

## The *non-securitisation* of immigration in China?

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### 1. Different concerns about migration: China vs. EU

The correlation between migration and security remains fashionable even more than a decade after 9/11. This is hardly surprising, given that migration regulation is a key policy task for all governments around the world, regardless of their political ideological leaning. Indeed, a fundamental regulatory function of a sovereign state is determining who enters, moves within, and leaves its geographical territory. For both the European Union (EU) and China, migration is a highly important and contentious issue area. Yet, to understand their respective (and distinct) concerns, it is essential to first distinguish between internal migration (mobility) and external migration (immigration). For the European countries, having a strong and credible external border is crucial for the smooth functioning of the integration project (see Koff's policy paper in this series). This focus is rooted in the perception and social security concern that 'benefit tourism' could occur once internal borders are lifted. Hence, EU migration practice has been, in the main, focussed on keeping most migrants out. International cooperation with neighbouring countries (through the European Neighbourhood Policy) and key transit and source countries (through EU Mobility Partnerships) have been crucial for the European partners as it provides them with the leverage to patrol and monitor its external borders (Lavenex 2006).

In the case of China, internal movement has been and remains of utmost concern for the state. This is because, *inter alia*, it involves a vast number of people: according to the National Bureau of Statistics of China (2013), in 2012, China's floating population was estimated at around 236 million (around 31.8% of the EU's total population). Moreover, internal migration relates to the question of urban-rural relations and the reduction of economic disparity that has characterised the period of economic reforms since 1978. It follows that we can understand internal migration in China as a question of social stability, which is why it is still tightly controlled even though this has been slowly changing. This is in contrast to the EU's social security concerns of 'benefit tourism'; the floating population in China does not have access to benefits (e.g. grain rations, healthcare, employer-provided housing) stemming from possessing the appropriate *hukou* (household registry). External migration, on the other hand, has witnessed a partial and gradual relaxation of control over the last three decades as part of China's shifting economic priorities and its efforts at integrating into the global economy. Unlike the EU, however, China does not rely on external governmental partners for migration regulation and this, we argue, has significant implications for the future of EU-China security cooperation in the migration field. This brief looks at how China considers the security dimension in migration. The question guiding this discussion is: Does China securitise migration and, if so, how? To address this, we begin by defining securitisation.

## 2. The security dimension in migration: defining securitisation

So what is the nature of the security dimension in migration regulation? To answer this, we refer to the ‘securitisation’ thesis in migration, which Boswell (2007: 1) explains as: states may appear to have an interest in ‘depicting migration as a security problem’ because ‘it can help consolidate notions of collective identity, [help] mobilise support for the relevant political community’. Through the ‘politics of insecurity’ (Huysmans 2006), a state may thus increase its ability to control and monitor its population, both domestic and foreign, while legitimising its otherwise unpopular measures that may contradict its human rights obligations. Following this, we define securitisation in migration very simply as an official discursive process, visible through, for instance, public political speeches and explanations to new migration measures. This discursive process, we argue, may or may not be supported by actual policy measures or practices, but it must frame immigration and/or migrants as threats to national security. Here, national security covers a range of issues, from traditional to non-traditional, which policy briefs in this series address. What is relevant for our discussion is that securitisation in migration can be said to be occurring in China if we can identify a visible official discourse (consistent rather than *ad hoc*) targeting immigration and/or immigrants as threats to national security. This brief aims to identify this discourse, if it exists.

It is important to note that securitising migration, however, may not often be the most favourable political recourse to follow. Indeed, there are at least three reasons as to why securitising migration might be risky business for states (Boswell 2007; cf. Huysmans 2006: 3). First, states have conflicting interests in migration regulation: countries need economic migrants for market competitiveness and wealth accumulation; securitising migration may deter potential, and highly desirable, migrants. This may be especially important for countries that rely on a particular set of foreign labour. Second, states may not be able to deliver on their ‘migration promises’ (e.g. returning failed asylum seekers or irregular migrants) which may ultimately backfire and become costly in electoral terms. Third, states may lose institutional legitimacy or credibility if their migration-control rhetoric contradicts facts on the grounds. Hence, while governments may be attracted to the potential political leverage gained through securitising migration, they may also be deterred by the risks involved.

