

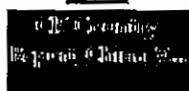
From: s47E(c) and s 47E(d)
Sent: Friday, 16 January 2015 12:16 PM
To: s47E(c) and s
Cc: 47E(d)
Subject: CIS Country Report_China_Version2 (including posts comments and updates January 2015) [SEC=]

s47E(c) and s 47E(d)

Thanks for the opportunity to take a look. As discussed, the very existence of this report is an outstanding achievement. Fine to go to post from my point of view, but I've included a few comments and suggestions in tracked changes for your consideration. Happy to discuss with you and which examples we might press to have included.

s 47E(d), s 47E(c)

Cheers
s47E(c) and s 47E(d)



From: s 47E(d) and s 47E(c)
Sent: Friday, 20 February 2015 11:56 AM
To: s 47E(d) and s 47E(c) @immi.gov.au)s 47E(d) and s 47E(c)
 @immi.gov.au)
Cc: s 47E(d) and s 47E(c)
Subject: DFAT Reports on China [SEC= [REDACTED]]

Dear s 47E(d) and s 47E(c)

Please find attached two DFAT reports on China which have so far been cleared by a number of senior colleagues in the department. The reports are attached for your information, ahead of their final stages of clearance and release expected over the next week or so.

Best regards,

s 47E(d) and s 47E(c)

Country Information Section
 Human Rights and Gender Equality Branch | Multilateral Policy Division
 Department of Foreign Affairs and Trade
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150219_Download150219_Download
 version_China ... version - Chin...

From: s 47E(d) and s 47E(c)
Sent: Tuesday, 3 March 2015 9:08 AM
To: s 47E(d) and s 47E(c) @immi.gov.au
Cc: s 47E(d) and s 47E(c)
Subject: Release of DFAT Reports - China Country and Thematic Reports
[SEC= [REDACTED]]

s 47E(d) and s 47E(c)

Please find attached for release to decision makers through upload onto CISNET a DFAT Country Report on China and a Thematic Report on Unregistered Religious Organisations and Other Groups prepared exclusively for protection purposes in accordance with MD 56 under s499 of the Migration Act.

Best regards

s 47E(d) and s 47E(c)

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s 47E(d) and s 47E(c)

DFAT Country Report - China -... DFAT Thematic Report - China_...

From: s 47E(d) and s
Sent: Tuesday, 3 March 2015 11:53 AM
To: s 47E(d) and s 47E(c)
Cc:
Subject: Release of DFAT Reports - China Country and Thematic Reports
[SEC=]

Dear s 47E(d) and s 47E(c)

Please find attached for use by protection decision makers two reports on China: a country report, and a thematic report on unregistered religious organisations. I hope tribunal members will find them useful.

As previously conveyed, we have included DFAT assessments on family planning in the country report rather than preparing a separate report as we believed the general discussion could be covered efficiently in this way. However, we are also making available translations of supplementary material received during our research, s 47E(d) and s 47E(c)

This additional information about the policy regime – read in conjunction with the report – should be useful to decision makers. I will ask DIBP to upload these additional documents to CISNET as well.

Regards
s 47E(d) and s 47E(c)

Director
Department of Foreign Affairs and Trade

s 47E(d) and s 47E(c)

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Multilateral Policy Division

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W | www.dfat.gov.au



DFAT Country Report - China -...
DFAT Thematic Report - China -...

s 47E(d) and s 33(a)(iii)

From: s 47E(d) and s 47E(c)
Sent: Thursday, 5 March 2015 4:18 PM
To: s 47E(d) and s 47E(c)
Cc:
Subject: Reissuing DFAT Country Report China [SEC=REDACTED]
Attachments: DFAT Country Report China - Final.pdf

s 47E(d) and s
47E(c)

We've become aware of a small typographical error in the China country report issued earlier this week. The statistic in paragraph 2.13 (pg5) should read 1.16 rather than 1:16. I regret this error.

I do not believe a decision maker would have been misled as the meaning of the section was not affected – that there is a sex imbalance in favour of boys. This section was contained in the overview, rather than being directly related to an assessment. I am attaching a new version of the China Report with the updated statistic. I have separately advised DIBP.

Thanks – happy to discuss further.

