochemical Corporation will set up offices in Taipei (*Ta Kung Pao*, September 15) (Hsiao, L.C. Russell 2008, 'China-Taiwan Join Hands To Exploit East China Sea Resources', *China Brief*, Vol. VIII, Issue 18, 23 September, Jamestown Foundation website – Attachment 15).

On 31 December 2008 a press release published on the Embassy of the PRC in the USA reported new proposals from President Hu Jintao promoting peaceful cross-Straits development. The proposals emphasise the adherence to the 'One-China' principle:

It is the shared responsibility of compatriots on both sides to continue to oppose the separatist activities aimed at “Taiwan independence” as this is the necessary condition that enables the peaceful development of cross-Straits relations.

...The Chinese culture is deeply rooted and flourishing in Taiwan and, at the same time, enriched by the local indigenous culture. Loving Taiwan is different from “Taiwan independence”. Compatriots on both sides of the Straits are heirs to the fine Chinese heritage and are entrusted with the task to carry it forward (‘President Hu Jintao offered new proposals on further promoting cross-Straits peaceful development’ 2008, Embassy of the PRC in the USA website, Press release No.11/ 2008, 31 December <http://www.china-embassy.org/eng/zt/999999999/530289.htm> – Accessed 28 April 2009 – Attachment 16).

On 5 February 2009 *The China Brief* contained an analysis of China’s 2008 Defense White Paper suggesting that the perception of a Taiwanese security threat has been lessened:

Although the White Paper argues that China “is still confronted with long-term, complicated, and diverse security threats and challenges,” leaders in Beijing believe that “China’s security situation has improved steadily”. The White Paper mentions that “China’s overall national strength has increased substantially, its people’s living standards have kept improving, the society remains stable and unified, and the capability for upholding national security has been further enhanced”. Most importantly, the White Paper reveals that Beijing’s threat perception in the Taiwan Strait has been greatly reduced. The White Paper, however, explicitly said that China’s military capabilities will continue to grow even as the Taiwan issue thaws, verifying that a Chinese national security strategy looking beyond Taiwan is taking shape.

...In addition to the United States, Beijing lists separatist forces such as those supporting “Taiwan independence,” “East Turkistan independence” and “Tibet independence” as threats to China’s “unity and security.” The White Paper claims that Beijing has succeeded in thwarting “Taiwan independence” from seeking “de jure Taiwan independence,” therefore, the situation across the Taiwan Straits has taken a significantly positive turn. Beijing believes that cross-strait relations have improved because the Chinese Communist Party (CCP) and the Kuomintang (KMT) have resumed negotiations on the basis of the “1992 Consensus.”

...In the 2006 White Paper, Beijing’s leaders were more concerned over the Democratic Progressive Party (DPP) under former President Chen Shui-bian for pushing a pro-independence agenda, such as the name rectification campaign and constitutional reform. Then, Beijing warned that political developments in Taiwan remained a challenge that “must not be neglected,” and that the “struggle to oppose and contain the separatist forces for ‘Taiwan independence’” poses a “grave threat to China’s sovereignty and territorial integrity” (China Brief, January 24, 2007). As demonstrated in President Hu Jintao’s end-of-year “six-point proposal” toward Taiwan, Beijing is far more confident now about the prospect of eventual unification than it was during the past eight years. The new political climate after the 2008 Taiwan’s presidential election greatly altered Beijing’s threat perceptions in the Taiwan Strait” (Cheng-yi, Lin 2009, ‘China’s 2008 Defense White Paper: The View from Taiwan’, *China Brief*, Vol.9, Issue 3, 5 February, Jamestown Foundation website http://www.jamestown.org/programs/chinabrief/single/?tx_ttnews%5Btt_news%5D=34458&tx_ttnews%5BbackPid%5D=414&no_cache=1 – Accessed 29 April – Attachment 17).