In the sections below, we show how China perceives security threats in the migration sector. In the main, we find that China has not approached immigration regulation as a security concern in the classic welfare state perspective the EU’s approach best exemplifies. The policy idea embedded in the EU’s lifting of internal border controls and the strengthening of its external borders is currently absent in China. Put differently, the connection between security concerns about internal migration and regulating external migration has not been fully established. As we shall show, China may perceive a particular type of migration – *emigration* – through the non-traditional security lens (i.e. economic security). While China no longer actively prevents emigration of its nationals, we believe that long-term, or permanent, emigration could potentially lead to a securitised approach concerning emigration. This is because the legitimacy of the Chinese Communist Party (CCP) is rooted in China’s continuous economic growth; emigration of highly educated and skilled Chinese contributes to undermining China’s drive to become a major innovator instead of the world’s leading manufacturer.

### 3. China and immigration control

#### 3.1 China and the absence of securitisation in immigration

In China, immigration has not been securitised. Unlike what the securitisation thesis in migration would lead us to find, there is relatively little political discourse, in comparison to the EU, framing immigration as a security threat in China. To begin with, immigration is a recent phenomenon: between 1949 and 1977, China's borders were practically closed. The reason for this is that borders were 'highly politicised' in the context of China's policy of autarky and self-reliance and its perception of external ideological threats to Communism (Xiang 2003). It was only in 1978 that China re-opened its borders as part of its reform efforts and opening up (*gaige kaifang*) under Deng Xiaoping. Consequently, only two migration laws, in combination with 24 rules and regulations, have governed the admissions of immigrants in China for the last three decades: the *Law on the Control of Exit and Entry of Aliens* (1985) and the *Law of Nationality* (1980) (Liu 2011). In the former, Article 1 stipulates that 'this law is formulated with a view...to promote international exchange' while 'safeguard[ing] the sovereignty, security, and social stability' of China (Bureau of Exit and Entry Administration of the Ministry of Public Security website). We can see that, apart from China's central concern of social stability and its association of borders with national sovereignty, entry and exit are directly tied to the goals of economic reform. The *Law of Nationality* is only integral to the immigration system insofar as it regulates the admissions of ethnic Chinese, who are not allowed to hold dual citizenship (Liu 2011).

Next, the general absence of an identifiable security discourse in immigration may be attributed to the low numbers of legal immigrants in the country. Historically, China has not been a country of destination, and this remains the case today (see, however, Shen 2011). According to China's sixth census data, there were some 594,000 immigrants residing in China in 2010, which is approximately 0.044% of the total population at the time (National Bureau of Statistics of China, 29 April 2011). Remarkably, this was the first time foreign residents were included in census data. The majority of these immigrants, however, do not have permanent residency since this was not an option until 2004 when China introduced its green card (*'luka'*) system (*Renmin ribao* 2004). The number of people with green cards in China is negligible: only 4,752 green cards had been issued by 2011 (Boehler 2013). This is hardly surprising given the high threshold required for being eligible: professionals from deputy manager or director level upward, academics who have at least obtained associate professorship, and those married to Chinese nationals for more than five years (Liu 2007: 56, 63). Furthermore, China has imposed the condition of at least three-years cumulative residency period before an immigrant could be eligible for the green card and the Chinese institutions that could act as sponsors (Liu 2007: 56). It has, however, acknowledged its restrictive approach – the Chinese media called its green card 'the hardest to get in the world' (Boehler 2013) – and the issue of lowering the requirements for the green card is under discussion (Yang 2014).

