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## Beyond friends and foes: immigration policymaking in contemporary China

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### Citation

Speelman, J. T. (2023, September 19). *Beyond friends and foes: immigration policymaking in contemporary China*. Retrieved from <https://hdl.handle.net/1887/3641093>

Version: Publisher's Version

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**Note:** To cite this publication please use the final published version (if applicable).

# Establishing the National Immigration Administration: Change and Continuity in China's Immigration Reforms<sup>12</sup>

## 1. Introduction

On April 2, 2018, Chinese officials standing along Beijing's Chang'an Avenue unveiled the name sign for China's first national-level agency dedicated to immigration affairs, the National Immigration Administration (NIA) (国家移民管理局). State media called the establishment of the agency, part of a larger government overhaul, an "important milestone" in the Chinese state's attitude towards immigration, which in the past decades has combined minimal legislation with a mix of restrictive and laissez-faire enforcement.<sup>13</sup> However, the NIA's name sign hangs under the ivy-covered gate of the Ministry of Public Security (MPS), the police authorities who have long dominated China's cautious post-socialist exit-entry regime.<sup>14</sup> Next to it hangs the sign of the national Exit-Entry Administration, previously the primary government organ dealing with immigrants, which continues to exist as an administrative entity under the NIA.<sup>15</sup> This institutional embedding made experts suspect that no radical change was to be expected from the NIA, and that responsibilities for managing foreign nationals' presence in China would remain divided between the public security authorities and various other government actors.

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12 This chapter has been published as: Tabitha Speelman, "Establishing the National Immigration Administration: Change and continuity in China's immigration reforms." *China Perspectives* 2020/4, 7–16.

13 "成立国家移民管理局是大势所趋时代所需" [Founding the NIA is a need of our times], *Legal Daily*, April 3, 2018, [http://www.legaldaily.com.cn/index/content/2018-04/03/content\\_7512892.htm](http://www.legaldaily.com.cn/index/content/2018-04/03/content_7512892.htm)

14 For a picture of the NIA opening ceremony, see: [http://www.spp.gov.cn/zdgz/201804/t20180402\\_373305.shtml](http://www.spp.gov.cn/zdgz/201804/t20180402_373305.shtml) (accessed on April 29, 2020).

15 "国家移民管理局基本概况信息" [Basic information on the NIA], <https://www.nia.gov.cn/n741430/n741506/index.html> (accessed on April 29, 2020).

Over two years into its existence, the NIA has indeed maintained a low profile. It has not published formal planning documents on its announced tasks: drafting and implementing of immigration policies, exit-entry management and border control, controlling irregular migration and coordinating international migration cooperation.<sup>16</sup> Still, the agency's establishment and policy debates on the position of foreigners in Chinese society it triggered reflect changes in the Chinese state's approach to immigration. With the NIA, China officially recognizes its emerging identity as an immigration destination country. Long marginal policy debates on immigration issues like long-term migrant settlement are becoming more mainstream. Experts inside and outside the government apparatus have "gladly welcomed" the NIA as a sign of the rising urgency of migrant governance in Chinese society, while others considered it too "sudden", out of step with China's identity as a country defined by its large, mostly indigenous population (Zhang 2019).

This paper places the establishment of the NIA in the context of Chinese state attitudes towards immigration at the national level, understudied in existing research on China's immigration regime. Based on document research and expert interviews with policy makers and researchers, it discusses the NIA's establishment and priorities in the context of immigration management in the reform era and analyses its main challenges. Finally, it discusses the significance of the NIA for China's longer-term immigration reform.

I conclude that the NIA's vision for a more centralized, professionalized and legally encoded immigration system brings wider Xi-era governance principles to the issue of immigration. Its mandate premised on a strengthened state commitment to expanding China's global role, the agency promotes and normalizes a more comprehensive discourse on immigration. The establishment of a new national-level institution brings top-down momentum and resources to longstanding bottleneck issues in Chinese immigration reform. However, the NIA's current challenges, from an uneven state of reform implementation and a lack of consensus on a nationwide strategy, reflect both wider issues in Chinese institutional reforms and the difficulty of reforming a politically charged policy field.

## **2. The Chinese state and immigration**

Human mobility has been a defining aspect of China's reform and opening. As Chinese citizens became "mobile subjects," able to move within and outside China's borders as individuals (Xiang 2016), their labor, networks and knowledge have fueled China's development, which coincided with a period of rapid economic globalization worldwide. Over the same 40 years, China has seen great changes in the inward mobility

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16 “王勇：组建国家移民管理局” [Wang Yong: establish the State Immigration Administration], Xinhua, March 13, 2018, [http://www.xinhuanet.com/politics/2018lh/2018-03/13/c\\_137035628.htm](http://www.xinhuanet.com/politics/2018lh/2018-03/13/c_137035628.htm)

of non-Chinese citizens, with foreign residents – most notably students, professionals and traders, returnees and cross-border migrants – forming increasingly diverse and permanent communities within the country (Pieke 2011).

The Chinese state has played various roles in this development. It accommodated the strong demand for international travel among the Chinese population by slowly opening up passport applications, encouraged labor emigration and developed strategies to attract overseas capital and human talent (Liu 2007). Following the 1985 Law on the Control of the Exit and Entry of Aliens (外国人入境出境管理法), which first legitimized the presence of foreigners in reform-era China, reforms of exit-entry legislation for foreign nationals have been cautious, a legacy of the early P.R.C. decades during which international mobility was limited and highly politicized (Brady 2003). A permanent residency program was established in 2004, but only a small minority of about 20,000 foreign nationals have obtained this status, which has long doubled as a political favor (Farrer 2014, Lin 2019). Culturally, too, foreign residents are mostly regarded as transient sojourners rather than as immigrants in the sense of full-fledged citizens of foreign origin (Lee 2014). (In this article, I use the term “immigrants” to refer to foreign nationals residing in China more broadly.)

