



GOUVERNANCE MONDIALE

A new mobility regime in the making: What does a mobile China mean to the world?

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The sheer size of China's population has been a concern for both the Chinese authorities and the world since the 1960s when population was identified as a major developmental issue. If the number of 1.3 billion appears worrying, what if the population becomes unprecedentedly mobile? According to the public media, there are 140 million domestic migrants in China in 2006; internationally, 31 million Chinese went abroad in 2005, compared to 10 million in 2000 (National Bureau of Statistics 2005; 2000), and an estimated 3 million per year in the early 1990s (Liu Jianjiang 2005).² The Chinese authorities, since the ancient imperial times, often regarded population movement destabilizing and associated it with rebellions and disorder. For the international community and particularly the West, the fear of unstoppable human flood from China remains real although the expression of "Yellow Peril" is condemned as politically incorrect. In a sense history has gone a full cycle. During Deng Xiaoping's landmark visit to the United States in January 1979, then US president Carter urged Deng to liberalize emigration from China, Deng asked back: "We'll let them go. Are you prepared to accept ten millions?" (Brzezinski 1983: 407) Whereas the restriction of emigration and Deng's answer were seen as evidence for China's blatant indifference to human rights, the perceived large-scale emigration are now cited as proof for China's poor human rights situation (e.g. Chin 1998 and various press reports and Western official documents on Chinese illegal migration). It was China's fault to keep the population immobile, it is China's fault again to render the people too mobile.

Migration can thus be a highly politically charged issue. In order to make sense of the significantly increased level of mobility in and from China, which is one of the most fundamental changes that China has gone through but has yet been carefully analyzed, this paper tracks how a new "mobility regime" has come into being. By "mobility regime," I mean a constellation of policies, cultural norms and networks that condition, constrain or facilitate migration. The concept first of all calls attention to social factors beyond formal policies in affecting mobility. For example during the Cultural Revolution (1966-76), migrating overseas was not only forbidden by policy, but was also morally denounced as a betrayal of the socialist motherland. In the early stage of the economic reform (starting in 1976), international labor migration was closely managed by the state as projects to earn foreign currencies for the nation. But by the early 2000s, international labor migration is construed as individuals' choice for a better life that should be facilitated by government. Similar is internal migration. In the late 1980s internal migration was described as dangerous "blind flows" to be contained and even stopped, it was then seen as an inevitable result of the market economy and was thus tolerated. In the early 2000s internal migration was officially regarded as a developmental tool that should be encouraged, and migrants' rights should be protected.

²The year 2000 was the first time when the Chinese State Statistics Bureau released data about border exit, and the figures for the 1990s are based on rough estimates. A lower estimate suggests 2 million Chinese went overseas in 1992. The Border Exit and Entry Bureau of the Ministry of Public Security, China, recorded only 0.6 million exit in 1990, which excluded visits to Hong Kong and Macau and possibly excluded some official trips as well.

The concept mobility regime also stresses the importance of policies and institutions that are not related to migration in themselves. For example, China introduced the ID card system in 1986 for the purpose of exercising better social control, particularly in fighting crimes, but the new system made it possible for any adult to travel around without carrying the household registration book of the entire family, and this laid a foundation for a new regime of mobility. The urban housing reform, starting in 1998, encourages citizens to buy up previously state-owned housing, and the subsequently produced property certificates are now widely used by migrants as security in dealing with international labor recruiters, loan creditors and foreign embassies. Public notarization offices that were first set up in 1982 (as state agencies which were privatized in 2005) have been indispensable in producing legal documents. In the countryside, the house property certificate and the household contract certificate for land or forest, introduced recently, have the same effect in producing legally definable individual subjects.

Thus, changes in a mobility regime not only bring about new population flows, but also reflect larger social transformations. Instead of merely describing basic trends and providing migration statistics, this paper reviews how the policies and regulations as well as migration flows have changed in time. By doing so, this paper wishes to shed light on the wider implications of an increasingly mobile China. Three broad policy domains will be analysed: internal labor migration, international outmigration, and policies regarding diaspora and return migration.

INTERNAL MIGRATION: THE “FLOATING POPULATION”

Although large-scale rural-urban migration is almost universal for developing countries, it has special significances in China both numerically and institutionally. According to China's fifth population census of 2000 and surveys in Beijing and Shanghai, I estimate the current volume of rural-urban migrants to be 106 million.³ Furthermore, large-scale rural-urban migration is expected to continue for at least another two decades, much longer than that in other countries, where it often levelled out in one or two decades. The fundamental mismatch between the levels of industrialisation and of urbanisation in the Chinese economy – where agriculture makes up for only 15.9 per cent of GDP while hosts 50 per cent of total labour force in 2000 (National Statistic Bureau 2001, cited in Bai Nansheng and Song Hongyuan et al. 2002: 159) – requires a long time to reach a more balanced economic-demographic structure through rural-urban migration.