Regards
s 47E(d) and s
47E(c)

Director
Department of Foreign Affairs and Trade

s 47E(d)
and s
47E(c)

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Multilateral Policy Division

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M | +61 47E(c)
W | www.dfat.gov.au

From: s 47E(d) and s 47E(c)
Sent: Tuesday, 3 March 2015 4:59 PM
To: s 47E(d) and s [IMMI]
Cc: 47E(c)
Subject: Additional China information [SEC= [REDACTED]
[REDACTED]

s 47E(d) and s 47E(c)

In addition to the two China reports released today, we would also like to make available translations of supplementary material received during our research, including s 47E(d) and s 33(a)(iii)

This additional information about the policy regime – read in conjunction with the report – should be useful to decision makers. Could you arrange for these to be uploaded onto CISNET as well?

Thanks
David

s 47E(d) and s 47E(c)

Director
Department of Foreign Affairs and Trade

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s 47E(d) and s 33(a)(iii)

From: s 47E(d) and s 47E(c)
Sent: Wednesday, 27 July 2016 3:55 PM
To: s 47E(d) and s
Cc: 47E(c)
Subject: Draft Fujian report for review [REDACTED]

[REDACTED]
s 47E(d) and s 47E(c)

Attached for COISS review is our draft Fujian report. Would it be possible to for you to provide comments by 10 August?

As always, we appreciate COISS insights and views on our reports.

Thanks
s 47E(d) and s 47E(c)



Draft DFAT
Thematic Repor...

s 47E(d)

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s 47E(d) and s 47E(c)

From: s 47E(d) and s 47E(c) @aat.gov.au>
Sent: Monday, 8 May 2017 10:50 AM
To: s 47E(d) and s 47E(c)
Subject: RE: Request for Framework Documents: China Country Information Report [SEC= [REDACTED]]

Follow Up Flag: Follow up
Flag Status: Flagged

His 47E(d) and s 47E(c)

Our China refugee caseload remains very significant, the second highest after Malaysia:
<http://www.aat.gov.au/AAT/media/AAT/Files/Statistics/MRD-Refugee-Caseload-Statistics-2016-17.pdf>

We will be triaging around China cases during July-December 2017 to members, so updated China country reports will be very helpful. s 33(a)(iii)

In terms of issues, the ones covered in the two 2015 reports remain on the whole applicable to our current caseload. Changes that have occurred since the 2015 reports, and that were raised at the last China focus group on 10 November 2016 with s 47E(d) and that members would welcome updates on are the following:

- Implementation of the 2-child policy in terms of what is happening 'on the ground' ;
- New *hukou* rules and extent of *hukou* issuance to out-of-plan children;
- The status of the new religious regulations and their implementation;
- Information on extent, location, etc on the 'crackdown' on religions especially, but also against activists and freedom of expression more generally

I have gone out to members requesting if they have any further issues, questions.... and will email these to you as soon as possible once received.

Regards

s 47E(d) and s 47E(c)

Assistant Director, Country Information Coordination and Liaison

Administrative Appeals Tribunal

MR Division

Sydney Registry

T: 02 s 47E(d) and s 47E(c)

E: s 47E(d) and s @aat.gov.au

www.aat.gov.au

From: s 47E(d) @dfat.gov.au]
Sent: Monday, 24 April 2017 1:58 PM
To: s 47E(d)
Subject: Request for Framework Documents: China Country Information Report [SEC= [REDACTED]]

Dear s 47E(d) and s
47E(c)

I will soon commence an update of the China Country Information Report and possibly the thematic report on Unregistered Religious Organisations (although, the aim would be to integrate this information into the country report). Grateful if you could provide some framework information on the caseload and decision-maker areas of priority.

Template is attached. It would be helpful to have something by Friday 5 May if possible.

Thanks, s 47E(d) and s 47E(c)

s 47E(d) and s 47E(c)

Policy Officer | Country Information Section
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Important: This message and any attachments may contain confidential or legally privileged information. If the message was sent to you by mistake, please delete all copies and notify the AAT by return email. Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited and may attract criminal penalties.

s 47E(d) and s 47F(1)

s 47E(d) and s 47F(1)

s 47E(d) and s 47F(1)

From: s47E(c) and s 47E(d) @dfat.gov.au on behalf of Country Information Section <CIS@dfat.gov.au>
Sent: Friday, 13 October 2017 1:46:13 PM
To: s 47F(1)
Subject: RE: Latest Country Information about China [SEC=REDACTED]

Dear s 47F(1)

Please find attached the DFAT country report on China, released on 3 March 2015. I also attach a Thematic Report on Unregistered Religious Groups and Other Groups in China from 3 March 2015, and a Thematic Report on Fujian Province, released 16 December 2016. These reports have been prepared in accordance with Ministerial Direction

56 / s 499 of the Migration Act to assist protection status determinations in the Department of Immigration and Border Protection and the Administrative Appeals Tribunal.