According to the 2010 census, the first to count foreign nationals, China counted 593,832 foreigners residing in China for at least 3 months, or about 0.05% of China’s population (excluding 170,283 Taiwanese and 256,130 Hong Kong and Macao residents). This figure, while likely an underestimate, shows how China’s foreign population has ballooned since the early reform era, when around 20,000 foreign nationals lived in China, and since the start of the millennium, when roughly 150,000 foreigners were registered (Yang 2012). In the decade following China’s entry into the WTO in 2001, the number of foreigners on average grew over 10% a year (Zou and Zou 2018). China now hosts a number of immigrants comparable to that of many mid-sized nations. As a percentage of its population, however, its foreign population, concentrated in its major cities and border areas, is among the lowest worldwide (Pieke 2014: 5). The central government publishes regular figures on the number of border crossings, but not on the size of the nationwide foreign population. In 2019, both the number of border crossings in and out of China by mainland citizens (350 million crossings) and foreign nationals (over 97 million) reached record heights.<sup>17</sup>

Compared to the study of China’s emigration and internal labor migration, academic study of foreign migration to China has been marginal, reflecting the low absolute numbers of foreigners in the country. Research of this group and related policies has picked up over the last fifteen years, as China’s new identity as a migrant-destination

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17 “2019年出入境人员达6.7亿人次” [670 million border crossings in 2019], Xinhua, January 5, 2020, [http://www.gov.cn/xinwen/2020-01/05/content\\_5466639.htm](http://www.gov.cn/xinwen/2020-01/05/content_5466639.htm).

country became more pronounced (e.g. Pieke 2011; Liu 2011; Lehmann and Leonard 2019). In this period, the topic became less politically sensitive for researchers at mainland Chinese institutions. Pioneering researchers, such as Liu Guofu and Weng Li in immigration law and Li Minghuan in overseas Chinese studies, combine international comparison with critiques of China's foreigner-related laws and policies (Weng 2001; Liu 2007; Li 2011). For decades they have advocated a comprehensive legal framework and better rights protection for foreign nationals in China. Social scientists first focused on localities where the increasing diversity stood out, including state responses at that level (e.g. Li *et al.* 2009; Cheuk 2016; Farrer 2010; Lehmann 2019). Connections between local case studies and central-level reforms are increasingly studied too (Lan 2016; Haugen 2019; Barabantseva 2019). With the exception of some talent attraction and diaspora policies (e.g. Liu and Van Dongen 2016; Zweig and Wang 2013), the politics of central-level immigration policy development, including institutional relations and reforms, have gone understudied.

While the Chinese government considers controlled, skilled immigration beneficial to China's socio-economic development (e.g. Yang 2012), it has mostly avoided statements on migrant settlement and integration (Liu 2011). During the drafting of the 2012 Exit-Entry Management Law (中华人民共和国出境管理法), currently China's key legal text on immigration, some consulted experts argued for a more comprehensive immigration law with more rights protections and discussion of long-term migrant settlement. Opponents, however argued China did not need laws for issues like integration, naturalization, and refugee settlement, and that China's "national conditions" – its large population and employment challenges – made more permanent immigration undesirable. Desirable skilled migration could be regulated through an exit-entry focused law combined with talent attraction policies (Zhang 2010).

With new sections on national security and illegal migration and employment, the 2012 exit-entry law, which went through more than ten drafts over nine years (Liu 2008; Zhang 2019), is considered an improved effort on previous legislation in protecting China's sovereignty and national interests (Weng and Shen 2014). However, experts advocating a broader immigration law were disappointed by a law "narrow in scope and minimal in content" (Zhu and Price 2013: 25; Weng and Xia 2015; Zou 2017). The law failed to strengthen vertical command or establish an independent immigration agency, reforms many considered necessary to address uneven implementation and corruption at the local level (e.g. Weng and Bi 2006; Wang 2009). As notable as the law's content has been the rise in legal enforcement post-2012, ending a period in which restrictive employment and residence regulations were enforced quite flexibly, outside temporary crackdowns (Lu and Guo 2018).

Administrative fragmentation also makes coordinating a more comprehensive immigration strategy more difficult. The Ministry of Public Security and the Ministry

of Foreign Affairs are the main departments responsible for legal entry and residence in the country (see MPS 2012, Article 4), but other foreigner management is spread out over more than thirty government actors with large regional variation in implementation and priorities (Liu 2015). Efforts to improve coordination date back to the nineties and a national-level coordination mechanism was established in 2007, but fragmented interests continue to hamper reforms (Pieke 2014; Liu and Weng 2019). The distinction the Chinese state makes between mobility to and from Hong Kong, Macau and Taiwan, considered ‘cross-border’ and subject to exit-entry management but not ‘international,’ and other destinations, adds further complexity.

Ten years after debating the exit-entry law, there is a consensus among policy makers that China’s immigration reality requires more comprehensive governance, and that the legal framework, whatever its name, needs to be improved and expanded (e.g. Hu 2019; Shi 2019). Following the NIA’s arrival, academic and policy debate on national-level immigration reform in Chinese universities and think-tanks has also picked up speed (Lu and Guo 2018; Liang 2019).

### **3. Methodology**

For this analysis of the significance of China’s first national-level immigration agency for the country’s national immigration reform, I look at NIA policy documents, other public statements and related state media coverage in the first two years of the agency’s operation (March 2018 – April 2020). Government discourse and reform are important understanding the migratory process (Castles 2004: 223). Paying close attention to government communication in various contexts seems especially important in studying the Chinese state, known for how it manages its power through strictly regulated formal language (Schoenhals 1992: 3).

The absence of public central planning documents can be seen as a sign of the NIA’s continuity with the previous exit-entry authorities, which also rarely released such documents. By contrast, regular (social) media content published by the NIA reflects a shift in communication strategy worth studying. To gain further insight into a policy area in which most government policies are not made public (Liu 2007: 281), I also include discourse at (semi-)public events on immigration organized by think-tanks, universities or local government agencies, attended between June 2018 and December 2019. In China, these events offer opportunities to observe trends in policy debate as well as connections between officials, experts and other stakeholders (Gu and Goldman 2004, Cheng 2009).