³ The census reported 121.07 million internal migrants as of the year 2000 and among them 88.4 million were rural-urban migrants. The census defines “migrants” as those who lived in a township or district (in big cities) different from where they register their permanent residence for more than half a year. Other surveys conducted in Shanghai and Beijing found that about 20 per cent migrants in cities stayed less than half a year. Our estimate of the 106 million rural-urban migrants is reached on these bases.

According to the census, rural-urban migrants are mostly young, almost 70 per cent are between the ages of 15 and 49 and 20 per cent between 25 and 29. Occupation wise, 40 per cent are self-employed or business owners, and 43 per cent are employees (the remaining are children, elderly and occupation unknown) (National Statistic Bureau of China 2001).

Far more important than the magnitude is its institutional significance. Migrants in China whose mobility is not mandated by the state are undergoing not just a change of residence, in doing so they are also disengaging from state control and support. The administrative system in contemporary China is still highly territorialised, i.e., it is delimited by rigid jurisdictional boundaries between urban and rural areas, and between provinces and municipalities. A key policy for sustaining this is the household registration system (known as “*hukou*” system in Chinese). Under this system, people born in rural areas cannot move to the city and obtain urban *hukou* status unless mandated by the state (for literature on *hukou* system, see Christiansen, 1990; Cheng and Selden, 1994; Mallee, 1995; Chan and Zhang, 1998). Thus, spontaneous migrants are not integrated in the established social system and have therefore become a special social category, “floating population” (Solinger 1993; Xiang 1999; Zhang 2001). Although official documents and some research literature sees large-scale migration as a phenomenon of “modernization”, it is more accurate to see the floating population in China as a product of the interplay between economic transformation (not only from “tradition” to “modern”, but more importantly from a command to a market economy) and state regulation.

Spontaneous rural-urban migration was resumed, surprisingly, not after the Reform was introduced at the end of the 1970s, but in some areas during the peak time of the Cultural Revolution when the grassroots administration collapsed amidst chaos (Xiang 2000). Surprisingly again, the state imposed stricter control on peasants’ movement after starting the Reform than before, mainly because of the high unemployment rate in cities as a result of the return of large numbers of urban youth who had been sent to countryside since the 1950s. Following directives from the top authorities to stop peasants’ migration in 1980 and 1981 (Central Committee of Chinese Communist Party [CCCCP] and State Council 1980; State Council 1981), urban government, particularly the public security bureaus, adopted the tactics of “surrounding, chasing, blocking and raiding”, as official documents and public media termed, to oust migrants. In response, migrants had to resort to “guerrilla war tactics” to survive in the city (Xiang 2000).

It was only in 1984, when the introduction of the household responsibility system for land tenure in the countryside increased agricultural productivity therefore creating a much more relaxed atmosphere for policy making, that peasants were allowed to move to cities on the condition that they arranged for their food consumption (i.e., without urban food rations) (CCCCP 1984). The number of migrants increased from fewer than 2 million to about 20 million throughout the 1980s (Du Yin and Bai Nansheng et al. 1997: 1). Internal migration attracted new public attention in the end of the 1980s when the Reform came to a sudden halt. The failure of “crash through” (*chuangguan*, similar to the shock therapy in former Soviet Union) in reforming the pricing system in 1988, the subsequent inflation, and the efforts to calm down economic overheating and to strengthen government control over the private sector, put many construction projects on hold. As a consequence, great numbers of migrant workers were laid off. Flows of jobless migrants then “journeyed” from one city to another looking for work, and “floating populations”, “tides of migrants” and “blind flows” (*mangliu*) became new key words in policy announcements and media reports at that time. Responding to this, in early 1989 the General Office of the State Council (1989) issued the Urgent Notification to Control

Migrant Workers' Blind Outmigration Strictly, which was followed by more specific directives by the State Council and other ministries (Ministry of Civil Affairs and Ministry of Public Security 1989; State Council 1990; General Office of the State Council 1991; Ministry of Civil Affairs 1991). Around the same time, the State Council (1991) issued the Suggestions on the Reform of the Rules of Detention and Deportation that extended its 1982 regulation to include migrants as a subject to be detained and deported (back to their place of origin) if they fail to present documents as required.

This situation changed again in 1992 when Deng Xiaoping's series of speeches delivered during his tour to southern China resumed the momentum for rapid economic reform which was put on hold after the Tian'anmen Square incident. Real estate development, as one of the first sectors that recovered, pulled in large numbers of migrant workers. The number jumped from 20 million at the end of the 1980s to 60-70 million in 1993 (Du Yin and Bai Nansheng et al. 1997: 1). After that China moved to an open market economy steadily and rural-urban migration increased year by year until the late 1990s when economy started slowing down. In 1994, the Ministry of Labour (1994) issued the Provisional Regulations on the Trans-provincial Mobility of Rural Labour for Work that officially recognizes migration as a legitimate activity. The Labour Law promulgated in the same year grants migrant workers the same rights as other workers. In the official language, this is described as a shift from a policy of "blocking" to a strategy of "channelling": government does not attempt to stop migration anymore, but still regards tight regulation necessary in order to achieve an "orderly movement" (*youxuliudong*).