The above press release and analysis suggest that despite the easing tensions, the idea of an independent Taiwan is not in accord with the Chinese Government’s ‘One-China’ principle and that the Chinese Government still considers Taiwanese independence as a security threat. On 11 August 2008, following a visit to China by the US President, the Embassy of the PRC in the USA website published an article stating:

Chinese President Hu Jintao said here on Sunday that the Chinese government will never change its stance against “Taiwan independence,” and hoped that the United States properly handles the Taiwan issue to support the peaceful development of cross-strait relations.

No matter what kind of changes take place in the cross-strait relations, our stance of adhering to the one-China principle and opposing ‘Taiwan independence’ secessionist activities will never change, and cannot be changed,” Hu told U.S. President George W. Bush in Beijing (‘President: China’s stance against “Taiwan independence” will never change’ 2008, Embassy of the PRC in the USA website, 11 August <http://www.china-embassy.org/eng/zt/999999999/t482975.htm> – Accessed 28 April 2009 – Attachment 18).

On 16 April 2009 *The China Brief* reported on a naval parade due to be held in the waters off Qingdao on 23 April by China’s People’s Liberation Army (PLA) Navy. The report suggests that the parade would be a display of military power:

Article 1 of China’s Anti-secession Law extends the deterrence strategy to “the question of Taiwan” by “opposing and checking [i.e. deterrence of] Taiwan’s secession from China by secessionists in the name of “Taiwan independence,” promoting peaceful national reunification, maintaining peace and stability in the Taiwan Straits, preserving China’s sovereignty and territorial integrity, and safeguarding the fundamental interests of the Chinese nation.” Beijing consistently opposes any form of “outside interference” in regard to its objective of peaceful reunification and specifically disputes arms sales or military alliances with the island. Numerous warfighting capabilities developed over the past decade are aimed at deterring foreign (i.e. United States) intervention by air or at sea in the vicinity of Taiwan—some of which may be on display in Qingdao and Beijing (Blasko, Dennis J. 2009, ‘Military Parades Demonstrate Chinese Concept of Deterrence’, *China Brief*, Vol. 9, Issue 8, 16 April, Jamestown Foundation website http://www.jamestown.org/programs/chinabrief/single/?tx_ttnews%5Btt_news%5D=34869&tx_ttnews%5BbackPid%5D=25&cHash=0a8c815af3 – Accessed 28 April 2009 – Attachment 19).

A 2005 report by Overseas Chinese Affairs Office (OCAO), included in the US Congressional–Executive Commission on China’s *Annual Report 2008*, “urges overseas Chinese and returned overseas Chinese to “firmly establish the concept of ‘greater overseas Chinese affairs,’ “and to “aggressively expand domestic Chinese and overseas Chinese friendship ties.”” The report continues:

A 2005 OCAO report urges overseas Chinese and returned overseas Chinese to “firmly establish the concept of ‘greater overseas Chinese affairs,” and to “aggressively expand domestic Chinese and overseas Chinese friendship ties.” Specifically, overseas Chinese should “aggressively expand the struggle with Taiwanese independence forces, the Falun Gong cult, ethnic separatism and other enemy forces in order to contribute to the defense of state security.” ...A similar provincial report published on the OCAO Web site devotes a section to “resolutely implementing and executing the Party line, the Party’s guiding principles, and the Party’s policies.” Within this section, OCAO cadres are called to “attach a high degree of importance to launching struggles to oppose the ‘Falun Gong’ cult and to the work of ‘safeguarding stability.” “...In an OCAO online research journal, a cadre from the Xinjiang Uyghur Autonomous Region (XUAR) discusses the formation of an “Overseas Chinese Work Corps.” The cadre writes that within the XUAR Overseas Chinese Work Corps system, “more than 30,000 overseas Chinese” operate under the “correct leadership of the Party WorkCorps,” and are charged with “resolutely implementing and executing each and every policy task in the Party’s and nation’s overseas Chinese work.” One such policy task is defined as “launching a resolute struggle against enemy forces, ethnic separatists, Taiwanese

independence forces, and the Falun Gong cult organization” (US Congressional-Executive Commission on China 2008, *Annual Report 2008*, 31 October, pp.92-93 – Attachment 20).

