



China – Researched and compiled by the Refugee Documentation Centre of Ireland on 26 October 2016

Information on treatment of failed asylum seekers in China. Any prosecutions for overstaying visa abroad/re-entry requirements on return to China?

Article 13 of the Exit and Entry Administration Law of the People’s Republic of China states:

“Chinese citizens residing abroad who desire to return to China for permanent residence shall, prior to the entry, file applications with Chinese embassies or consulates or other institutions stationed abroad entrusted by the Ministry of Foreign Affairs. They may also file such applications to the overseas Chinese affairs departments under the local people’s governments at or above the county level of the proposed places of permanent residence on their own or via their relatives in China.” (People’s Republic of China (10 September 2014) *Exit and Entry Administration Law of the People’s Republic of China*)

See also Article 59 which states:

“Persons suspected of violating the regulations on exit/entry administration may be interrogated on the spot; upon on-the-spot interrogation, the aforesaid persons may be interrogated in continuation in accordance with the law under any of the following circumstances:

- (1) Are suspected of illegally exiting or entering China;
- (2) Are suspected of assisting others in illegally exiting or entering China;
- (3) Are foreigners suspected of illegally residing or working in China;
or
- (4) Are suspected of endangering national security or interests, disrupting social or public order, or engaging in other illegal or criminal activities.

On-the-spot interrogation and continued interrogation shall be conducted in accordance with the procedures prescribed in the People’s Police Law of the People’s Republic of China.” (ibid)

The 2015 US Department of State country report on China, in a section titled “Protection of Refugees” (sub-section headed “Access to Asylum”), states:

“In some instances the government pressured neighboring countries to return asylum seekers or UNHCR-recognized refugees to China. In July Thailand forcibly returned 109 Uighers who likely faced persecution upon their return.

In November Thailand returned activists Jiang Yefei and Dong Guangping, both of whom had been granted refugee status by UNHCR and were scheduled for resettlement to Canada. Their whereabouts were unknown as of the end of the year.” (US Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – China*, p.43)

A document published by the Refugee Action Coalition Sydney states:

“Refugee advocates have called on the Immigration Minister, Chris Bowen, to act urgently to prevent the deportation of a Chinese family, scheduled to be removed from Villawood detention centre tomorrow morning (Friday 29 October). Last minute efforts are being made to get new information to the Minister documenting the danger that faces the underground Christian family if they are returned. The second son of the family, resident in China, was only recently released from a re-education camp after seven months following his arrest for holding an unlawful gathering of an underground Christian community. The man’s brother was arrested and questioned when he recently returned to China, by authorities who mistook him for his brother in Villawood. A summons to appear in court in China has now been delivered to the family in China. A copy of the summons has been sent to the Minister.” (Refugee Action Coalition Sydney (RAC) (28 October 2010) *Immigration Minister Urged to Halt Deportation of Chinese Family*)

An article from the Financial Times states:

“Scores of Uighur illegal migrants have been repatriated to China from southeast Asian countries in recent years. Some of them have been executed or sentenced to hefty jail terms while others have simply disappeared, according to rights groups and diplomats.” (Financial Times (3 April 2014) *China presses Thailand to return Uighur refugees*)

A report from Radio Free Asia states:

“Authorities in Sweden have deported two Muslim ethnic minority Uyghurs to China after their request for political asylum was refused, sparking fears among other Uyghur asylum-seekers that they will also be sent home where they may be persecuted. Munich-based World Uyghur Congress spokesman Dilshat Raxit identified them as Adile Omer, a 25-year-old woman, and Faruh Dilshat, a 23-year-old man. ‘I don’t know what caused them to flee their homeland, but I know that they had participated in demonstrations held by the Swedish Uyghur community in front of the Chinese embassy in Stockholm. This is enough fodder for the Chinese authorities to punish them severely,’” (Radio Free Asia (6 January 2012) *Sweden Deports Uyghurs to China*)

An Amnesty International urgent action alert states:

“Two Chinese activists, Jiang Yefei and Dong Guangping, are at risk of torture and other ill-treatment and unfair trial. The two were recognized as refugees by the UN’s Refugee Agency, but were forcibly returned to China from Thailand in violation of international law. They had been held in incommunicado detention for more than six months.” (Amnesty International (1 June 2016) *Returned Activists at Risk of Unfair Trial*)

See also Radio Free Asia which states:

“Six months after their forcible repatriation from Thailand, the whereabouts of two Chinese asylum seekers remain unknown, their families told RFA. Sichuan-based rights activist Jiang Yefei and Henan activist Dong Guangping, who had fled persecution in their home country, were handed over by Thai police to Chinese authorities on Nov. 13, in a move that drew strong criticism from the United Nations. Both men had United Nations refugee status and were awaiting resettlement in Canada. They are being held in China under criminal detention for ‘organizing illegal border crossings and illegally crossing the border,’ amid fears they are at risk of torture.” (Radio Free Asia (18 May 2016) *Six Months On, No Sign of Repatriated Chinese Political Refugees*)

Information on penalties imposed on Chinese nationals who overstayed abroad was not found among sources available to the Research and Information Unit.

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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