This kind of policy ambiguity arguably creates more difficulties for migrants than outright restriction. When migration is formally forbidden, migrants did not have to pay fees or deal with bureaucrats unless they were caught by police. The "half open" policy recognizes the legitimacy of migration formally, but places migrants under stricter surveillance and control. In order to achieve an orderly kind of movement, migrants were required to apply for three permits in order to work and live in cities: (1) the permit for temporary residence (*zanzhuzheng*), (2) work permits (*wugongzheng*) or permit for undertaking business for the self-employed, and (3) document of the marital and pregnant status of female migrants issued in the place of origin. All the permits demanded fees. Since migrants were regarded as "outsiders" and managing migrants was seen by urban government as "extra" work, they were commonly charged levies to finance government to carry out the work related to them (for how migrants are turned into a source of profit for local government see Solinger 1999: 86-91). Whenever the urban authorities wish to reduce the number of migrants, they could simply stop issuing the permits and turn the migrants "illegal" to be detained and deported.

The most significant policy shift came in late 2002 when the national leadership transition was finalized (though not fully publicized) at the Sixteenth National Congress of the Chinese Communist Party. Among other movements aimed at distinguishing themselves from the previous administration, the new president Hu Jintao and premier Wen Jiabao called public attention to disadvantaged groups (*ruoshi qunti*), of whom

migrants are a major part.⁴ They have also promoted the notions of “scientific view of development” (*kexue fazhan guan*) and “placing people in the centre” (*yirenweiben*, a slogan which has replaced the mantra that “everything should be centred on economic development” – *yique yi jingji jianshe wei zhongxin*) to correct many local governments’ obsession with GDP growth and neglect of human and social development. Furthermore, premier Wen Jiabao personally intervened to help migrants obtain unpaid wages and made formal pledge in his report to the National People’s Congress in 2003 to clean up all the back-pay owned to migrants in three years. In January 2003, the General Office of the State Council (2003) issued its Number 1 Document specifically on migrants: Notification on Improving the Work of Managing and Providing Services to Peasants Who Move to Cities for Work. In China, State Council directives are still more powerful and effective than laws or rules promulgated by any ministry, and the 2003 Number 1 Document fundamentally altered the official language on migration.

The impacts of the recent change at the top are clearly felt at different levels of government. For example the minister for public security made an emotional speech in early 2003 criticising some policemen’s harsh treatment of the “migrant brothers”, which language was almost unthinkable in the public security system just a couple of years ago.⁵ Local government is now more willing to change their policies at least to show that they are in line with the people-centred approach. Some cities have abolished the requirement for permanent residence permits. Incidences of violation of migrants’ rights are believed to become less, and from 2005, migrant workers’ wages increase significantly. This policy shift is more fundamental than that of 1984 and 1994 not only in that the new policy stance stresses the positive effects of migration more, but it also places *migrants* at the centre. According to the new official language, government’s priority is to serve migrants and protect their rights, rather than to regulate migration flows. But the declining in blatant discrimination and abuse do not necessarily translate into improvement in substantive living conditions. Migrants have now more freedom to live and work in cities, but still have no entitlement to settle down and participate in the urban society.

INTERNATIONAL MIGRATION

Chinese policies on emigration have changed significantly over the last twenty years. The overall change can be described as a trend towards “neutralisation”. First, domestically, the Chinese government decouples emigration from politics. Emigration is seen as a matter of citizens’ individual right and the government has announced, discursively at least, that exit and entry management should be an area of service rather than control. This has given Chinese citizens unprecedented freedom of international migration and is set to further increase the volume of emigration. Second, internationally, China firmly

⁴ It may look surprising that the Chinese state regards protecting citizens’ rights as a new basis of legitimacy. But it is only logical when one considers the social changes underway: the widening socioeconomic inequality, the increasing discontent among the population, the high social and environmental costs of development, and the demise of the Marx-Lenin orthodoxy.

⁵ Interview with an official of the Ministry of Public Security, Beijing, May 2003.

opposes linking migration with ideology and politics. China has been cooperative with the international community, particularly in fighting against human smuggling, but the government does not want issues such as human rights, democracy and political system involved in dialogues. In other words, China wishes to deal with migration as an apolitical and “neutral” matter. The common tendency notwithstanding, China does not have a blanket policy covering all categories of emigrants. Emigration is more often discussed on an issue basis and the government’s attitude may not always be consistent. This section examines four policy spheres, namely (1) exit control; (2) student migration; (3) labour exports; and finally (4) governments’ actions towards human smuggling.