As you are aware, we are now publishing current reports on <http://dfat.gov.au/about-us/publications/Pages/country-information-reports.aspx>. We will only be posting current reports on the website (ie as reports are updated, the older versions will be removed). In the transition period, we have not posted reports that we expect to replace within the next couple of months because they are currently being updated. Older reports and current reports that have not been posted in the transition period are still available on request.

Yours sincerely

s47E(c) and s 47E(d)

Director | Country Information Section

Human Rights Branch | Multilateral Policy Division

Department of Foreign Affairs and Trade

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| Mobile +61 s47E(c) and s 47E(d)

s47E(c) and s 47E(d)

s 47E(d) and s 47F(1)

From: s 47E(d) and s 47E(c)
Sent: Tuesday, 31 October 2017 5:56 PM
To: s 47E(d) and s 47E(c) [DIBP]; COIS [DIBP]
Subject: DFAT Country Information Report: China: Draft for COISS comment [REDACTED]
Attachments: DFAT country information report - China 2017 - version for DIBP.DOCX; China open-source resource list.docx

[REDACTED]
Dears 47E(d) and s 47E(c)

Please find attached a draft DFAT Country Information Report on China for COISS comment.

I have also attached a list of open source materials drawn upon in the drafting of the report.

As we have previously discussed, we welcome comments from COISS, but in order to avoid real and perceived conflicts of interest, we will not be able to incorporate any comments from decision-makers, particularly if they have a bearing on the assessments.

I would be grateful for any comments by Wednesday 15 November. If you are unable to meet that deadline, I would be grateful if you could let me know as soon as possible.

Many thanks
s 47E(d) and s 47E(c)

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s 47E(d) and s 47E(c)

From: s 47F(1)
Sent: Friday, 10 November 2017 8:38 PM
To: s47E(c) and s 47E(d) s 47F(1)
Subject: RE: China human rights: query on Jehovah's Witnesses [SEC=REDACTED]

s 33(b), s 47E(d) and s 47F(1)

From: s47E(c) and s 47E(d) @dfat.gov.au
Sent: Friday, November 10, 2017 11:13 AM
To: s 47F(1)

Subject: China human rights: query on Jehovah's Witnesses [SEC=REDACTED]

UNCLASSIFIED

Dear s 47F(1)

Firstly, I hope all is going well for you. My new job in Canberra (can't remember if I told you all before I left ^{s47E(c) and s 47E(d)} involves preparing background country of origin information to inform protection status determinations. China is a significant caseload and I am currently finalising an updated report. s 33(a)(iii); 47E(d) and s 47C

One question that has arisen from the caseload that is difficult for our posts to answer relates to Jehovah's Witnesses (and, to a lesser extent, Mormons) and the extent to which they are able to practise their faith, in mainland China. My understanding is that a central part of both creeds involves evangelical work, which s 33(a)(iii); 47E(d) and s 47C

But I don't have any evidence for this. Do you know of any practitioners, or of any evidence suggesting they are able to practise their faith?

Any responses by the end of next week would be great: I'm hoping to have the report out before everything here closes down for Christmas and still have a couple of significant processes to go through.

When the final report is out, you will find it on <http://dfat.gov.au/about-us/publications/Pages/country-Information-reports.aspx> and s 33(a)(iii) and 47E(d)

Best wishes
s47E(c) and s 47E(d)

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s 47E(d) and s 47F(1)

From: s 47E(d) and s 47E(c) s 47E(d) and s 47E(c)
Sent: Thursday, 21 December 2017 12:19 PM
To: s 47E(d) and s 47E(c) [DIBP]; s 47E(d) and s 47E(c) [DIBP]; [DIBP];
s 47E(d) and s 47E(c) [DIBP]
Cc: s 47E(d)
Subject: DFAT Country Information Report on China [SEC [REDACTED]]
Attachments: DFAT country information report - China 21 December 2017.pdf

[REDACTED]

Dear DIBP and AAT colleagues

Please find attached the updated DFAT Country Information Report on the People's Republic of China. It replaces the Country Information Report on the People's Republic of China of March 2015 and the Thematic Report on Unregistered Religious Organisations and Other Groups of March 2015. The Thematic Report on Fujian Province of December 2016 remains current.