Thirdly, we believe that China does not securitise immigration since it would contradict, as Boswell (2007) noted, its development strategy. Since the very beginning of reform, China has focussed on attracting 'talent' as part of its economic development plan. As early as 1983, targeting primarily ethnic Chinese, the *Provisional Rules on Introducing Overseas Talented People* was adopted. 'Talent' was considered one of the so-called 'three imports' essential to China's economic development (Guowuyuan Qiaoban 2006). During the 1990s, there was a shift towards targeting Chinese students who were not returning home after having completed their education. From the early 2000s onwards, in line with the new stage of economic reform after China's entry into the World Trade Organisation (WTO) in 2001, the promotion of return policies for 'highly-talented' Chinese became a central part of China's national development strategy. It is important to emphasise how significant

attracting ‘talent’ is for China: the body responsible for designing and administering ‘talent plans’ is located centrally in the Chinese Communist Party. Under the auspices of the powerful Organisation Department of the CCP Central Committee, China launched its most noteworthy of ‘talent plans’ in 2008 – the *Thousand Talent Plan (qianren jihua)* – aiming to attract 2,000 ‘high-level talents’ within ten years (Zhu 2013). Finally, in 2013, the new *Exit and Entry Administration Law* introduced a separate category of ‘talent visa’ (Boehler 2013). What the emphasis on consolidating its ‘talent’ migration policy tells us is that China has prioritised attracting immigrants with the ‘right’ sets of skills to its country.

In discursive terms, what we would commonly observe if migration is being securitised (e.g. ‘flood’, ‘illegal migrants’, ‘fight against illegal migration’) is absent in the Chinese discourse on immigration. This is not to say that China would not securitise migration. On the contrary, we believe that, if China were to securitise migration, we would most likely observe the emergence of this discourse in emigration. Between 1990 and 2013, the number of Chinese emigrants increased by 128.6% to over nine million, making China the fourth largest sending country of migrants globally (Wang 2014). While during this period there was also an increase in the number of immigrants to China (i.e. 35% growth between 2003 and 2013), these figures remain miniscule in comparison to emigrants. The biggest threat from the migration sector for China, as for most developing countries, would thus be its ‘brain drain’, exemplified by the very large number of overseas Chinese students (the most in the world, 3.06 million by 2013) (Wang 2014). The anxiety concerning these developments is best summed up in an article in *People’s Daily*, the official government newspaper, in 2011. Referring to the ‘trend’ of ‘new migrants’ (*xin yimin*) who have left, or are leaving China, since the period of reform and opening up, the *People’s Daily* cautioned that it must be ‘faced with calm’ (*Renmin ribao* 2011). We also note that laws and administrative organs in the migration system are always named ‘exit and entry’ (not ‘entry and exit’), thereby indicating the primary importance of ‘exit’; we need to understand this in relation to China’s economic and political context and, specifically, as part of this fear of ‘brain drain’. While in the main we do not observe securitisation in immigration in China, its official ‘stiff-upper-lip’ approach may be increasingly coming under pressure: between its economic desire to be open and the political need to control its borders – as we shall show next.

### 3.2 Rising tensions and emerging challenges for China in the migration sector

We identify several sets of tensions in the area of migration for China that may contribute to possible securitisation in the future. The first stems from the rather sparse sets of laws and regulations that govern migration in China that we noted earlier. Liu (2011: 12) tells us that there was ‘an urgent need to revise the 1985 Law’. The reason for this was because the adopted regulations in many instances actually contradicted the 1985 Law. In response to these shortcomings, the *Exit and Entry Administration Law of the People’s Republic of China* was enacted in July 2013, which introduced harsher punishment (including detention, deportation, and higher fines) for overstaying visas and unauthorised work (Lefkowitz 2013).<sup>1</sup> While we may interpret this as evidence to support possible growing securitisation of migration in China, the extent to which the government would consistently apply these rules remains to be seen (see the case of Nigerian amnesty below). Moreover, Article 1 of the 2013 Law repeats the promotion of ‘foreign exchanges and opening to the outside world’ which the 1985 Law mentioned (Bureau of Exit and Entry Administration of the Ministry of Public Security website).