Exit Control: Border and Passport

After the foundation of the People’s Republic of China in 1949, national border was highly politicised. The physical border was not only a sign for sovereignty, but was also perceived as a line between the “socialist” and “capitalist” worlds. Chinese who emigrated spontaneously were treated as betraying the socialist ideology. The concepts of “human smuggling” or “illegal exit” hardly existed, instead spontaneous emigration was called “betraying and fleeing” (*pantao*). After the Cultural Revolution, the implications of frontier completely changed. These once highly sensitive areas are now among the most economically vibrant. The change started with the setting up of four Special Economic Zones (SEZs) in 1979. Three of them are located in Guangdong province, adjacent to Hong Kong and Macao, and one is in Fujian province, opposite to Taiwan. In 1984, China opened 14 coastal cities to overseas investment. Export-oriented enterprises and private economy are encouraged in these places and bureaucratic interference from Beijing was further cut back. Almost all the major emigration places are close to these port cities. Apart from the historical migrant networks, developed private economies in these places provide more means of capital mobilisation for emigration, and also result in deeper economic disparities among the residents, which have pushed the poor, the relatively impoverished, to emigrate (see K.L. Chin 1999). Another fact that merits special attention is the central government’s relatively weak control over these areas. In fact, the remarkable economic success of the coastal areas has led to such a notion in China that rigidly following central policies will not be conducive to local development. Emigration by unlawful means is sometimes regarded as local development strategies, therefore being accorded certain legitimacy. Yet it is important to stress that local governments’ promotion of emigration does not necessarily increase illegal exit. A comparative study of two prefectures in Fujian province, China, has revealed that emigration from the area where government support emigration more actually takes place in a more orderly manner and is less penetrated by “snakeheads” (human smugglers) (Thunoe and Pieke, 2005). My own on-going field research in northeast China shows that recent international outmigration has been very much encouraged by local government but the migration in most cases is legal.

Apart from the coast line, land border also became vibrant zones for international trade and migration. Since the late 1980s, *bianmao* (border trade) become a booming business. A few towns in the provinces of Heilongjiang and Inner Mongolia bordering Russia were pioneering areas in *bianmao*. I have documented elsewhere (Xiang, 2000 [2005]) how

businesspersons, who migrated from Southeast China to Beijing initially, moved to Russia and some Eastern European countries following *bianmao*. From the early 1990s, bilateral relations between China and Vietnam improved and Vietnam launched its market-oriented reform. Some border towns in Yunnan province have numerous traders and labourers crossing the border in both directions. It is significant that Yunnan the most passports in the year 2001 among all provinces (Bureau of Exit-Entry Administration, Ministry of Public Security, cited in Sun Bincheng 2002). In the year 2000, the Shanghai Cooperation Organization (SCO) was established as a border agreement among Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, China and Russia. This agreement aims to promote economic cooperation and to work as a potential counter force against American penetration in the region. So far there is no data available as to how many Chinese have crossed these borders, but the figure is most likely to increase.

Border control provides the most direct means of regulating international mobility. In China, border exit and entry is under the charge of the Ministry of Public Security, with the Frontier Defense Department and Border Police Stations being implementation organs. In fighting human smuggling, tightening border policing is often regarded as the most effective strategy in the short term. According to a report by James Chin (2001: 7-8), in some counties of Fujian, the heads of border control police stations would be punished or even fired if human smugglers are found in their administrative areas. Task force teams are regularly sent down by the central government to the southeast provinces to monitor border control. Local police authorities are asked to submit reports on the recent situation regarding illegal emigration. But it should also be recognised that officials in charge of border control often have deep connections with residents in the border areas. This does not mean that the border police are prone to take bribes and neglect their duties. But why should a police, coming from the same community as the migrant, make extra efforts to detain the migrant while knowing that the migrant had paid thousands of US dollars for the journey? Very different from other forms of legal violation, illegal migration is not immoral (relentless crackdown may be regarded inappropriate by the community). Crossing borders without permission is illegal from the authorities' point of view, but is socially and culturally legitimate for the people. This goes back to the fundamental question about the relation between legality and legitimacy (Schmitt 2004).

When the border is the physical point where exit control is exercised, passport constitutes the central institutional tool for the same purpose. Currently, China has four types of passports, namely the diplomatic passport, Hong Kong and Macau Special Administrative Region passport, ordinary public passport and ordinary private passport. Ordinary public passports are issued to government staff and employees of state-owned enterprises. This category is a typical product of the pre-reform regime, under which citizens were first and foremost political subjects rather than individuals. International travels (sometimes even internal travels) were strictly regulated according to the travellers' administrative ranks. In 1985, the government passed a new emigration law, which grants ordinary citizens private passports as long as they can provide invitation

letters and sponsorships from overseas.⁶ The co-existence of ordinary public passports and private passports enabled many officials to have two passports; some of them fled China by manipulating the two passports even when they were under investigations related to corruption.