Finally, I draw on eight interviews with government officials working in immigration management in Shanghai, Guangxi and Beijing, and 20 semi-structured expert interviews with China-based immigration experts, many of whom regularly interact with state actors. With the exception of three interviews by phone and one by email, these conversations took place in person between December 2018 and December

2019, lasting an average 1-1.5 hours over one or multiple conversations. While many of these interviewees have made public statements on China's immigration system, some quoted in this paper, the interviews have been anonymized to allow for more open discussion of perceptions of state attitudes. Where relevant, I provide detail on interviewees' professional background.

#### **4. Building the NIA: New discourse, familiar politics**

At a press conference discussing the NIA's first anniversary in April 2019, spokesperson Chen Bin noted that reforms were "basically complete" and that the agency had taken up its assigned roles.<sup>18</sup> However, progress had been less than smooth.<sup>19</sup> A reform strategy announced for June 2018 was never made public.<sup>20</sup> A national immigration service center announced for the first half of 2019 did not open during that period, integration with other departments was delayed, and in August 2019 state media wrote that the execution of the NIA's 2019 budget "seriously lagged behind," due to a lack of personnel and unclear lines of command.<sup>21</sup>

The first years of the NIA offer a mixed picture of change and continuity within China's national immigration management. Its establishment and mandate form a step towards a more integrated immigration system and concurrent legal reform. It has advanced the strengthening of immigration and border security, expanding policy options for the highly skilled, and stepping up China's role in global immigration governance. However, the NIA's set-up and lack of transparency exemplify the "stability" (Zhang 2019) of the PRC's institutional approach to immigration and border affairs over the last 70 years.

##### ***a. Establishment***

When State Councilor Wang Yong announced the NIA in March 2018, he called the establishment of the PRC's first national-level immigration agency the result of China's growing "overall state power", and the "constant increase in the number of foreigners that come to work and live in China".<sup>22</sup> This rationale puts the agency in the context of China's rise and internationalization, two long-term trends the Chinese state presents as necessary parts of its development. However, it does not explain why the agency

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18 "国家移民管理体制调整已基本完成" [NIA reforms are basically completed], *The Beijing News*, March 19, 2019, <http://edu.sina.com.cn/a/2019-03-19/doc-ihxncvvh3761406.shtml>.

19 E.g. Interview R2, April 2019, Hangzhou; interview O5, May 2019, Beijing.

20 Gao Di 高颀, "移民局成立, 更多外国人能获得绿卡?" [With an immigration agency, will more foreigners get green cards?], *Caijing*, August 6, 2018, <http://magazine.caijing.com.cn/20180806/4496898.shtml>.

21 "国家移民管理局召开2019年预算执行推进视频会" [NIA holds video conference on the implementation of the 2019 budget], NIA, August 9, 2019, <https://www.nia.gov.cn/n897453/c1125826/content.html>.

22 "王勇: 组建国家移民管理局" [Wang Yong: establish the State Immigration Administration], *Xinhua*, March 13, 2018, [http://www.xinhuanet.com/politics/2018lh/2018-03/13/c\\_137035628.htm](http://www.xinhuanet.com/politics/2018lh/2018-03/13/c_137035628.htm).

was established at this particular time. While border-crossings continue to increase, the number of foreigners coming to China is not rising sharply like in the 2000s, following its entry into the WTO, and the number of long-term residents might even be dropping (Liu and Weng 2019).

One explanation for this timing points to a subtle official mention of the need to “improve” the institutional set-up for immigration affairs in a 2015 draft of a central government policy document on reforming foreigner permanent residency (CPC 2016b). Making Chinese permanent residency more accessible to certain groups of ‘talent’ was part of a new strategy to improve China’s retainment of highly skilled professionals, including foreign nationals. The policy shift can be traced back to a recommendation to renew China’s commitment to attract talent made by the Central Leading Group for Comprehensively Deepening Reforms in 2015 (Zhang and Geiger 2020). NIA officials have referenced this new phase of China’s nation-building talent strategy (人才强国战略) as a reason for the reform.<sup>23</sup> An expanded permanent residency program went beyond the capacity of exit-entry authorities, already overburdened by the steep increase in cross-border traffic (especially of Chinese nationals). As an effort in professionalization and institutionalization, including the training of a specialized staff, the NIA was introduced as an instrument for these reforms.<sup>24</sup> Suggesting that external voices in the talent attraction field reached central leadership, in 2016 president Xi Jinping and several other Standing Committee members endorsed a policy proposal on the subject of establishing a dedicated immigration agency by the Center for China and Globalization, a liberal thinktank specializing in talent attraction and immigration policies that had spent a decade lobbying for such an institution.<sup>25</sup>

A second explanation also traces the NIA back to 2015, when central leadership advanced a national strategy for the earlier announced Belt and Road plan, a policy initiative centered around China’s priorities in other parts of the world that included a range of mobility-boosting plans.<sup>26</sup> The development strategy came with a more proactive commitment to globalization, adding urgency to the need to improve China’s capacity to deal with related challenges, including incoming migration and the rights and security of Chinese citizens abroad (Weng and Li 2017). According to some researchers and officials, this is when central leadership decided on a dedicated immigration

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23 “中国在移民管理事务上有了新格局” [China has a new set-up on immigration affairs], 中国日报网, June 12, 2018, [http://world.chinadaily.com.cn/2018-06/12/content\\_36382483.htm](http://world.chinadaily.com.cn/2018-06/12/content_36382483.htm).

24 Gao Ziping 高子平, “外国人永居条例: 应对全球人才大变局的‘中国方案’” [The foreigner permanent residency regulations: a ‘Chinese solution’ to solve the global talent challenge], 中国日报网, March 1, 2020, <https://cn.chinadaily.com.cn/a/202003/01/WS5e5b5e15a3107bb6b57a34c4.html>.

