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**Prospect of Policy of Foreigners of
Chinese Origin and Chinese Citizens
Who Reside in Foreign Country:
From the Perspective of Mass Influx**

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**Prospect of Policy of Foreigners of Chinese Origin
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Abstract

Since the establishment of People's Republic of China in 1949, there have been sporadic events of the influx of foreigners of Chinese origin and Chinese citizens who reside in foreign countries. Temporary protection is the temporary relief and assistance provided with influx of foreigners by receiving country as well the main protection for migrants in international society, To solve the issue of the influx of foreigners of Chinese origin and Chinese citizens who reside in foreign countries, separate policies need to be taken after distinguishing, foreigners of Chinese origin, Chinese citizens who reside in foreign countries and other foreigners as well with the reference of temporary protection of international society.

Keywords: mass influx; foreigners of Chinese origin; Chinese citizens who reside in foreign countries; refugee; temporary relief

Introduction

To date, there still exist instabilities around China's neighbors. Once conflict, civil war of neighboring countries or war breaks out between China and other countries, the foreigners of Chinese origin and Chinese citizens who reside in foreign countries may be affected and then move into China. There are some 60 million foreigners of Chinese origin and Chinese citizens who reside in foreign countries all over the world now, and among them nearly 78% live in Asia¹. To properly handle the relationship with foreigners of Chinese origin and Chinese citizens who reside in foreign countries, maintain the stability in the border regions in China, it is of great need to perfect the policy of the influx of foreigners of Chinese origin and Chinese citizens who reside in foreign countries, which will also be beneficial to maintain the normal order of the entry and exit, purify the public security with foreign elements and complete the policy of refugee affairs.

Resettlement of the Influx of Foreigners of Chinese Origin and Chinese Citizens who reside in Foreign Countries

Since the establishment of People's Republic of China in 1949, the influx of foreigners of Chinese origin and Chinese citizens who reside in foreign countries in large scale happens occasionally, forming the scale range of displaced persons. There were some 136 thousand foreigners of Chinese origin and Chinese citizens who reside in Indonesia and plenty of Chinese citizens who reside in India and Burma flocked to China in the 1960s. More than 280 thousand foreigners of Chinese origin and Chinese citizens who reside in Vietnam flocked to China from 1978 to 1988. In 1983, about 3,000 Chinese citizens who reside in Mongolia flocked to China². Since 2009, thousands of Chinese citizens who reside in the Kokang and Kachin of Burma flocked to China because of civil war. It may bring about complex diplomatic dilemma and the humanitarian crisis in China if the resettlement of foreigners of Chinese origin and Chinese citizens who reside in foreign countries is handled improperly.

The central government, China has done a lot in arranging the influx of foreigners of Chinese origin and Chinese citizens who reside in foreign countries. 7460 million dollars has been given as support for the resettlement of Indochinese refugees. More than 280 thousand Indochinese refugees live with local residents instead of in refugee camp, while the refugee children could receive the same education with local Chinese student³. In 2008, the

¹Yu, Xiaojie. (2014) About 60 million Overseas Chinese will jointly realize Chinese dream. Xinhua News Agency, (3 March).

²Huang, Xiaojian. (2005) The history and current situation of the returned overseas chinese. Hong Kong: Hong Kong Social Sciences Publishing House Ltd. P.51-57.

³Ye, Dong. (2001) The fiftieth anniversary of the UN convention on refugees. Beijing Youth Daily, 28 July.

State Council Leading Group for the Reception and Resettlement of Indochinese Refugee, China issued the policy document "The Management Method of Indochinese Refugees Circulating Funds Project". At the same year, after hearing the Ministry of Public Security's introduction in the administration of entry and exit, the Committee of Chinese Citizens who Permanently Reside in Foreign Countries, the National People's Congress make some suggestions at the forth plenary session that much more attention should be paid to study the problem of the household registration and ID card of the refugees who flocked into China due to the Chinese exclusion in Vietnam, making sure that they enjoy equal rights to Chinese citizens. The Ministry of Public Security attached great importance to these suggestions and achieved progress in promoting the work of refugees and Chinese citizens who reside in foreign countries. Research group was organized by the Committee of Overseas Chinese, National People's Congress in combination with the Ministry of Civil Affairs, the Ministry of Foreign Affairs and the Overseas Chinese Affairs Office of the State Council to solve more than 41,000 refugees' problems with household registration and ID card in Yunnan province¹. In addition to receiving and resettling Indochinese refugees, China also offered humanitarian assistance and necessary living facilities² to other influx of Chinese citizens who reside in foreign countries in large scale. Relief was also provided by aid organizations³.