China has been simplifying its passport regulation. From 2002, residents of four “experimental spots” for passport regulation reform, all located in Guangdong province, are able to apply for passports with an ID card only. Nearly 20 administrative procedures were cut off and the simplified processing takes as little as three working days. The Public Security Bureau of Zhongshan city, one of the locations for the experiment, received about 2,000 applicants everyday after the new regulations were adopted (Liu Kangjie and Dingyong Yijian 2001). By 2005, most Chinese citizens in cities are able to apply for a passport by presenting their ID cards. At the same time, China gradually phases out the category of “ordinary public passports”. From 1 April 2002, all the personnel assigned overseas by Chinese companies, regardless of the ownership nature of the companies, are given private rather than ordinary public passports. Under the old regulations, the labour export companies had normally held the workers’ public passport as a means of controlling their activities overseas. With the replacement of ordinary public passports by private passports, individuals have far more freedom of mobility and are also more likely to over-stay or shift to other migrant categories when they are overseas. But at the same time, the passport reform enables the state to exercise a better control over exit. For example, by simplifying the passport system, the customs office and border control authorities can establish unified systems monitoring all citizens’ mobility in coordination with the public security bureau.

Student Migration

Soon after PRC’s foundation, China put in place limited international student exchange programmes, with the Soviet Union being the most important destination country. Returned students from the Soviet Union played an important role in China’s politics and economy and they still have a significant presence in the Chinese government. For most Chinese citizens, however, studying abroad was out of the question until the end of the 1970s. In 1977 and 1978, Deng Xiaoping repeatedly urged universities and the Ministry of Education (MoE) to send more students overseas to learn advanced technologies. MoE sent more than 3,000 students overseas in 1978. In 1979, MoE, the National Science Committee and Ministry for Foreign Affairs jointly issued the first regulation on Chinese overseas students. In 1981, the State Council approved the Temporary Regulations on Self-financed Overseas Education. This was the first time that the Chinese government formally recognised self-financed overseas study, i.e., going abroad for studying without

⁶ Law of the People's Republic of China on the Administration of the Exit and Entry of Citizens (Adopted at the 13th Meeting of the Standing Committee of the Sixth National People's Congress, promulgated by Order No. 32 of the President of the People's Republic of China on November 22, 1985, and effective as of February 1, 1986)

the state's sponsorship, as a legitimate means of exiting China.⁷ By the mid-1990s, China formed the so-called "Twelve-words Approach". The twelve words in Chinese are *zhichi liuxue, guli huiguo, lai qu ziyou*, which means "support study overseas, encourage returns, guarantee freedom of movement". This remains China's key policy approach towards overseas students.

Corresponding to the policy evolution, the profile of the students overseas also changes. Students of the early 1980s were mainly sponsored by the government and mostly took post-graduate or short-term training courses overseas. The majority of those who went abroad in the 1990s were financially supported by either overseas scholarships or themselves. They were mostly post-graduate students but tended to be younger than the first group. The third group, who left China since the late 1990s, is characterised by a high proportion of young students taking undergraduate programmes or language courses. Many were admitted by polytechnic institutes rather than by universities, and an increasing number of students are going abroad for high school education. Newly-emerged education agencies—commercial entities who charge fees from both students in China and colleges overseas as intermediaries—play an important role in facilitating the third group's migration.

After two decades' rapid increase, the number of out-going students has stabilized since the early 2000s. In 2005, about 120,000 students left China for studying overseas. Interestingly, faster growths are observed among the foreign students coming to China and the Chinese students returning from overseas. In 2005, a total of 141,000 foreign students were registered in China, exceeding the number of the outgoing Chinese students by more than 20,000. According to the Chinese Ministry of Education, a total of 180,000 overseas Chinese professionals with foreign degrees returned from 1978 to 2003 (Miao 2003). In 2005, 35,000 Chinese students returned from overseas after completing their studies, representing a 39.4 percent increase as compared to 2004. The Chinese government is keen to stress that China is not only an emigration country and that there are also significant inflows to China (see Ma 2005). It will be interesting to observe how policies on outmigration and on immigration, the two aspects of a mobility regime, interact with each other.

Labour Exports

Labour export (*laowu shuchu*) is the practice whereby companies organise labour and send them overseas either in teams to carry out subcontracted projects or as individuals when the company does not involve in other aspects of the project. The practice of sending project workers overseas started with China's overseas aid programmes. After its foundation, the PRC sent a significant number of workers to some Third World countries (such as Tanzania and Bangladesh) to help with infrastructure development. During the 1980s, when China cut down its overseas aid, state-owned companies that

⁷ In Chinese, studying abroad without state's sponsorship is called "*Zifei Liuxue*". "*Zifei Liuxue*" literally means self-financed overseas education. But most Chinese students who moved abroad to study without government funding are supported by scholarships from the receiving universities or other international foundations.

were originally involved in overseas aid started conducting commercial projects for overseas clients. More recently, the government has greatly liberalized regulation over labor outmigration. Previously a state monopoly, the business of labor recruitment for overseas jobs was opened up to non-state owned enterprises in 2002. The number of licensed agents grew from 4 in 1980 to over 3,000 in 2005.⁸ As a result, the number of Chinese migrant workers increased significantly, though it makes up only 1 percent of the world labor migrant population (see table below). Destination wise, the Middle East used to be the main destination of Chinese migrant workers. But from the mid 1990s East and Southeast Asia took over and became the top receiving place. More than 70 percent of the workers are now in Asia, followed by those in Africa, Europe, Australia and New Zealand, and North America.