I would be grateful if you could make this available to decision-makers.

Best wishes
s 47E(d) and s
47E(c)

Director | Country Information Section
Human Rights Branch | Multilateral Policy Division
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Title: China: Draft National Intelligence Law
MRN: s 22(1)(a)(iii) 22/05/2017 11:14:22 AM ZE8
To: Canberra
Cc: RR : China Posts, G20 Posts, London, Washington
From: Beijing
From File:
EDRMS:
Files:
References: The cable has the following attachment/s --
 National Intelligence Law of the People.docx
Response: Routine, Information Only

Attachment not in file -
considered not relied
upon

Summary

China has released a draft national intelligence law which grants broad powers to security agencies to conduct intelligence operations at home and abroad. It calls on all elements of Chinese society - including individuals - to contribute to national intelligence work. The draft law includes provision for the collection of information on foreign individuals and organisations that may harm China's national security or interests. s 33(a)(iii)

On 16 May, the Standing Committee of the National People's Congress (NPC) released the first draft of a proposed 'national intelligence law' for public comment. s 33(a)(iii)

An unofficial translation of the draft law is attached.

2. The draft law states that national intelligence work should "mitigate risks and threats to the national security by protecting state authorities, sovereignty, solidarity, independence, territorial integrity, people's well-being, sustainable economic development and other ... important national interests." To do so, it calls upon "all national bodies, military forces, political parties, *social groups, enterprise and undertaking organisations (public institutions), as well as citizens* ... [to] support, cooperate with and collaborate in national intelligence work."

s 33(a)(iii)

It sets out State support for "individuals supporting or assisting in national intelligence work" and its intention to "reward those making major contributions". It similarly calls on the state security apparatus to "establish collaborative relationship[s] with relevant individuals and organisations, and entrust them with carrying out relevant work."

4. The powers set out for security agencies are broad and include permission to: launch intelligence operations in China and abroad; to collect information on foreign bodies, organizations and individuals engaged in activities that may harm China's national security or interests; monitor suspects, raid premises, and seize vehicles during the investigation of domestic and foreign individuals and groups; gain access to 'restricted areas' [although it does not define what these areas might be]; use with priority or commandeer transportation and telecommunications equipment, buildings, organisations and enterprises; and employ technical reconnaissance measures after receiving approval.

5. The draft law states that security services should act in strict compliance with laws relating to the protection of human rights and should not exceed their authority or abuse the powers granted.

Comment

s 33(a)(iii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Page redacted

s 22(a)(ii)

Page redacted

Title: China: Human Rights: Draft Detention Law and Regulation on Illegally Obtained Evidence

MRN: s 22(1)(a)(ii) 07/07/2017 09:28:11 AM ZE8

To: Canberra

Cc: RR : China Posts, Geneva UN

From: Beijing

From File:

EDRMS

Files:

References: The cable has the following attachment/s -

Draft Detention Law.docx

Background Brief_KSS law_Jun17.pdf

Regulations on Exclusion of Evidence.docx

Attachments not located in file -
not considered to be relied
upon in drafting reports

Response: Routine, Requires Action by 15/07/2017

Summary

China's Ministry of Public Security has released a draft Law on Detention Centres with the aim of minimising detainee mistreatment in Chinese detention centres. s 33(a)(iii)

Separately, a number of agencies have jointly released a regulation on excluding evidence obtained through torture. s 33(a)(iii)

The draft law is open for comment until 15 July. s 33(a)(iii) and s 47C

In June, the Ministry of Public Security released a draft Law on Detention Centres. s 33(a)(iii)

The draft law is open for public comment until 15 July and will replace the Detention Centre Regulation (1990). A copy of the draft law is **attached**.

s 33(a)(iii)

3. The objective of the draft law, set out in Article 1, is to "ensure that criminal proceedings are conducted smoothly, to prevent crime, and to respect and protect human rights". Key elements of the draft include provisions on: safeguards for medical treatment (Article 21); procedures in relation to bail (Article 34); lawyers' visitation rights (Article 46); procedures in relation to deaths in custody (Article 88); family visits and correspondence (Article 91); and visits from embassies and consulates (Article 93).