Local governments actively explore the protection and the resettlement of the influx of foreigners of Chinese origin and Chinese citizens who reside in foreign countries. Yunnan province, for example, established the Emergency Preplan for Foreign Affairs in Yunnan Province according to the National Emergency Preplan for Foreign Affairs in 2004. The preplan stipulates that it would become the highest level incident named "level 7 emergency" when more than 500 foreigners in emergency, including 500, flock to China, while the supreme response procedures should be started. Those emergency response mechanisms are all conducted by the Yunnan Province Public Emergency Leading Group led by the governor of the province. When it involves the significant national public security, it must be reported to the superior or bypassed the immediate leadership to high levels led by the state council when it is necessary. In 2009, with Chinese citizens who reside in foreign countries from the Kokang region of Burma flocking to Yunnan, the Province immediately initiated the emergency response mechanism, carried out the resettlement and persuaded these foreigners to leave according to the plans. In 2010, Yunnan issued The Eight Opinions about Solving the Problems of the

¹Mao, Qixiong. (2013) 'Chinese major initiatives in the exit and entry administration rule of law related to overseas Chinese: view on the enactment of the 2012"Exit and Entry Administration Law"'. In: Guofu, Liu. and Zongkun, Liu eds. Exit and Entry Administration Law and International Immigration. Beijing: Law Press.

²Chen, Yiming and Wang, Panpan. (2012) Chinese government deny the comments human rights organization gives that China repatriate Burmese living on the frontiers compulsorily. Global Times, 25 August.

³Comprehensive CCTV coverage. (2012) Thousands of refugees swarm into China because of the Myanmar war. Xinkuai Newspaper. 9 February.

Indochinese Refugees in Production and Living, effectively improving their living conditions in life, health care and education. In 2011, Yunnan issued the Implementation Plan of Extending the Household Register for Part of Indochinese (Vietnamese) Refugees. Cooperating with Public Security Department, the Department of Civil Affairs in Yunnan Province issued household registers and ID cards for part of the Indochinese refugees, which helps these refugees to integrate into local communities¹.

The government authorities which are in charge of administration and the resettlement of influx of foreigners of Chinese origin and Chinese citizens who reside in foreign country have been established, while the Ministry of Civil Affairs (MCA), the Ministry of Foreign Affairs (MFA) and the Ministry of Public Security (MPS) are jointly responsible for migrants and refugees.

In addition, China had taken a positive and constructive part in international cooperation on issues of the influx of foreigners². In 1979, China signed with the UNHCR the agreement on Indochinese refugees project, accepting the economic assistance to Indochinese refugees. The UNHCR and the Chinese government had resettled more than 280,000 Indochinese refugees in 196 resettlements in Guangdong and other six provinces and autonomous regions. In 1994, the UNHCR halted the project of assistance free of charge to the Indo-Chinese, instead of circulation funds projects, and transferred the aid money to training. In 2005, the UNHCR stopped the Indochinese refugees training programs in China³. In 2006, Anotonio Guterres, the High Commissioner for the UNHCR, visited China, and met with the then state councilor TANG, Jiaxuan, the minister of the MFA LI, Zhaoxing, and other senior officials who is responsible for refugees from the MFA, the MPS, the MCA and the Ministry of Commerce. Guterres visited China again in 2010, and met with the then state councilor DAI, Bingguo and other senior officials in charge of the refugee.

The Challenges of the Policy of Influx of Foreigners of Chinese Origin and Chinese Citizens who reside in Foreign Countries

The Lack of the Law on the Foreigners of Chinese Origin and Chinese Citizens Who Reside in Foreign Countries

The lack of the law for the foreigners of Chinese origin and Chinese citizens who reside in foreign countries are detrimental to finding a solution to the issue of the influx of foreigners. In China, One case-One method, without

¹Civil Affairs Department of Yunnan Province. (2010) The 2009 work summary and 2010 work plan from the Foreign Cooperation Department of Civil Affairs Department of Yunnan Province. Available at: <http://yunnan.mca.gov.cn/article/jhgh/201003/20100300060789.shtml>. (Accessed 25 March 2013)

²Office of Guangdong Local Records. (1996) Guangdong Province records of overseas Chinese Guangzhou: Guangdong People's Publishing House. p.224.