⁸ Among them, about 2,300 are licensed specifically for labor recruitment, and the rest nearly 1,000 are licensed for services related to border exit for other purposes (e.g. immigration, study or business visit) but who nevertheless engage in labor migration.

Numbers of Chinese labour migrants overseas

Year	Number of labour sent overseas throughout the year	Number of labour overseas by the end of year
1990	52,906	57,939
1995	194,258	264,535
1996	199,481	285,763
1997	234,996	333,761
1998	230,572	352,125
1999	252,575	382,281
2000	252,575	425,667
2001	263,666	475,176
2002	213,046	489,622
2003	210,015	524,844
2004	280,000	597,000

Note: the rapid increase for 2004 is mainly because of the inclusion of the data from the MOLSS

Sources: Ministry of Commerce, China's International Contractors' Association, Chinese Annual Statistics for Overseas Economy, Ministry of Commerce Annual Reports, Center for International Exchanges, MoLSS.

Illegal Migration

Among researchers and policy makers in the West, the discussion about Chinese migration is very much overshadowed by the concern about illegal migration. It is sometimes said that the Chinese government encourages illegal outmigration as a means of alleviating poverty and other social problems. A report by the National Intelligence Council of the United States goes so far as to assert (NIC, 2001: 30):

The United States will remain vulnerable to explicit or implicit threats by foreign governments to use illegal and especially mass emigration as leverage in bilateral relations or to reduce political pressures arising from domestic policy failure... China is capable of facilitating the efforts of substantial numbers of potential emigrants [to gain benefits from the United States].

Apart from China, the report also mentioned Cuba and Haiti as countries that may use emigration as a political tool though no evidence was given as of how these countries could possibly achieve this.

Whatever the nature of the PRC regime is, the government is sane enough to recognize that outmigration could ameliorate China's socioeconomic problems only marginally and the diplomatic problems that illegal migration created would by far outweigh the benefits. For the central government, the persistence of illegal emigration in some localities reflects the centre's weakening control over local governments, which is certainly worrying for the central leadership. There is abundant evidence to suggest that the top level of the Chinese government has been pressuring the ministerial and provincial level to exert stricter control over the local levels. (For examples of government initiatives in fighting illegal migration, see Xiang 2003 Appendix 4 and 5, 44-46). Apart from the government, there are pressures from the newly emerged elites in China, particularly in business circles, to curb illegal emigration. From their point of view, illegal emigration damages China's reputation and impedes legal mobility. When Russia and Hungary terminated their earlier agreements with China that allowed Chinese to enter the two countries without visas in the early 1990s, some Chinese congressmen accused the government for being incompetent to keep the agreements alive (Zhong Jianhua 2002). The business community had blamed the government for not imposing more regulations on exports and migration from China to Russia and Eastern European countries in the early 1990s. It is self-evident to both the government and the business community that large-scale illegal emigration would impede other types of emigration and create obstacles for the expansion of Chinese businesses.

The Chinese state is interested in regulating mobility also because of its new concerns about citizens' rights. "Citizen rights," "disadvantaged groups," and "placing the people in the center" have become keywords of the state since 2002. Rights protection is partially a business of symbolism. Chinese migrants overseas become a primary target for protection because of their symbolic efficiency: actions on a few yield wide publicity. Chinese government's actions of rescuing the citizens who were trapped or kidnapped in

Afghanistan, Pakistan, Iraq and most recently, Nigeria, and settling labor disputes in Mauritius and the Middle East have been reported in great detail in major media. Illegal migration, on the other hand, is portrayed in media as a social ill to be eliminated because it embarrasses the nation and makes the migrants vulnerable. Stories such as the Dover and Morecambe Bay tragedies and Chinese illegal migrants' harsh situations overseas are widely reported. It is a common sentiment among ordinary Chinese that the government should stop human smuggling which is responsible for the suffering of the migrants overseas.

The Chinese government has worked with the international community in cracking down illegal migration. The US authorities have cooperated with China for several years, particularly through its INS offices in Hong Kong, Beijing and Guangzhou. Officials of China and Canada in Spring 1999 signed a memorandum of understanding to jointly fight criminal activities, including smuggling in human beings (*Migration News*, Oct 1999) and the Royal Canadian Mounted Police stationed an officer in Beijing to combat human smuggling, organised crime and international fraud (*Migration News*, May 2000). Since 1996, a series of negotiations between Australian officials and their Chinese counterparts resulted in return arrangements whereby China accepted back its nationals and led to the quick turnaround of Chinese boat arrivals (Department for Immigration and Multicultural Affairs, Australia 2001).