s 33(a)(iii)

5. Separately, on 27 June, the Supreme People's Court (SPC), the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security and the Ministry of Justice, issued a regulation on the exclusion of illegally-obtained evidence in criminal cases, banning confessions by torture and forced self-incrimination (attached). Rules for the exclusion of evidence to prevent wrongful convictions were incorporated in China's Criminal Procedure law in 2012, s 33(a)(iii)

s 33(a)(iii)

9. The new draft Law on Detention Centres is open for public comment until 15 July. s 33(a)(iii) and s 47C

The
London-based 'The Rights Practice' has released a background brief on the draft law, s 33(a)(iii) and s 47C

(attached). The regulations are not open for public comment.

s 22(1)(a)(iii)

Title: China: Country Information Request: CI170628123022518: Two Child Policy – Household Registration and Social Compensation Fees

MRN: s 22(1)(a)(ii) 01/09/2017 04:06:04 PM ZE8

To: Canberra

Cc: RR : Guangzhou, Shanghai

From: Beijing

From File:

EDRMS

Files:

References: s 22(1)(a)(ii)

Response: Routine, Information Only

Summary

Cable responds to DIBP's country information request regarding the implementation of the "two-child policy" in China and its implications for household registration and social compensation, including for children born before China's "two-child" policy.

Thanks refel. s 33(a)(iii) and s 47C

Our response below draws on recent provincial legislation aimed at implementing changes to China's *Population and Family Planning Law*, which came into effect 1 January 2016 s 22(1)(a)(ii)

s 33(a)(iii)

Application of the policy will depend on a range of factors, including whether: the child involved is a first, second or subsequent child; the ability of parents to pay social compensation fees (a fine for non-compliance with family planning policies); and the specific regulations of the location in which a child is seeking a *hukou* (an official record which identifies a person as being a resident of a particular area).

s 47C and s 47E(d)

Fujian; Shandong; Zhejiang; and Xinjiang. For further analysis on the application of the policy in Fujian, please refer to previous reporting from Guangzhou (s 22(1)(a)(ii)).

Has the 'two child' policy been universally adopted across China?

4. Yes. China's new *Population and Family Planning Law*, which came into effect on 1 January 2016, applies throughout China. However, its implementation is determined by provincial-level regulations which differ across the country. For the above-mentioned s 33(a)(iii) provinces, the two-child policy has been implemented by the *Beijing Municipal Regulations on Population and Family Planning* (entered into force 24 March 2016);

the *Fujian Provincial Regulations on Population and Family Planning* (entered into force 19 February 2016); the *Shandong Provincial Regulations on Population and Family Planning* (entered into force 22 January 2016); the *Zhejiang Provincial Regulations on Population and Family Planning* (entered into force 14 January 2016); and the *Xinjiang Regional Regulations on Population and Family Planning* (entered into force 28 July 2017).

5. The *Population and Family Planning Law* stipulates that ethnic minorities must adhere to family planning policies. However, specific regulations may be put in place by provincial or autonomous regional authorities, including at the township-level, to allow ethnic minorities to have more children than two children.

6. A comprehensive list of provincial regulations implementing the *Population and Family Planning Law* can be found in Chinese only at <http://www.loc.gov/law/foreign-news/article/china-2016-revised-provincial-family-planning-regulations/>.

Can children born before 1 January 2016 without family planning permission obtain household registration and access health and educational services?

7. According to Chinese law, children born before 1 January 2016 have a 'right' to household registration and access to health and education services. This 'right' was set out by the Ministry of Public Security and the then Family Planning Commission in 1988, who issued a joint notice guaranteeing household registration for all new-borns, irrespective of whether they were born in compliance with the 'one-child' policy. s 33(a)(iii)

8. To improve compliance, the State Council General Office issued an *Opinion on Solving the Household Registration Issue for Non-registered Personnel* (the '*Opinion*') on 14 January 2016. The *Opinion* prohibits local authorities from setting preconditions for household registration and sets out a procedure for registration. s 33(a)(iii)

9. On 17 June 2016, **Fujian** issued implementation measures relating to the *Opinion*. The measures did not specifically set out guidance for people born in contravention of the one-child policy, but for those not registered at birth. The *Fujian Provincial Resident Household Registration Methods*, which came into effect on 1 January 2017, state that household registration is a basic right and that no preconditions for registration should be set by registration authorities. In Fujian, parents who are both only children of an ethnic minority couple and themselves hold rural *hukous* can have a third child.