³China's overseas Chinese network. (2008) Indochinese Refugee Resettlement Office of the State Council went to Guangxi for the investigation of refugee resettlement. Available at: <http://www.chinaqw.com/zgqj/qjdt/200812/10/141613.shtml> (Accessed 24 March 2013)

overall guidance of policies and laws, was adopted in dealing with the foreigners of Chinese origin and Chinese citizens who reside in foreign countries, on the base of circulating funds projects, emergency responses, contingency plan and relevant human rights international files and resettlement policy. In China, although “One case-One method” has the advantage of quite flexible and elastic, resettlement project need to be updated every time, which will increase the administration cost, weaken the authority of law and have negative impact on international cooperation. In the late 1970s, foreigners of Chinese origin and Chinese citizens who reside in Vietnam flocked to China. The base to deal with the refugees were policy files such as the Administration for the Circulating Funds Project Aiming at Indochinese In China issued by the State Council Leading Group for the Reception and Resettlement of Indochinese Refugee in 2008, Implementation Plan Of Extending The Household Register For Part Of Indochinese Refugees (Vietnam) issued by Yunnan Province in 2011 and Opinions on Solving the Youth Employment of the Returned Chinese Citizens Who Reside in Foreign Countries Refugees By the Guangdong Foreign Trade and Economic Cooperation Department and Other Departments and so on. Since 2009, the influx of the foreigners of Chinese origin and Chinese citizens who reside in in Burma, the government to deal with the refugees based on the Law f Contingency issued in 2007, the National Public Emergency Contingency Plan issued in 2006, the Overall Emergency Plan for Disposing the Army Emergencies issued in 2006, the Overall Contingency Plans for Public Emergency in Yunnan Province issued in 2005, and the Contingency Plans Concerning Foreign Affairs in Yunnan Province issued in 2005. In addition, China also provide humanitarian aid to the massive influx of Chinese citizens who reside in foreign countries in accordance with relevant international human rights documents and assistance for repatriation.

The Problem of Indochinese Refugee Still Remains Unsolved

The lack of the law on the foreigners of Chinese origin and Chinese citizens who reside in foreign countries makes the problem of Indochinese refugees fundamentally unresolved. According to the statistics of the UNHCR, there are a total of 301,018 refugees in China and 30 people seeking asylum as of January 2012¹, most of whom are Indochinese refugees. Many Indochinese refugees are faced with the citizenship and life difficulties, which affects the social stability² and brings certain burden to economy and society³. The nationality of the Indochinese cannot be solved because of the lack of the law for the foreigners of Chinese origin and Chinese citizens who reside in foreign

¹UNHCR. (2013) Statistical Snapshot China. Available at: <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487cd6&submit=GO> (Accessed 24 March 2013)

²Wu, Xi. (2010) ‘Refugee problem is the incentive of affecting the social stability in border areas of China: the research reports of refugee issues in Yunnan Hekou’, Yunnan Police Officer Academy, 2010(1): p.99-104.

³Xiao, Zhenyu. (2011) ‘Examining and consideration of the Indochinese refugee issues in Yunnan’, Journal of Yunnan University(Law edition), 2011(7): p.151.

countries¹. As these Indochinese cannot be localized, they cannot be integrated into the local communities². While Yunnan Province issued local policies of the resident status of the Indochinese, which has solved some problems of resident status³ of these people and help them integrated into the local communities, the lack of central policies makes these people not being treated as local citizens in other provinces. In December 2011 on the ministerial meeting to commemorate the 60th anniversary of the convention on refugees, the then ambassador to Geneva delegation, HE, Yafei, on behalf of China committed “to provide good condition for Indochinese in China and finally solve the problem of Indochinese in China”⁴.

Some Citizen, Organizations and States Misunderstand and Even Condemn China

As the lack of the law on the foreigners of Chinese origin and Chinese citizens who reside in foreign countries, the openness and transparency is not enough when dealing with these problems, some people, organizations and states misunderstand and even condemn China⁵. Tens of thousands in Kokang and Kachin area border, Burma flocked to China since 2009. Due to historical reasons, most of them are Chinese citizens who reside in foreign countries. In August 2009, the Burmese Kokang armed confrontation and conflict, about 37,000 people in border area flocked to China, affected the normal production and life order of the border region. Among these people, 13,000 people received aids from the government, some joined relatives and friends to find a means of living, and some Chinese border returned home. The government of Yunnan Province and Lincang government opened seven settlements, provided thousands of tents and Yunnan Province added to 10 million Yuan⁶. The Kachin area in Burma is faced with civil wars from 2011 to 2013, the Kachin people, which belongs to the same people as the Jingpo people in China,

¹Ding, Buzhi. (2009) A silence group existing for 30 years: 300,000 refugees living in China. Southern Weekly, 15 October.