At the same time as recognizing China's anti-illegal migration stance, one should also be aware of its special sensitivities. The Chinese government has repeatedly stressed that the lengthy procedures of asylum application in many Western countries attract illegal migrants. It has a clear principle termed "to return the whole group in same ship/aircraft" (*zhengji/chuan qianfan*), which means that all the illegal migrants should be repatriated indiscriminately once caught, rather than returning some while admitting others. Otherwise China will not accept the repatriation. The PRC argues that selective repatriation will send wrong signals to potential emigrants and encourage illegal migration (see Chinese Delegation to STOP II Conference 2002; Liu Jieyi 2002; Representative of the Exit-Entry Administration Bureau, Ministry of Public Security 2001; Wang Guangya 2002).

ATTRACTING BACK OR KEEPING IN TOUCH: THE DIASPORA OPTION

Migration is seldom a once-for-all life experience that entails abrupt and permanent cutting off of one's relation with the homeland. Migrants may return, may keep moving back and forth, and may settle in the destination but maintain strong links with the homeland. Correspondingly, policies regarding return migration and diaspora constitute important components of a mobility regime. China developed its diaspora policies since the late 19th century and this has been relatively well documented (e.g. Thuno 2001; Guerassimoff 2000). I will briefly highlight how the scope of its diaspora policy has expanded recently. The PRC had drawn a clear line between "overseas Chinese", i.e. Chinese citizens who reside overseas and "Chinese overseas", i.e., ethnic Chinese with foreign citizenships. In 1955, partly due to the strong concerns of some Southeast Asian countries about the large presence of the Chinese population and the fear about the

revolution exportation from China, the PRC abolished dual citizenship and encouraged overseas Chinese to be naturalised in their countries of residence. In recent years, however, China's overseas Chinese policy has gradually brought two new groups under its wing: the "Chinese overseas" (*huaren*) including Chinese descendants (*huayi*), and the "new migrants" who left after the 1970s. At the same time, the government has tried to cultivate closer links among overseas Chinese scattered in different countries. For example, the Overseas Chinese Affairs Office of the State Council launched the "Developing the Motherland and Benefiting/Assisting Overseas Chinese" (*xingguo liqiao-zhuqiao*) plan in 2002. The plan pairs up Chinese associations in North America (mainly professionals) with those in Southeast Asia (mainly business groups) to facilitate their collaboration. The plan also promotes websites of Chinese associations and proposes web-based business and technology fairs participated by Chinese in all over the world (see Guo Dongpo 2002, for the emerging links between Chinese communities in different countries, also see Liu Hong 1998).

China's recent return policies mainly concern with student migrants. When a Chinese goes abroad to study with the government's sponsorship, he/she must sign a contract with the government. The student's personal dossier is held by the Chinese embassy in the destination country. If the student refuses to return to China on the completion of education, he/she would be fined and dismissed by the work unit. In the early days, the work unit might also denounce the student morally. Nevertheless, a large number of students remain in the destination countries. Since the early 1990s, the Chinese government changed its stance from preventing students' overstay to encouraging their return regardless whether they had violated state regulations earlier. In 1992, the State Council issued a special circular to emphasise that all returnees should be welcomed:

No further investigation shall be made about those who had made incorrect statements or committed incorrect activities when they were overseas. Even those who had participated in organisations that are against the Chinese government, and had damaged the state's security, interests and honour shall also be welcomed as long as they have withdrawn from these organisations and no longer commit unconstitutional and illegal anti-governmental activities. (State Council, 1992)

This was clearly referring to those who left China due to the Tian'anmen Square incident in 1989. For those who were sent overseas by their employers, the circular urges the employers to reach out to them. Returned students are also allowed to quit their jobs in the public sector if they preferred private or foreign-owned enterprises. The Ministry of Personnel and their local branches (Bureau of Personnel) set up the Return Overseas Students/Scholars Service Centre as the focal point in interacting with returnees.

Provincial and municipal governments have adopted numerous policies to attract returnees. They offer high salaries, beneficial tax rates, special business loans, housing subsidiaries, subsidiaries for children's education and so on. The Guangzhou municipal government, for example, offers RMB 100,000 (USD 12,000) as a "golden hello present" (*jianmainli*) to a returnee. Special industrial parks for returnees (*huiguo liuxuesheng chuangye yuanqu*) is another initiative. The returnees in the park offered excellent facilities and beneficial policies, and they are supposed to turn their research innovation

into commercial projects. The Beijing municipal government set up 12 such parks in Beijing by July 2004, investing about RMB 24 million (USD 3 million) to support returnees. Returnees are given a three-year tax break and specially favourable tax rate for another two years. Shanghai has now six high-tech parks designated for returnees, and every enterprise in the parks is entitled to an interest-free loan up to RMB 150,000. Returnees in Shenzhen, Guangdong province, can apply for a grant of RMB 100,000 – 150,000 to start a firm once their project proposals are approved by the municipal government. Returnees have attracted so much attention that they have become a special social group -- ‘sea turtles’ as they are called -- a term in Chinese that pronounces the same as the shorthand for ‘return from overseas’.