25 “CCG: 一家社会智库为何能推动成立国家移民局?” [CCG: How can a social thinktank influence the establishment of a national immigration agency?], 中国慈善家, August 6, 2018, <https://igongyi.ifeng.com/45105977/news.shtml?&back>.

26 “Full text: Action plan on the Belt and Road Initiative”, State Council, March 30, 2015, [http://english.www.gov.cn/archive/publications/2015/03/30/content\\_281475080249035.htm](http://english.www.gov.cn/archive/publications/2015/03/30/content_281475080249035.htm).



agency, following international example (e.g. B-O5, May 2019; B-R2, April 2019). In 2016, China upgraded to full membership of the International Migration Organization, citing the growing importance of immigration issues to China's future development and the need for China to have more say in their global governance (Weng and Li 2017; Ge *et al.* 2019). The 2018 government reform, in which the NIA was one of three new agencies in a reform cycle that was focused on downsizing, provided the institutional opportunity for the agency's establishment.

The NIA is uniformly described as a top-down reform (顶层设计). Relevant departments, including the exit-entry administration, were "surprised" by its ad-hoc inclusion in the 2018 reform plan, as a researcher at an MPS-linked university put it (B-R12, September 2019, see also Zhang 2019). Proposals for a national agency to address decades of growing immigration, based on developmental or security perspectives, had long been debated in the immigration policy sphere (e.g. Weng 1996; Liu 2014; Liang 2019; Bai 2019). This time, however, central leadership decided the proposal fitted national strategy. Pinning down factors informing political decision-making in China is notoriously difficult (Duckett 2018: 29). An account emphasizing shifts in recent national strategy development rather than bottom-up demands fits with both official and expert statements. Its top-down nature also helps explain the drop in the pace of reforms following the NIA's establishment.

### ***b. Structure***

State Councilor Wang Yong spoke of "assembling" (*zujian* 组建) the NIA, rather than establishing it from scratch (Xinhua 2018). The agency merges the previously separate MPS departments of exit-entry administration and border control, a reform which was completed in December 2018. Its status as a semi-independent agency with sub-ministerial ranking managed by a ministry (rather than by the State Council with a ministerial affiliation) is relatively rare within the Chinese bureaucracy. The NIA publishes its own budget and hiring quota, but its lines of command fall under the MPS.<sup>27</sup> Head of the NIA Xu Ganlu is also a vice-minister of the ministry. Three out of four NIA vice-directors hail from exit-entry and border control at the MPS, while one previously worked as vice-director for the Foreign Experts Bureau.<sup>28</sup> Like two other current MPS vice-ministers, Xu hails from Fujian, a province that has seen more promotions to Beijing under president Xi, who spent his early career there. Xu led the exit-entry administration in the late 1990s, when a first phase of incorporating border control, previously part of the armed police forces, into exit-entry management was

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27 "国家移民管理局基本概况信息" [Basic information on the NIA], <https://www.nia.gov.cn/n741430/n741506/index.html> (accessed on September 12, 2019).

28 "国家移民管理局局长、副局长等领导简历" [C.V. of NIA director, vice-directors and other leadership], 国务院部委人物库, <http://www.ce.cn/ztpd/xwzt/2013bw/gjymglj/> (accessed on December 15, 2019).

piloted in nine cities. The reform, which the NIA now completes, is making border management more professionalized as its personnel is stationed for longer periods than armed police (N-O3, 5/2019; G-O3, 5/2019).

In accordance with its promoted ranking, the NIA is entitled to more resources. Its budget (24.7 billion yuan or \$3.45 billion in 2019) is larger than previous exit-entry and border control expenditure.<sup>29</sup> However, its sub-ministerial status means it cannot issue laws and limits its abilities to coordinate with departments higher in ranking. A planned inclusion of part of the Foreign Experts' Bureau (the rest of which during the 2018 reform was placed within the Ministry of Science and Technology)<sup>30</sup> was stalled (N-R5, 4/2019). Most of the NIA's newly assembled staff of around 300 come from within the exit-entry and border systems or are hired from new cohorts of officials (N-O2, 5/2019).<sup>31</sup> While the 2012 exit-entry law lists both the MPS and the MFA as the main actors responsible for exit-entry management, with the NIA, the MPS consolidates its position as the key government actor on immigration, at least on paper.

The NIA's establishment solves the issue of who is responsible for immigration affairs within the Chinese bureaucracy, the absence of which previously hindered many reforms (Gao 2020). Now, a specialized department exists (归口管理). However, in its current form two aspects of the NIA's institutional make-up make taking up a role as a core department more difficult: its relationship with exit-entry management authorities at lower government levels, which continue to be horizontally managed as part of the public security apparatus, and its ties with other departments governing foreigner-related affairs. Both aspects point to continuity with previous management practices and the challenges of effective central-local and interdepartmental coordination they faced (Weng and Bi 2006). Following significant internal debate in its first year (Ding *et al.* 2019; Lin 2019), the NIA will not be complemented by 'immigration management' offices at the subnational level.<sup>32</sup> It should vertically "lead" border authorities, previously centrally managed by the MPS, and "guide" existing exit-entry management authorities.<sup>33</sup> This outcome leads to an "exceptional" (Zhang 2019) situation in the Chinese government system, in which a national-level administrative entity does not

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29 "国家移民管理局 2019 年部门预算" [National Immigration Administration 2019 budget], Ministry of Finance, April 2019, [http://www.mof.gov.cn/zyjsgkpt/zybmyjs/bmys/bumenyusuan/index\\_2.html](http://www.mof.gov.cn/zyjsgkpt/zybmyjs/bmys/bumenyusuan/index_2.html). Little detail is provided on the 2019 budget due to "incomplete reforms". It is much higher than earlier exit-entry management budgets (e.g. \$328 million of the central-level MPS budget in 2014). However, since the border management budget, now included in the NIA figure, was previously not published, it is unclear by what amount total resources for immigration management increased under the NIA.