²In the *Opinions on Solving the Youth Employment of the Returned Overseas Chinese Refugees* 2001, The general office of Guangdong province noted that it would be significant to improve the living conditions of returned overseas Chinese refugees, accelerate the pace of becoming rich and promote the stability and development of overseas Chinese farm by solving the problems of their employment issues.

³Civil Affairs Department of Yunnan Province. (2010) The 2009 work summary and 2010 work plan from the Foreign Cooperation Department of Civil Affairs Department of Yunnan Province. Available at: <http://yunnan.mca.gov.cn/article/jhgh/201003/20100300060789.shtml>. (Accessed 25 March 2013)

⁴Statement by Ambassador He Yafei at the 60th Annual Ministerial Conference to the Convention Relating to the Status of Refugees. (2011) Available at: <http://www.fmprc.gov.cn/ce/cegv/chn/tpxw/t885655.htm> (Accessed 25 March 2013)

⁵UNHCR expressed concern over Myanmar refugees repatriated by China. (2012) China network. Available at: http://www.china.com.cn/international/txt/2012-09/09/content_26473099.htm (Accessed 24 March 2013)

⁶Yan, Wang. (2009) Three shells belonged to Myanmar which were launched into Chinese border caused 1 dead and 2 injured. Xinhua net, 30 August. Available from <http://china.huanqiu.com/roll/2009-08/561698.html> (Accessed 28 March 2013)

flocked to the border areas of China. As of June 2012, a year later after ceasefire was broken, there are at least 66 settlements in Yunnan border area which are for more than 80,000 refugees.

In September 2012, the UNHCR proposed that about more than 5,000 Burmese were repatriated to unsafe region of Kachin, many of whom were children. The United Nations paid great attention to it. The rights group Human Rights Watch, the headquarters of which is located in New York, alleged in August 2012 that the investigators found that China ignored a massive forced repatriation of Burmese refugees and about 4,000 Burmese refugees were forced to leave Yunnan¹. The Information Department of China's foreign ministry rejected this claim when they were interviewed by a Global Times reporter in August 2012. Some Myanmar returned to Burma at their own will, no "China pressure" existing².

The Refugee Work is in Passive Situation

The lack of the law on the foreigners of Chinese origin and Chinese citizens who reside in foreign countries means that the relevant work to the foreigners of Chinese origin and Chinese citizens who reside in foreign countries is transferred to the UNHCR in fact, which affects the sovereignty of our country to some extent and weakens the authority of the Law of Exit and Entry Administration 2012, making the refugee work in a passive situation³. If foreigners intend to enter and stay in China, no matter legally or illegally, they only need to apply to China office of the UNHCR, which recognizes refugee applications and resettle those identified as a refugee, rather than China government department. The legal status of the foreigner applying for refugee is quite fuzzy during the period of asylum seeker and indentified refugee. It means that the fusion ability is insufficient and induces illegal and criminal activities, increases social burden and security hidden dangers. Moreover, who were recognized as refugee by China office of the UNHCR may not meet with Chinese interests. The legal effect of the documents they assigned for refugees may be unclear. Some asylum seekers and refugees holding certification by the UNHCR don't transact visa or residence permit in accordance with the laws of regulations in a timely manner, causing illegally inhabitation.

¹UNHCR expressed concern over Myanmar refugees repatriated by China. (2012) China network. Available at: http://www.china.com.cn/international/txt/2012-09/09/content_26473099.htm (Accessed 24 March 2013)

²Chen, Yiming and Wang, Panpan. (2012) Chinese government deny the comments human rights organization gives that China repatriate Burmese living on the frontiers compulsorily. Global Times, 25 August.

³Wang, Yuanjun. (2005) 'Reflections on establishing the legal system on protecting Chinese refugees'. Policing Studies, 2005(12): p.47.