A new policy thinking, promoting temporary and even “virtual” return (e.g. through collaborative projects), blurs the boundary between returnees and diaspora. The government formally proposed the slogan ‘serve the country (from abroad)’ (*weiguo fuwu*) in 2001 to replace the old expression of ‘return and serve the country’ (*huiguo fuwu*), which change suggests that physical return itself is no longer important. At the end of 2000, the Ministry of Foreign Affairs (2000) issued the Circular on Issuing Long-term Multiple Entry Visas to Overseas Chinese Students and Professionals to facilitate the returnees’ “remigration”. One year later, the Bureau of Public Security in Shanghai designated Z and D visas to enable overseas Chinese professionals with foreign passports to enter China anytime within a period of three to five years. Other measures that encourage short-terms return include the Cheung Kong Scholar Programme, with an initial fund of HKD 70million (USD 9.5 million) donated by the Cheung Kong Holdings and a matching fund from the Ministry of Education, which sponsors leading overseas scientists to return to China to work in strategic research areas. The ‘One-Hundred Talent Programme’ of the Chinese Academy of Science recruits overseas Chinese scientists, with an offer of RMB 2 million (USD 240,000) for three years. The Chunhui Programme launched by the Ministry of Education in 1996 supports overseas Chinese professionals to return to China for short exchanges. I have elsewhere provided a detailed review of recent initiatives that encourage exchange between overseas Chinese professionals and China (Xiang 2005). According to a survey conducted by the Ministry of Education in 2000 of 551 returned overseas students who had set up enterprises in 13 Industrial Park, only 44 per cent of them resided in China on a regular basis (MoE 2001). With the ever escalating process of globalisation, we may well witness increasing intersection and overlapping between policies regarding outmigration, return and diaspora, which makes the mobility regime a more coherent system.

DISCUSSION: CLASH OF MOBILITY REGIMES?

This paper has demonstrated that the increasing level of mobility of the Chinese population, both domestic and international, is an integral, inevitable and most likely irreversible process of the general transformation in China. In other words, the new mobility should be understood in the context of the emergence of a new mobility regime. By delineating such a mobility regime, I suggest that liberality in movement certainly does not automatically lead to chaotic movement. Academic and policy discussion about

migration is too often dominated by concerns about figures. But how people migrate is probably more important than the magnitude of migration. For instance we have witnessed dramatic increase in mobility that are associated with tourism, employment, business visits and students from China, but the number of illegal migrants has certainly not increased proportionately. Furthermore, mobility is not necessarily more difficult to manage than immobility. Although rural-urban migration in China creates social tensions, confining peasants in the countryside forcefully would have led to severe political confrontations. Similarly, international migration is an important means for global integration. Do we prefer an open, thus more mobile, China, or a closed and static Middle Kingdom? I guess the answer is clear to almost everyone. We should thus be cautious about recent policy attempts aimed at reducing migration through aid. The “at-home-development” or “development-instead-of-migration” approach is unlikely to succeed in China.

Although more mobility does not necessarily yield more problems, migration does not reach an optimal order automatically either. The central thrust in the development of the new mobility regime in China has been the removal of government restriction against mobility, but the provision of substantive services to migrants is far from adequate. It is an important step to recognize the freedom of mobility as citizen right, but it is insufficient for a citizen to have the freedom to migrate but have no entitlement to settle down and to claim services in health, education and housing. The Chinese government has a long way to go to develop a universal social welfare system that is workable with a large mobile population. This cannot be dealt with in a piecemeal fashion, and instead must be achieved through comprehensive reform in the *hukou* system, medical care, education and even the public financing system. In other words, in order to build a mobility regime that protects rights, we need to reform the entire social policy landscape.

International migration is more complex as it involves multiple sovereignties. The new regime in China regulating exit and return largely complies with international norms. The real challenge will probably stem from the tension between the liberalizing Chinese regime and the tightening global regime on migration. Shamir (2005) uses the term “global mobility regime” to delineate the primarily Western policies and government actions aimed at curtaining and containing mobility. The basic components/manifestations of the global mobility regime, according to Shamir, are the borders, fences/walls, quarantine, gated communities, meticulous screening and biosocial profiling. He argues that the global mobility regime is increasingly premised on a “paradigm of suspicion” that conflates the perceived threats of crime, immigration and terrorism. In turn such a regime renders mobility itself a suspect target for control, echoing Agamben’s (2004) observation that humanity itself becomes a dangerous class (cited in Shamir 2005: 211). As Turner (2007) points out, what Shamir means by mobility regime should be more accurately called “immobility regime.” Although it is debatable whether global migration policies are as anti-mobility as Shamir and Turner suggest, it remains a real challenge for policy makers to accommodate the new mobility of the Chinese population, and indeed, of the entire population of the global South, in the current global system. What concerns me particularly, apart from the new xenophobia in the West, is the tendency implicit in the advocacy for migrants’ rights to reduce the abuse

of migrants' rights by reducing the number of migrants. I believe that the majority of the world population, particularly the poor, prefer a world that is more mobile, chaotic, less unpredictable but offers more life opportunities. In other words, they may cherish their rights to migration more than the rights in the destination country as prescribed by Western regulations (minimum wages and certain working conditions). But is the West ready to accept this basic reality?

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