30 In March 2023, the Foreign Experts' Bureau's mandate to "recruit foreign expertise" was moved again to the Ministry of Human Resources and Social Security.

31 "国家移民管理局2019年度公务员招考简章" [NIA 2019 recruitment guidelines], <http://www.sh-immigration.gov.cn/uploadfile/201810241049792e5G.xls> (accessed on September 12, 2019).

32 "Immigration service centers" are planned for areas with relatively high concentrations of foreigners.

33 国家移民管理局基本概况信息 [Basic information on the NIA], <https://www.nia.gov.cn/n741430/n741506/index.html> (accessed on September 12, 2019).

share a name with lower-level entities. The continuation of a mixed management arrangement for local immigration authorities is considered necessary to effective local police functioning, but also signals that the NIA's mandate for centralization of local exit-entry work is limited. Researchers and local exit-entry officials note that this outcome reflects regional and local disparities in the existing capacity and perceived need for specialized immigration work (N-O1, 11/2019; N-R14, 12/2019).

Second, it is unclear how the NIA fulfills its role as a coordinator of government-wide immigration affairs, a core task. It has set up a new coordination mechanism for visa affairs, previously primarily the domain of the Ministry of Foreign Affairs, with others planned (NIA 2019a). The main difference with previous interdepartmental coordination is that the NIA will act as the leading department on most immigration-related affairs. Previous coordination mechanisms were each led by the department most involved in a policy area (N-R14, 12/2019). The NIA's relatively low bureaucratic ranking makes the transferal of coordination tasks that this organizational shift requires difficult.

Still, the NIA's stated aim to strengthen and coordinate top-down command, or to manage the "over 100,000" people working within nationwide exit-entry and border systems, as one NIA official put it, does not go unfelt. Exit-entry officials in Shanghai, with the largest number of foreigners in China an influential local player, speak of more directives coming from "above" (S-O1, 3/2019). In the border region of Guangxi, officials and other experts note tightening border management (G-O3, 5/2019). (A plan to centralize border control was among the NIA's first (internal) publications (Liu 2019).) In Beijing, an NIA-introduced information system replaced a superior local system, leading to "administrative conflict" (N-O1, 11/2019).

The NIA's national-level institutionalization reflects the strong hold public security authorities maintain over the management of Chinese immigration affairs, following an unexpected top-down reform. Its relatively decentralized subnational management structure points to the continued centrality of local variation in foreigner management.

### *c. Discourse*

More than institutional reforms, it is the NIA's name and policy language that have stood out. Since its establishment, the Chinese government has started to use the term 移民 (*yimin*) to refer to international 'immigration' (or 'immigrant(s)', depending on the context). Prior to April 2018 the term had only appeared several times in policy text.<sup>34</sup> Now it is a key term in NIA statements: the agency will improve "immigration service" and build a "efficient, transparent, humane and open immigration management

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34 First in the 2016 "Opinions on strengthening service and management for foreigners' permanent residence" (关于加强外国人永久居留服务管理的意见) See State Council (2016).

environment” (MPS 2019). A national immigration service center will explore services to boost “social integration” – another newly popularized term – for “incoming immigrant settlers.”<sup>35</sup> Legal documents continue to refer to “foreigners” rather than “immigrants,” but “移民” is increasingly added on to other terms, replacing previously common combinations like “foreigner management”. In daily referral to the NIA, the “national immigration management agency” to which its Chinese name literally translates usually goes by a simple 移民局 (*yiminju* immigration agency).

Despite its frequent use, ‘移民’ remains undefined, and appears in no existing law on foreigner management. While experts have long used it, one reason it was not included in the 2012 exit-entry management law were its previous usage conventions (Zhang 2010). Rather than referring to international migrants, in China the term was more common in academic discourse on internal migration and in state discourse on Chinese citizens displaced by state projects requiring large-scale relocations like the Three Gorges Dam (Zhang 2010). Local government “immigration bureaus” in charge of relocation affairs still exist throughout the country.<sup>36</sup> In the search results of Chinese web search engine Baidu, the word is more likely to occur in the context of relocated Chinese citizens (e.g. 水库移民) and emigration (e.g. 移民海外) than as a term for foreigners in China.<sup>37</sup>

This context makes the discursive shift the NIA has introduced all the more significant. As NIA official Shen Yibo put it at a 2018 conference on immigration law: using 移民 in the context of international immigration is a new 提法 or set formulation in official discourse. According to Shen, new term meant that the Chinese government now acknowledges the country is a “destination country” (目的国) for foreign migrants. However, this did not mean the government considers China an “immigration country” (移民国家).<sup>38</sup> The distinction, recurring throughout my interviews, shows the continued sensitivity of the term ‘immigration’ and especially the ‘immigration country’ label. Officials and experts routinely contrast China with Western immigrant-receiving countries with large migrant populations. Including ‘immigration’ in the NIA’s name, they note, puts China’s approach to immigration more in line with international practice and legitimizes efforts to develop an immigration law, which would require a definition of the term that fits the Chinese context.

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35 “国家移民管理局启动移民事务服务中心筹建工作” [NIA starts preparation work for immigration affairs service center], *Xinhua*, January 24, 2019, [http://www.xinhuanet.com/politics/2019-01/24/c\\_1124038981.htm](http://www.xinhuanet.com/politics/2019-01/24/c_1124038981.htm)

36 For an example, see the website of the Nanyang city immigration office (南阳市移民局): <http://ymj.nanyang.gov.cn/> (accessed on December 15, 2019).

37 Baidu.com (accessed on December 12, 2019).

38 “The 2018 Conference on Global Talent Mobility, Migration, and Migration Law 2018,” Center for China and Globalization, June 9, 2018.