Prospect of Policy of Foreigners of Chinese Origin and Chinese Citizens who reside in Foreign Countries

Practical Program to Solve the Issue of the Influx of Foreigners around the World: Temporary Relief

To grant refugee status, to realize local integration or to process voluntary repatriation are all the ways to solve the issue of the influx of foreigners. Temporary relief is not only suitable but also a more pragmatic solution than the solving ways mentioned above. Temporary relief means the influx of foreigners would be protected and supported by the recipient nation temporarily. Both of the principle of non-refoulement and the principle of international cooperation are the legal basis of temporary relief. Temporality is not merely the most fundamental feature but also the principal advantage of temporary relief for the influx of foreigners, which is dominated by the result of the influx of foreigners and the dilemma in which recipient nation is. There are few international documents making provisions about personnel status or national obligation for temporary relief. The influx of foreigners has the basic rights as human beings. Some conventions and declarations or other international documents formulate part of the rights that the influx of foreigners should have in the temporary relief as well.

Temporary Relief to the Foreigners of Chinese Origin Who Are Unwilling or Not Eligible to Restore Nationality¹

Temporary relief is provided with the influx foreigners with Chinese originality, to whom are unable or unwilling to restore Chinese nationality, as well as to whom are willing to restore but no original certificates to provide. Meanwhile, it should be demonstrated to the international community that the relief Chinese government provides is temporarily rather than the ultimate solution. Chinese government respect their humanitarian needs and ensure their basic rights as foreigners, such as the right of non-return, yet apparently they do not have the rights of Chinese citizens and foreigners based on the status of refugees. The government would send the foreigners back to their original countries or states being willing to receive when the reasons causing influx, such as political events, armed conflicts or wars have come to an end.

Appropriate temporary relief is provided with the foreigners who are unwilling to restore Chinese nationality or cannot meet the conditions of nationality restoration. These foreigners of Chinese origin are unfortunate and miserable that should get sympathy and understanding from the international community and China. From the circumstances of settlement in China, this group is lack of capacity to adapt to China and they are not quite willing to integrate into the local community. China should learn the political, legal and regulatory systems of dealing with the influx of foreigners from the

¹The article 2 of the Rules on the Demarcation of Identity for Overseas Chinese and Returned Overseas Chinese and Relatives from Overseas Chinese Affairs Office of the State Council 2008 stipulates that foreign Chinese refer to the foreign descent of Chinese citizens; original Chinese citizens and their foreign descent who have foreign nationality.

international community and explore the suitable ways in current circumstances, being pioneering and innovative. For instance, to screen their identities in time and to grasp the overall situation firstly; to improve administration capacity and to strengthen the capacity of information administration; to research carefully and to make scientific decisions accurately; to visit regularly and to manage dynamically and strictly; to realize humanistic care and to publicize actively; to strengthen the cooperation of departments and to promote the information communication.

China would actively participate in international cooperation on the influx of foreigners. It would be difficult for China to protect the influx of foreigners by itself, thus the support from international community is in need. The government should broaden the channels of international cooperation to receive support and assistance. The UNHCR Executive Committee noted in the No.19 Conclusion that the international community should provide assistance immediately according to the principle of equitable burden-sharing once a country is confronted with massive influx due to geographical reasons.

Add the Category of Refugees for Permanent Residence, Allowing the Persecuted Chinese to Settle Down in China

Establish the system of permanent residence for refugees to apply to the foreigners recognized as refugees who live in China successively for 5 years. The vast majority of the influx of foreigners that China historically has received are persecuted Chinese. Adding the category of refugees for permanent residence could provide the persecution of Chinese who are unwilling or not eligible to restore nationality with legal basis to settle down in China, which would be beneficial to take precautions to deal with refugee returnees. It is also connected with article 46 in the Law of Exit and Entry Administration, China 2012 that Foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs. It does not influence the Chinese initiative in the areas of asylum foreigners to establish the system of permanent residence for refugees. China could set the conditions and procedures to control the objects and scales of permanent residence for refugees.

Permanent residence for refugees is allowed in a vast majority of countries throughout the world. For instance, foreigners who got refugee status and had lived after some years in that country would be allowed to apply for the right of permanent residence. E.g., 3 years in Germany, 5 years in Japan, and only 1 year in America. Even in Australia, the right of permanent residence would be afforded at the same time of the refugee status permitted. The fallback provision of article 13 in the Regulations of Foreigners Permanent Residence drafted on August 30th 2013 stipulates that foreigners living in the Chinese territory for permanent residence due to the humanism or other reasons may apply for permanent residence status in accordance with the regulations,

provided that it is in line with the China's economic and social developments or the national interest. However, this article is not the clear provision for permanent residence for refugees.