Another potential source of tension is institutional, i.e. the many central institutions and bodies involved in migration policymaking and implementation. For instance, the National People’s Congress

(NPC) issues the laws and the regulations come from the State Council. In addition, seventeen<sup>2</sup> ministries and offices implement the rules, regulations, and policies concerning the entry, exit, travel, and residence of foreigners in China (Liu 2011). What this tells us is that migration regulation and implementation in the case of China would likely exhibit tensions at both vertical (multi-level) and horizontal (between ministries and bodies with different priorities) levels that would be familiar to the EU audience.

The third set of tensions derives from the sheer increase of the number of foreigners entering China. While there were only 594,000 immigrants registered in 2010, there were some 26 million foreigners who entered China for business, leisure, visits to relatives and friends, work, and other purposes (National Bureau of Statistics of China 2011).<sup>3</sup> It is important to note that approximately 2.5 million of these 26 million ‘overseas visitors’ were ‘workers and crew’ on short-term visas (National Bureau of Statistics of China 2011). Overall, the current focus remains mostly on exit-entry administration and short-term visits (Shen 2011), thereby leading those on non-renewed short-term visas needing to resort to other measures (Østbø Haugen 2012). The extent to which the situation of overstayers may spark tensions and lead to securitisation of migration can be seen in the case of Guangzhou in 2009, where an estimated 20,000-100,000 people from Africa lived: a riot ensued following a police raid on Nigerian overstayers (Lefkowitz 2013). Tensions were relieved when China and Nigeria signed an amnesty agreement that allowed the overstayers to leave and return to China legally. This *ad hoc* approach is emblematic of China’s preference for pragmatism, but critics have argued for a more systematic approach (i.e. the establishment of a central body for immigration administration and refugee affairs) (Shen 2011).

China’s preference for embracing the pragmatic approach in migration regulation comes from its economic priorities and the drive to implement the entire reform programme since 1978. We can see this in, for example, the establishment of free trade zones as a solution for high volumes of border crossings, as is the case on the China-Vietnam border and the China-Myanmar border. The free trade zone of Dongxing receives 7,000 Vietnamese traders on a daily basis, whereas the border town of Ruili, also a free trade zone, where there are 30,000 crossings daily (*Xinhua*, cited in Lefkowitz 2013). Another instance of China’s creative response to border region problems is the example of *Documented Registration Certificate for Border Residents in Cross-border Marriages*, or ‘Blue Card’ for cross-border brides. This programme seeks to address the illegal import of foreign brides – a thorny issue for China given the imbalanced sex ratio – through a registration system that offers them social benefits; it is active in Dehong, Yunnan province (Shen 2011). While these cases are successful examples, these models cannot be applied systematically elsewhere because of the sheer numbers of current and likely future border crossings.

We can say that the tension between openness and control in migration regulation manifests itself clearest in the question of border control. Historically, border control in China has not been about migration control. Rather, China embraces the traditional understanding of security when it comes to borders because it sees it as an issue tied to defence and territorial sovereignty (see Wong in this policy paper series). This can be exemplified by the strong military and police presence at the borders. This border regime is supervised by the Ministry of Public Security and implemented by the Frontier Defense Department and Border Police Stations (Xiang 2003: 25); around 100,000 Border Control Troops and Border Control units of the People’s Liberation Army engage in law enforcement at the borders (Liu 2011). We observe, however, that this traditional understanding of the secured border is shifting due to China’s economic priorities. We see border control as being approached through more non-traditional security lenses such as economic development, and it is through this that we see migration regulation as part of the border regime. For instance, the opening of ‘border

cities' in 1992 near inland borders and the so-called cross-border economic cooperation zones (CBEZs), an example being the China-Vietnam CBEZ (UNDP 2013).