Taiwanese Independence and Censorship by the Chinese Government

Reports on freedom of speech in China suggest that political and perceived anti-government activity is closely monitored by the Chinese government. The reports suggest that individuals have been repressed and punished for their activities. The reports suggest that Taiwanese independence is a perceived anti-government activity.

The most recent US Department of State’s *2008 Country Reports on Human Rights Practices* provides useful information on freedom of speech in China. According to the US Department of State, “Media outlets received regular guidance from the Central Propaganda Department, which listed topics that should not be covered, including politically sensitive topics.” While not listed, this may include Taiwan:

The law provides for freedom of speech and of the press, although the government generally did not respect these rights in practice. The government interpreted the CCP’s “leading role,” as mandated in the constitution, as superseding and circumscribing these rights. The government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. During the year the government increased censorship and manipulation of the press and the Internet during major events, including the Tibetan protests in March through June, the May 12 Sichuan earthquake, and the Olympic games. All media were expected to abide by censorship guidelines issued by the party. In a June 20 speech on propaganda work, CCP General Secretary Hu Jintao reiterated local media’s subordinate role to the party, telling journalists they must “serve socialism” and the party.

Media outlets received regular guidance from the Central Propaganda Department, which listed topics that should not be covered, including politically sensitive topics. During the year propaganda officials issued guidelines restricting media coverage of sensitive topics, including demonstrations by parents whose children died in the May 12 Sichuan earthquake when their schools collapsed.

...The Central Propaganda Department continued to list subjects that were off limits to the domestic media, and the government maintained authority to approve all programming. Nearly all print media, broadcast media, and book publishers were owned by, or affiliated with, the CCP or a government agency. There were a small number of privately owned print publications, but no privately owned television or radio stations. International media were not allowed to operate freely and faced heavy restrictions (US Department 2009, *2008 Country Reports on Human Rights Practices – China*, 25 February, Section 2a – Attachment 21).

The most recent US Department of State’s *2008 Country Reports on Human Rights Practices* provides useful information on internet freedom in China. According to the US Department of State, “The government consistently blocked access to Web sites it deemed controversial, especially those discussing Taiwanese and Tibetan independence”. The US Department of State also reports that in April 2008, “ the government began a year-long campaign to remove “illegal” maps from the Internet, including those that label Taiwan as a country”. The report continues:

During the year the China Internet Network Information Center reported that the number of Internet users increased to 298 million, 91 percent of whom had broadband access. The government took steps to monitor Internet use, control content, restrict information, and

punish those who violated regulations, but these measures were not universally effective. A large number of Internet users used proxy servers to access banned content. During the year political dissidents successfully used Internet instant-messaging technology to hold large-scale, virtual meetings.

The MPS, which monitors the Internet under guidance from the Central Propaganda Department, employed thousands of persons at the national, provincial, and local levels to monitor electronic communications. Xinhua News Agency reported that during the year authorities closed 14,000 illegal Web sites and deleted more than 490,000 items of “harmful” content from the Internet. In 2007 authorities reported closing 62,600 illegal Web sites as part of a nationwide crackdown on “illegal and pornographic” publications. Many Web sites included images of cartoon police officers that warn users to stay away from forbidden content. Operators of Web portals, blog hosting services, and other content providers engaged in self-censorship to ensure their servers were free from politically sensitive content.

Individuals using the Internet in public libraries were required to register using their national identity card. Internet usage reportedly was monitored at all terminals in public libraries. Internet cafes were required to install software that allows government officials to monitor customers’ Internet usage. Internet users at cafes were often subject to surveillance. Many cafes sporadically enforced regulations requiring patrons to provide identification.