Restore the Chinese Nationality of Foreigners of Chinese Origin who are Eligible

Restore the Chinese nationality of foreigners of Chinese origin who are eligible, granting them as Chinese citizens, to transform the international problems into domestic issues, which would help the Chinese government to bail out when foreign countries take actions of discrimination, suppression and persecution to foreigners of Chinese origin. It could be designed to restore Chinese nationality from avoiding international disputes, connecting with China closely and independence or other respects, so as to mitigate the economic and social burden that restoration of nationality bring about. For example, these people no longer have the original nationality have gotten Chinese nationality once within 50 years before the submission of nationality restoration application. Besides, they should understand Chinese, having received high school or higher education and have enough assets to afford to live in a year. The foreigners of Chinese origin wouldn't have to provide proof of original nationality when they are applying to restore Chinese nationality. Elimination of original nationality embodies the principle of single nationality. "Having gotten Chinese nationality once with 50 years before submitting" would assure that applicant has close connection with China and they could submit their applications in their lifetime. The other requirements assure that the applicants who are self-supporting won't bring economic and social burden to China.

Transact the restoration of Chinese nationality for foreigners of Chinese origin regularly. It is not temporary work but regular work, which would help to avoid massive influx to the intensive applications for restoration of Chinese nationality and would be beneficial to disperse pressure into each period that people who restore Chinese nationality bring about. The other countries usually adopt regular transaction when they allow their descendants to restore their own nationality. The Republic of Federal German allows foreigner of Germany origin living in the Republic of Democratic German and the Soviet Union to restore their Germany nationalities unconditionally, as long as they are proved to be German ever or the man with Germany descent. Encouraging Jewish people to immigrate and integrate is one of the basic national policies of Israel. The Declaration of Independence of the State, Israel 1948 stipulates that Israel would open the gates of homeland wide to every Jew. The article 2 in the Israeli Nationality Law 1950 amended in 1968 stipulates that migrant immigrants have the right to acquire Israeli nationality under the Law of Return in 1950 amended in 1970. The personnel who immigrate into Israel acquire the nationality from the date of migrating after the founding of state. Immigrants who obtain the permits of migrating acquire the Israeli nationality from the date of issuing.

Transact the Applications for Chinese Citizens Who Reside in Foreign Countries to Resettle Back Home in Priority¹

In order to make the Chinese citizens who reside in foreign countries live and work like the domestic residents, the relevant authorities need to preferentially transact the applications for settlement conformed with “the work rules for Chinese citizens who reside in foreign countries to settle in” issued by Overseas Chinese Office of the State Council, MFA and MPS in 2013, restore the household registration and issue the identity cards. Although the Chinese citizens who reside in foreign countries could freely enter and exit the Chinese border and live in China without deadline, they will encounter lots of inconvenience and obstacles dealing with daily affairs in the territory on account of not having household registration and identity cards. Even though the article 46 in Law of Exit and Entry Administration, China 2012 stipulates that the Chinese citizen residing abroad could present his passports to prove his identity when he need to provide certificate of identity in applying for finance, education, health care, transportation, telecommunications, social insurance, property registration and other affairs in the Chinese territory. However, this provision doesn’t solve the short-term return of Chinese citizens who reside in foreign countries basically since the change of passport numbers; passport and identity card are different in content.

Give the Corresponding Social Security to the Influx of Chinese Citizens who Reside in Foreign Countries

The Chinese government could provide corresponding social security to the influx of Chinese citizens who reside in foreign countries taking their circumstances into consideration in accordance with the existing rules of the social security. The Chinese citizens who reside in foreign countries have the rights to social security including social insurance and social assistance as Chinese citizens. It is a national treatment to provide Chinese citizens who reside in foreign countries with the social security, which might be superior to the temporary relief providing to foreigners of Chinese origin theoretically. The Chinese citizens who reside in foreign countries settling down in abroad are unlikely to pay the insurance premium since the social insurance is based on payment. As a result, they could only get the social assistance in fact. In order to cover the shortage of social assistance, it should be allowable that Chinese citizens who reside in foreign countries could get temporary relief in addition as the foreigners of Chinese origin do.

¹The article 1 in *Rules on the Demarcation Of Identity For Overseas Chinese and Returned Overseas Chinese and Their Relatives 2008* issued by Overseas Chinese Affairs Office of the State Council 2009 stipulates that overseas Chinese refer to Chinese citizens residing abroad permanently.