A product of political reform in the Xi era, the NIA sounds more proactive and political than previous immigration authorities (e.g. Yang 2012). In a January 2019 speech, MPS minister Zhao Kezhi speaks of the NIA as a “beautiful name card” and calls for policy thinktanks to produce immigration management theory and policy research that fits Chinese socialism. The NIA’s mission is to explore a “new path for immigration management with Chinese characteristics” (MPS 2019). An NIA spokesperson emphasized the agency’s role boosting the country’s “big power image” by sharing information and cooperating internationally.<sup>39</sup>

The agency’s online self-presentation matches this new tone. Since early 2019, the NIA publishes daily articles and messages on its social media accounts. These Chinese-language posts range from news on new policies and official responses to immigration-related public controversy to cartoons on how to stay on the right side of the law (“A foreign friend visiting?”)<sup>40</sup> and music videos produced by border control stations. When a foreign employee of the Chinese Academy of Social Sciences was fired over racist remarks, the NIA wrote on Weibo that “mutual respect” is the precondition of China’s open borders.<sup>41</sup> Articles emphasize the agency’s “holy task” to protect the border and select the right migrants (“bringing in talent, kicking out trash”), while also noting the “normalcy” of migration in an era of globalization.<sup>42</sup> A video published on the occasion of the NIA’s first “birthday” ends a summary of exit-entry policies stating that “I am still very young, I am working hard on my service, although I am not perfect yet.”<sup>43</sup> The alternating playful and patriotic tone is typical of the way the Chinese government is adapting government messaging to social media (Repnikova and Fang 2018), a strategy that for immigration policy forms a marked difference with the regularly outdated websites of the exit-entry apparatus.

#### **d. Policy agenda**

Reflecting its merge of exit-entry and border authorities, NIA policy statements so far emphasize border security, selecting and serving the foreign migrants China needs, and building new immigration management systems and mechanisms befitting the ‘new era’ (MPS 2019; NIA 2020). An overview of 70 years immigration management

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39 “用心擦亮“国门名片” [Carefully polishing ‘the national gateway’s name card’], 经济日报, May 15, 2018, [http://www.gov.cn/xinwen/2018-05/15/content\\_5291015.htm](http://www.gov.cn/xinwen/2018-05/15/content_5291015.htm).

40 “家里来了位外国朋友?” [A foreign friend visiting?], NIA, July 7, 2019, <https://mp.weixin.qq.com/s/QEHXcNJ8WmmSCFF1j9By-g>.

41 “中科院辱华外国人被责令离境，移民管理局的留言亮了！” [CASS foreigner who insulted China is expelled – NIA offers excellent response!], *Beijing Daily*, November 8, 2019, <https://news.sina.com.cn/o/2019-11-08/doc-iicezzrr8193513.shtml>.

42 “国家安全的第一道防线上，2019年将发生这些大事！” [At the frontline of national security, these big things will happen in 2019], 长安君, January 26, 2019, [https://mp.weixin.qq.com/s/dk594QBtZITbobD\\_9QZltw](https://mp.weixin.qq.com/s/dk594QBtZITbobD_9QZltw).

43 “这是我一年来的成绩单，请查收！” [This is my report card for this year, have a look!], NIA, April 13, 2019, [https://mp.weixin.qq.com/s/-ZPmJ\\_XWaxe32seEb2Bt\\_g](https://mp.weixin.qq.com/s/-ZPmJ_XWaxe32seEb2Bt_g).

published at the occasion of the PRC's 2019 anniversary puts the agency in the historical context of protecting China's sovereignty against foreign threat. It notes that in addition to "traditional" issues of safety and rights, its agenda now includes promoting development and integration, and deepening rule-based governance (NIA 2019a). Goals become most concrete on the issue of legal reform, which should include revising and integrating "over 130" relevant laws and regulations (NIA 2019a).

Policy reforms have been focused in traditional exit-entry policy areas, that target both foreign and Chinese citizens. The NIA's first annual policy review emphasizes improvements in exit-entry services for mainland Chinese citizens include shorter lines at customs, more online services and nationwide passport application (NIA 2019a). In 2019, policies maintaining "political and border security" received more emphasis (NIA 2020), including increases in the detention and deportation of illegal foreign residents. Another area of emphasis has been the national integration of information technology systems, in 2016 still considered a major bottleneck within exit-entry management (Bai 2019). Databases for foreigners, such as the temporary residence registration system for foreign nationals (searchable nationwide since 2018), have also been upgraded (G-O3, 5/2019). Media reports also highlight border searches and detentions of non-PRC nationals at border crossings.<sup>44</sup>

The NIA's commitment to a broader immigration agenda has been most visible in a range of policies relaxing visa requirements and expanding services for highly skilled foreign nationals. This included the country's first "immigration service center" opening in Shanghai in September 2019, and the introduction of a salary threshold to qualify for multi-year of permanent residency. While local exit-entry and human resources officials note the increased importance of foreign management and talent attraction to their work evaluations, an on-going trend to which NIA oversight contributes, local discretion on how proactively these measures are implemented remain significant (Speelman 2019). The NIA's first foreigner-related legal proposal, new regulations for foreign permanent residency opening up the status to a larger pool of long-term foreign residents, was released for public comment in February 2020. Following a critical public response to the draft regulations, the agency noted that worries about a rapid increase in immigration would be considered in a revised draft.<sup>45</sup>

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44 e.g. Hilary Osborne, and Sam Cutler, "Chinese border guards put secret surveillance app on tourists' phones," *The Guardian*, July 2, 2019, <https://www.theguardian.com/world/2019/jul/02/chinese-border-guards-surveillance-app-tourists-phones>; Simon Cheng, "For the Record: An Enemy of the State," November 20, 2019, <https://www.facebook.com/notes/cheng-man-kit/for-the-record-an-enemy-of-the-state/2490959950941845/>

45 "两部门:对外国人永久居留管理条例将广泛听取认真吸收公众意见" [Two departments: Public input on the draft regulations on foreigners' permanent residency management will be widely heard and actively considered], *新华*, March 7, 2020. [http://www.xinhuanet.com/2020-03/07/c\\_1125676901.htm](http://www.xinhuanet.com/2020-03/07/c_1125676901.htm).