The government consistently blocked access to Web sites it deemed controversial, especially those discussing Taiwanese and Tibetan independence, underground religious and spiritual organizations, democracy activists, and the 1989 Tiananmen crackdown. The government also at times blocked access to selected sites operated by major foreign news outlets, health organizations, foreign governments, and educational institutions.

...Given the limitations of technical censorship, self-censorship by Internet companies remained the primary means for authorities to restrict speech online. All Web sites are required to be licensed by, or registered with, the Ministry of Information Industry and all Internet content providers inside the country faced the potential suspension of their licenses for failing to adequately monitor users of e-mail, chat rooms, and instant messaging services. The Internet Society of China, a group composed of private and state-run Internet companies, government offices, and academic institutions, cosponsored a Web site, China Internet Illegal Information Reporting Centre (ciirc.china.cn), which invited members of the public to report illegal online activity. Users were able to use the site to report crimes such as pornography, fraud and gambling, but also “attacks on the party and government.” Self-censorship by blog-hosting services intensified in the weeks before and during the Olympic Games.

An October report by the OpenNet Initiative Asia and the Information Warfare Monitor revealed that TOM-Skype, a Chinese version of the Skype Internet communication software, was logging and saving user messages on to TOM-Skype servers based on the presence of sensitive key words, such as “Communist Party,” “Falun Gong,” and “Taiwan independence.” In response to the report, Skype President Josh Silverman stated that while Skype’s Chinese partner, TOM Online, monitored and blocked certain messages in accordance with Chinese law, the logging and storage of such messages was conducted without Skype’s knowledge.

In January provisions went into effect reiterating licensing requirements for audio- and video-hosting Web sites, requiring them to be state owned or state controlled. In March the government reported the results of the two-month crackdown on audio and video, as well as online map and geographical information Web sites, reporting that it shut down 25 video Web sites and warned 32 others for, among other things, failing to have the proper license or “endangering the security and interest of the state.” The government also reported that most of the 10,000 Web sites that provided online maps did so without approval and were subject to closure. In April the government began a year-long campaign to remove “illegal” maps

from the Internet, including those that label Taiwan as a country or fail to note the government's territorial claims in the South China Seas, the Diaoyu Island, and the Chiwei Islands (US Department 2009, *2008 Country Reports on Human Rights Practices – China*, 25 February, Section 2a – Attachment 21).

On 5 May 2008 the Freedom House report on the *Worst of the Worst: The world's most repressive societies* states for China:

The state closely monitors political activity and uses an opaque State Secrets Law to justify the detention of those who engage in political activity without party approval. Opposition groups, such as the China Democracy Party, are suppressed.”

...Under the constitution, Chinese citizens are guaranteed freedom of speech and freedom of the press. Although freedom of speech continues to expand in practice, as indicated by the public debate on both economic and political reform in 2007, expression on topics deemed sensitive by the CCP remains severely limited. In December 2007, prominent AIDS activist Hu Jia was arrested. The tightly controlled media are barred from criticizing senior leaders. Journalists who do not adhere to party dictates are harassed, fired, or jailed. Singapore Straits Times reporter Ching Cheong and Bijie Daily reporter Li Yuanlong remained imprisoned in 2007. Writer Lu Gengsong was detained in October 2007.

A number of restrictive regulations issued since 2005 remain in place, requiring publishers not to reprint politically sensitive books, restricting popular access to foreign films and television programs, and encouraging media self-censorship. While the Emergency Response Law passed in August 2007 did not include provisions from the original draft that would have resulted in heavy fines for media outlets, the legislation still allowed media licenses to be revoked for the reporting of “false information.” Amid criticism of 2006 regulations authorizing China's official news agency, Xinhua, to censor foreign news agencies' reports, the government in January 2007 issued new rules allowing foreign journalists unfettered access to cover preparations for the 2008 Olympic Games. Nevertheless, local officials continued to block foreign reporters. An Economist journalist was briefly detained in Henan in January, and a British Broadcasting Corporation (BBC) team was expelled from Hunan in March. Some international radio and television broadcasts remain jammed.