To sum up, China is undergoing a rapid transition in how it handles migration-related issues. At the time of writing, we believe that its immigration regime is struggling to balance two sets of very important priorities for China: the need to further open up its borders to allow immigrants to enter and contribute to its economic growth (and introduce the associated integration measures that are currently lacking), and the more traditional security concern of controlling population movements into and within its borders. While China may be unique in its size and state structure, the migration challenges it faces would be familiar to most governments worldwide. Any government, European partners included, wishing to cooperate effectively with China on migration matters, needs to understand the above highlighted tensions. Next, we turn to China's cooperation with the EU in migration regulation to shed light on the lack of progress before proposing ways forward for their future cooperation.

#### 4. China and EU migration cooperation

As a key country of origin for most of the world's migrants, China has remained in the spotlight as the top partner for cooperation in the migration field. This is especially the case when it comes to issues emanating from the security dimension of migration such as human smuggling and trafficking. Indeed, the EU and its member states have always been keen to obtain China's assistance in migration regulation and this can be seen in several recent efforts, for instance, the 2013 launch of the dialogue on 'EU-China Mobility and Migration' and the September 2013 seminar in Beijing on mobility and migration (United Nations Radio 2013). The seminar came on the tail of a series of EU sponsored projects carried out by the International Organization for Migration (IOM) in China, officially established in 2007, to raise awareness about migration. IOM's Capacity Building for Migration Management in China project (CBMM China) targeted ministerial officials for training purposes during phase I (2007-2010) and with a stronger focus on human trafficking in phase II (2011-2013), which involved the International Labour Organization (ILO). Phase II concentrated on implementing *China's National Plan of Action to Combat Trafficking* (State Council of China 2007).

In general, however, China has shown little interest in participating in international migration instruments. Only three international instruments related to immigration have been ratified, namely the *Treaty of China and Indonesia on the Issue of Dual Nationality* (1958, ratified in 1958), the *Convention Relating to the Status of Refugees* (1951, ratified in 1982), and the *Protocol Relating to the Status of Refugees* (1967, ratified in 1982) (Liu 2011: 13-14). This reluctance can be observed in the official discussions for the main European policy instrument proposed for EU-China migration cooperation to date – the readmission agreement – which have not even opened (European Commission 2011). Indeed, since the adoption of the Tampere Conclusions in 1999, the EU has been actively seeking closer partnership with neighbouring, transit and source countries of foreign nationals who have entered its territory without authorisation. To this end, the European Commission received the mandate to initiate discussions with China in November 2002 – nearly 12 years ago.

The readmission agreements with third countries have been the key pan-European instrument enabling the EU to establish and maintain a credible border until the launch of the Mobility Partnerships in 2007, which have incorporated this instrument among others. So why have the partners failed to begin discussing this very important policy instrument? By the European Commission's own admission, this failure can be largely attributed to the lack of incentives for China, which has repeat-

edly requested 'visa facilitation' for its own nationals, which the EU and its member states are unwilling to consider. A visa facilitation agreement would enable Chinese nationals (most likely high-level officials) to enter the EU through a fast-track procedure. The European partners' concern is that such an agreement may 'lead to a rise in the irregular migration into the EU from those countries' (European Commission 2011: 7). Here, 'irregular migration' is likely to occur following the expiration of short-term visas. In light of these different starting points, what are the ways forward for EU and China's security cooperation in the migration sector?

## 5. Concluding remarks: whither EU-China security cooperation in migration?

In this policy brief, we set out to answer the question: Does China securitise migration and, if so, how? Our findings show that immigration policies and practices in China do not exhibit an identifiable security discourse. While we do not strive to offer a systematic explanation as to why this is the case, we believe that its very recent opening of its borders for immigration, the low numbers of immigrants and permanent residents, and its prioritising economic development all contribute to the Chinese state's general reluctance to securitise immigration. Put simply, for China, its economic performance, which is the very foundation of the national objective of 'harmonious existence' and which constitutes the basis of the CCP's legitimacy, guides its immigration policies. The immigration discourse, which is largely oriented at both the ethnic Chinese and Chinese nationals abroad, has remained very much focused on China's development, both in economic and knowledge terms, and at the inclusion of Chinese overseas in this project (Bolt 1996; Nyíri 2001). This integration project, then, is very much about transcending borders, something we can also witness in the global promotion of Chinese culture and the rise of China's soft power.