Finally, the NIA has started to participate in international migration activities, previously primarily the domain of the MFA. One NIA official enthusiastically shared their experience joining the Chinese diplomatic delegation that signed the 2018 UN Migration Pact summit in Marrakesh, a mission that experts say illustrates growing Chinese interest in international migration cooperation (N-O2, 5/2019; N-R2, 2/2019). Chinese diplomats have said the new global pact will influence the country's future immigration agenda (Zhang and Geiger 2020: 163). While research of international immigration cooperation on China's policy development has just started (Zhang and Geiger 2020: 160), state discourse on the inevitability of engaging in global immigration governance and the NIA's policy emphasis on border security and market-led talent migration<sup>46</sup> line up with trends in globally dominant discourse on migration management (Pécoud 2020: 15).

## 5. Evaluating the NIA: “Overdue” and “controversial”

Most China's immigration experts operate within a shared reform-minded framework. All agree that China is transitioning from primarily being an immigrant-sending country to also being an immigrant destination (a view that became official with the establishment of the NIA), and that the state has not yet adjusted to this new role. Part of a small and interconnected base of specialists, their evaluations of the NIA provide insight into what is at stake for Chinese immigration reforms following its establishment.

The NIA's arrival is seen as progress by experts working both in and outside the state system. As a dedicated institution adopting an updated discourse, the NIA brings China's approach to immigration more in line with international standards. Its arrival raises the need for an integrated management system to a “state-level” issue that can spur reforms despite the current lack of an immigration law or long-term strategy.<sup>47</sup> However, many express disappointment that the NIA was placed under the MPS, rather than directly under the State Council. In a common response, police academy professors Ye and Song suggest this is temporary and that the agency should eventually become independent to work effectively (2019).

Researchers from various backgrounds note that structural reform of central-local relations within the exit-entry administration has once again been shelved. They say this reflects both different institutional interests between levels of government, and different needs between regions with different types and quantities of foreign migrants. As the delay in integration with other departments shows, existing difficulties with coordinating

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46 “国家安全的第一道防线上, 2019年将发生这些大事!” [At the frontline of national security, these big things will happen in 2019], 长安君, January 26, 2019, [https://mp.weixin.qq.com/s/dk594QBtZITbobD\\_9QZItw](https://mp.weixin.qq.com/s/dk594QBtZITbobD_9QZItw).

47 Niu Jicheng 牛继承, “从我们不熟悉的“永久居留权”谈起” [Discussing the unfamiliar ‘right to permanent residency’], *MigrationView*, March 1, 2020, <https://mp.weixin.qq.com/s/rptXLXhHy6f9Np0uzLmkYQ>.

different government agendas will persist in the absence of a supra-departmental leadership mechanism (such as a leadership small group) (N-R14, 12/2019, email). Zhang et al (2019) note that it would aid immigration reforms if services for foreign nationals were institutionally separated from Chinese citizens' passport and exit-entry services. Fitting with the findings in this analysis on the NIA's policy agenda so far, they argue that in the past decades, exit-entry management for Chinese nationals in has often been prioritized over foreigner exit-entry management ('重中管, 轻外管'), due to the numerical size of the Chinese population requiring exit-entry services, as well as the relative political sensitivity and complexity of immigration work. However, while the current reforms "signal" a rebalancing towards immigration reform, it is unclear if these longstanding practices, which extend to resource allocation, will be changed.

The NIA's lack of a legal mandate also makes taking up its roles more difficult, as its responsibilities, or even the term 'immigration,' are currently not mentioned in any law.<sup>48</sup> Updating the legal framework for immigration is therefore urgent, but also the NIA's "biggest challenge" (N-R5, 11/2019). It requires tackling the issue of defining China's stance on incoming migration, an issue that would have would have "long-term impact" (Shi 2019). As law specialists Liu Guofu and Weng Li, both among the first to study China's immigration law, write in a co-authored article: despite the NIA's establishment and China's signing of the UN Global Compact for Migration, "relevant authorities have not yet established a concept of international immigration" and mix terms like 'foreigner' and 'immigrant' and 'exit-entry management' and 'immigration management' without defining them (2019: 5).

While more liberal experts draw on international experience to argue China is missing out on globalization benefits,<sup>49</sup> critics of the current reform direction are less visible in the public sphere, making their views harder to access (N-R14, 12/2019, email). But it is clear that the NIA's establishment has led some to emphasize the sensitivity of foreign migration, both within the bureaucracy and among the general public. Some consider the term 'immigration' too confusing in the Chinese context, especially given that it cannot necessarily capture the Chinese state's position on mobility to and from HK, Macao and Taiwan (e.g. Zhang et al 2019). Others point to European and American immigration controversy to argue for caution. Demography expert Huang Wenzheng

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48 Following the publication of this chapter, this has changed with the adoption of the Land Borders Law (陆地国界法) and the Anti-Organized Crime Law (反有组织犯罪法) in 2021, both of which reference 'immigration management institutions.' A revision of the Exit-Entry law is still in progress. See also Zhang Baoping 张保平, "移民管理机构已入法, 移民法治建设需提速" [The immigration management institutions are now codified in law, efforts to build a legal immigration framework should now speed up], 边海境界, April 8, 2022, <https://mp.weixin.qq.com/s/A1DqXPqR1alzzcWe2mTiAw>

49 E.g. Wang Huiyao 王辉耀, "技术驱动全球化竞争中的中国应对" (China's response to technology-propelled global competition), 北京青年报, April 7, 2019, <http://www.chinanews.com/gn/2019/04-07/8802013.shtml>.



suggests deleting the term ‘immigration’ in the NIA’s name to appease critics,<sup>50</sup> while Mei Xinyu, a popular analyst affiliated with the Ministry of Commerce, writes that the NIA should avoid giving the impression that it encourages immigration.<sup>51</sup> The context of China’s recent history of controlling its domestic population size adds complexity to any significant liberalization of immigration (Li 2011: 323).