The government routinely cracks down on the internet and monitors personal communications, including cellular telephone text-messaging. The authorities block websites they deem politically threatening and detain those responsible for posting content; cyber dissident Zhang Jianhong was jailed for six years in March 2007, and Chen Shuqing was jailed for four years in August. Foreign internet companies cooperate with the Chinese government on censorship enforcement. Although government plans to make it obligatory for bloggers to register under their real names were abandoned, major internet companies including Yahoo! and Microsoft signed on to a “self-discipline code” in August 2007 that leaves the door open for censorship. Between April and September, access to over 18,400 websites was blocked. The popular site MaoFlag.net was shut down temporarily, and the online publication China Development Brief was closed.”

...Academic freedom has expanded but remains restricted with respect to sensitive political issues. Many scholars practice self-censorship in the interest of personal safety and risk losing their positions if they publicly criticize the party.

Freedom of assembly is severely restricted in China. Nongovernmental organizations are required to register with the government and follow strict regulatory guidelines, with the constitution specifically prohibiting activities that go against the “interests of the state

(Freedom House 2008, 'China', *Worst of the worst: The world's most repressive societies* 2008, 5 May – Attachment 22).

On 6 September 2006, the Freedom House report on the *Worst of the Worst: The world's most repressive societies* states of China:

Freedom of expression is severely limited in China. All media are owned by state or party institutions and barred from criticizing senior CCP leaders, government policy, and state ideology. Sensitive topics, such as ethnic separatism, Taiwanese independence, democratic reform, and the 1989 Tiananmen crackdown, are banned. Journalists who do not adhere to party dictates on news content are harassed, detained, or jailed. In March 2005, the new Regulations on the Administration of Book Quality came into effect, requiring publishers to refrain from reprinting books of questionable political correctness and authorizing the government to confiscate banned books that had already been sold. In August, the Central Propaganda Department issued a new order restricting popular access to foreign films and television programs. The government encouraged the media to engage in self-censorship, as stipulated in the Self-Discipline Agreement for Chinese Radio and Television Announcers and Hosts issued in September.

The popularity of the internet has also led to increased government crackdowns and close monitoring of personal communication. China regularly blocks websites it deems politically threatening. Foreign internet companies have largely cooperated with the Chinese government on censorship enforcement (Freedom House 2006, 'China', *Worst of the worst: The world's most repressive societies* 2006, 6 September – Attachment 23).

A 2005 report on internet filtering in China suggests that although information on Taiwan is less censored than previously, Taiwanese independence remains a sensitive topic:

The clearest trend is that sites are, generally, more accessible in 2005 than in 2002. Only sites related to the Chinese terms for "Falun Gong" and "Tiananmen Event" were consistently less accessible in 2005. We found what appears to be greater specificity and better targeting by China's filtering system: the largest declines in inaccessibility were for sites related to relatively vague English language search terms, such as "revolution" and "equality." Similarly, sites returned in response to search engine queries for the keywords "Taiwan" and "Tibet" were substantially less inaccessible in 2005 than 2002. One plausible explanation is that China has refined its filtering system in the intervening 3 years. For example, sites related to searches for the terms "Tibet independence" and "Taiwan independence" were three times as inaccessible as sites for "Tibet" and "Taiwan" alone. This suggests that China has tuned its filters to allow access to more neutral content on these general topics while preventing access to more politically sensitive material (OpenNet Initiative 2005, *Internet Filtering in China in 2004-2005: A Country Study*, 14 April, pp.35-36 http://opennetinitiative.net/studies/china/ONI_China_Country_Study.pdf – Accessed 5 May 2005 – Attachment 24).

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