The overall lack of securitisation in immigration in China has important implications for EU-China cooperation in this domain. First and foremost, it means that the Chinese and European partners must exercise 'mutual flexibility' and find common grounds to push forward. It is clear that China is keen to have a fast-track procedure for the admissions of its nationals to Europe. Opening a channel for this, even if restricted to a very limited set or number of Chinese citizens on a phase-by-phase basis, could be a possibility to explore. Undoubtedly, the EU needs full cooperation, not only mandate, from its member states to pursue this policy option. China, on the other hand, could consider signing the 'readmission agreement' and assist EU member states in accepting the return of irregular Chinese nationals or those who have travel through its territory en route to Europe.

The second implication concerns the focus on the security dimension in migration cooperation: Is it misplaced?<sup>4</sup> Concentrating on the possibility of a robust EU-China migration cooperation, it could be argued that both the EU and China could consider initiating cooperation in regulating skilled migration (see also EEAS undated). Here, the EU is interested in attracting the highly qualified and the skilled to its common territory (Cerna and Chou 2014), while China wants its talented citizens back. Agreements focussing explicitly on knowledge migrants and workers (i.e. students, academics, scientists, and professionals) could be a good starting point since many of these 'new migrants' are 'transmigrants' who move between Europe and China, and around the world. Transforming Europe and China into attractive destinations for them could be a common project between the two partners.

The third implication touches on the more general perception of China in European public or policy-makers' eyes: primarily as a source of irregular or 'illegal' migrants to Europe. It appears that as long as this perspective holds, EU-China security cooperation in the migration field will remain the same in the years to come. It is thus essential for the European audience to widen their understanding.

We believe that, in addition to direct Europe-China exchanges, it is important for the European audience to contextualise its cooperation with China within rising regionalism in Asia, which is different from the European understanding of regionalism where the emphasis has been on building an institutional infrastructure to support and enforce cooperation. In Asia, we observe movements toward greater cooperation and initiatives in areas such as higher education and migration. Therefore, we argue that understanding Chinese migration also involves understanding migration within Asia, a major phenomenon that does and will continue to affect the process of migration and migration cooperation between the EU and China.

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<sup>1</sup> An official English translation of the law is available at <http://www.mps.gov.cn/n16/n84147/n84196/3837042.html> (accessed July 20, 2014).

<sup>2</sup> They are: the Ministry of Public Security, the Ministry of Foreign Affairs, the State Administration of Foreign Experts Affairs (SAFEA), the Ministry of Justice, the Ministry of Civil Affairs, the Ministry of Human Resources and Social Security, the Ministry of Education, the Ministry of National Security, the Ministry of Business, the Ministry of Supervision, the National Bureau of Religious Affairs, the National Bureau of Travel, the State Administration of Foreign Exchange, the Hong Kong and Macau Office of the State Council, the Overseas Chinese Affairs Office (OCAO) of the State Council, the Taiwan Affairs Office of the State Council, and the General Staff (Liu 2011: 13).

<sup>3</sup> In 2009, the top ten nationalities that entered China were: Japan, South Korea, Russia, the USA, Malaysia, Singapore, Vietnam, the Philippines, Burma, and Mongolia (Liu 2011: 3-4).

<sup>4</sup> As stated, security in the Chinese context remains mostly a traditional concept tied to the military and notions of sovereignty and territorial boundaries. It is worth noting that, however, recently the Chinese state has realised the limits of a focus on traditional security; at the Boao Forum for Asia in April 2014, Premier Li Keqiang proposed the creation of a regional security framework for non-traditional security challenges (Ministry of Foreign Affairs of the PRC 2014). Yet it remains to be seen how this focus on non-traditional security affects future discourses on migration.