In the short term, some advise strengthening public education and more guiding of immigration-related public discourse to prepare society for immigration reform without unnecessarily “problematizing” them (e.g. Zhang 2019; Liu and Weng 2019: 6). Experts, especially those based at institutions with MPS ties, note the opportunity for developing a “Chinese” approach to immigration, with Chinese “immigrant introduction values” (Liang 2019). NIA officials have announced their interest in more expert input (e.g. Ge *et al.* 2019). In a first for national exit-entry authorities, the agency commissioned a detailed reform strategy from thinktank CCG, which explicitly aims to further China’s global integration. Several new or expanded research institutes also explicitly focus on international mobility into China, advertising their policy relevance and ability to “localize” international experience.<sup>52</sup> But while experts appreciate how NIA is stimulating debate, for now the absence of a long-term strategy which might kickstart legal and institutional reform is considered a key weakness. As one long-time legal researcher put it: “it was an opportunity without a plan” (N-R4, 4/2019).

## **6. Conclusion: The significance of the NIA for China’s immigration reform**

The case of the NIA shows how international migration is rising on the policy agenda of the Chinese government, which has started to view incoming migration in the context of its overall rise and global profile. Rather than seeing immigration as an inherently sensitive policy area, an attitude rooted in a tradition of controlling foreign influence, some parts of the bureaucracy now frame immigration issues as specific security and service challenges which expertise and experience can solve. An instrument in the execution of several Xi-era policy priorities, the NIA’s establishment opens a window for a more thorough reform of China’s immigration system, for which the emerging official vision is increasingly in sync with that of immigrant-receiving societies in other parts of the world: strengthened border security, more policy differentiation between wanted, tolerated and unwanted types of immigration, and concerns about how the

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50 Huang Wenzheng 黄文政, “Closing remarks,” Center for China and Globalization 2019 Conference on Global Migration and Talent Mobility, July 13, 2019.

51 Mei Xinyu 梅新育, 新组建的国家移民管理局应汲取前车之鉴 (Newly formed NIA should learn from the experience of others), 爱思想, March 18, 2018, <https://cj.sina.com.cn/articles/view/1642482194/61e64a120200055x1>

52 See for instance this introduction to the Guangdong University of Foreign Studies Center for International Migration Studies, established in 2016: <https://gjmyj.gdufs.edu.cn/zxjj/zxjj.htm>.

public receives immigration policies. However, as a top-down reform reflecting foremost a shift in national strategy, the NIA faces considerable institutional barriers, which hinders its ability to lead a conversation on a government-wide vision for immigration work.

Second, the development trajectory of the NIA provides an example of administrative reforms under president Xi Jinping, which have been ambitious but also face obstacles. The NIA displays many characteristics of reforms under Xi Jinping. Inspired by a top leadership vision to strengthen China's international position, its discourse ticks the boxes of increasing regime confidence and developing indigenous approaches to a particular policy area, in this case immigration (notably while remaining open to international expertise when useful). It could contribute to centralized command and the legal encoding of national interests, both priorities of current leadership. But during implementation, fundamental reforms are slow, with much visible effort going to improving government services and cutting red tape. Fragmentation of authority between different government departments and a risk-averse attitude within the bureaucracy under Xi contribute to this (Heilmann 2018; Teets *et al.* 2017). The national aid agency, also established during the 2018 State Council reforms, has run into similar issues.<sup>53</sup> The dynamics of establishing new government institutions in the Xi era can benefit from further study.

The NIA's uncertain bureaucratic clout and cautious implementation dynamics both contribute to a lag in on-the-ground effects on immigration governance. As discussed in this article, the first years of the NIA's operation show some evidence of more efficient policy implementation in priority areas and increased centralization. Its media output, targeted at Chinese nationals, is increasingly part of societal debate on foreign nationals in China. However, the new institution's policy mandate has mostly been limited to advancing already on-going governance trends, such as the increasingly restrictive immigration management for most foreigners (Cheuk 2019b: 5). How foreign migrants in China experience the NIA's arrival depends on the way domestic power dynamics, shifts in public opinion, and external trends are incorporated in future policy development and legal reform. Recent developments, from the politicization of US-China mobility to the public backlash to the NIA's legal proposal for an expanded permanent residency program, add to a climate in which security-oriented immigration reforms have more momentum than those aimed at deepening the country's economic globalization. During the COVID-19 pandemic, the NIA's "utmost priority" is epidemic control, with borders shut to a large majority of foreign nationals, suggesting other

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53 Marina Rudynak, "The ins and outs of China's international development Agency", Carnegie, September 2, 2019, <https://carnegieendowment.org/2019/09/03/ins-and-outs-of-china-s-international-development-agency-pub-79739>.

reforms are put on hold.<sup>54</sup> While longstanding characteristics of Chinese immigration management such as local variation in law enforcement remain, foreign migrants are facing an increasingly standardized, tightly managed immigration system.

Both the implementation of NIA-developed policies and the influence of individual factors on their development need further study. The same goes for policy debates on the future of immigration policy, which suggest that China's immigrant-receiving status is here to stay and might be studied both alongside other aspects of China's internationalization as well as trends in immigration politics worldwide. As this preliminary analysis of the NIA hopes to have shown, China's immigration politics provide a productive lens through which to study tensions between the country's official commitment to continued 'opening up', including to foreign migrants, and the security-oriented governance model emphasizing distinctions between 'foreign' and 'Chinese' spheres under president Xi Jinping.

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54 “移民管理部门要把防范境外疫情输入作为当前头等大事和最重要工作” (Immigration management authorities should take the prevention of imported cases as their utmost priority and most important work), NIA, April 10, 2020, [https://mp.weixin.qq.com/s/lMhChyem3NeBpBI\\_aJF9-A](https://mp.weixin.qq.com/s/lMhChyem3NeBpBI_aJF9-A).