10. On 15 February 2014, the **Shandong** Provincial Public Security Bureau issued a *Notice on Further Regulating Issues Related to Birth Registration Management*, stating that household registration at birth was a right. The notice requires public security authorities to safeguard the right, especially that of citizens born in contravention of family planning policies. It strictly forbids preconditions for registration. On 28 March 2016, Shandong issued detailed implementation measures relating to the *Opinion*. The *Shandong Provincial Household Registration Management Regulations* (effective from 8 October 2016 until 7 October 2018) stipulate that parents can apply for registration for a child born in contravention of the one-child policy using the child's birth certificate, a household

registration book of either of the parents, and the parents' marriage certificate or certificate for birth outside of marriage. Shandong Province has no special provisions for the number of children that may be had by ethnic minorities.

11. On 3 August 2016, Zhejiang Province issued measures implementing the *Opinion*. These forbid preconditions for household registration and set out procedures for children born in contravention of family planning policies to register with a birth certificate, household registration book of either of the parents, and parents' IDs and marriage certificate or certificate for birth outside of marriage. They also prohibit officials from denying or delaying registration for families that cannot produce documentation as to whether they have paid social compensation fees. Zhejiang Province has no special provisions for the number of children that may be had by ethnic minorities.

12. The *Xinjiang Residents Household Registration Management Regulations*, effective from 29 October 2013, state that parents of new-born children (including those born outside the one-child policy) shall apply for registration for the new-born within a year of birth, using the child's birth certificate, his/her parents' household book(s) and IDs, and their marriage certificate (not for those born out of marriage). In addition, a later *Opinion on further implementing the Promotion of Household Registration Management System Reform in Xinjiang*, which came into effect on 30 September 2014, states that individuals born outside the one-child policy can be registered once public security authorities approve identification documentation provided by local organisations in relevant villages and communities. Xinjiang does not have specific rules in relation to ethnic minorities. s 33(a)(iii)

Are parents of a child born before 1 January 2016 without family planning permission liable to pay social compensation fees after the child has been registered?

13. Yes. Both the old and the amended *Population and Family Planning Law* requires citizens who give birth to a child in contravention of family planning policies to pay a social compensation fee. The requirement to pay social compensation fees applies irrespective of a person's household registration status, but it ought not prevent a person from registering.

Can children born after 1 January 2016 without family planning permission obtain household registration and access health and educational services?

14. According to Chinese law, yes. s 33(a)(iii)

Has the separation of household registration from the payment of social compensation fees been implemented in other provinces and regions across the country.

15. Yes. Chinese law states that household registration should not be conditional on the payment of social compensation fees. In Shandong the *Notice on Further Regulating Issues Related to Birth Registration Management* states that household registration at birth is a right and requires public security authorities to guarantee this right. It prohibits preconditions for registration. Zhejiang similarly prohibits preconditions for registration, including denying or delaying registration due to lack of documentation demonstrating the payment of compensation fees. According to Xinjiang's regulations, documents proving the payment of compensation fees are not required to for registration.

s 22(1)(a)(ii)

[REDACTED]

Department of Foreign Affairs and Trade

Minute

File No: 14/15400#1

Date: 24 February 2015

TO: Peter Rowe, A/g Deputy Secretary

CC: Graeme Meehan, A/g FAS NAD

Through: Justin Lee, A/g FAS MPD *see 24/2*

FM: s47E(c) and s 47E(d) Director CIS

Security doesn't need to see it

**APPROVAL TO RELEASE COUNTRY AND THEMATIC REPORTS ON CHINA FOR
PROTECTION STATUS DETERMINATIONS**

This Minute seeks your approval to release to decision makers two reports on China for use in protection status determinations (Attachments A and B). The reports have been prepared in accordance with Administrative Circular P1154.

2. As you are aware, DFAT country information reports draw on a broad range of sources to produce assessments which are accurate and balanced. This includes posts' reporting, information from credible open sources and from in-country interviews conducted by CIS. Assessments in CIS reports draw on a methodology which assigns a risk profile to specific cohorts covered in each report. This relates to the type, frequency and severity of discrimination and violence faced by each cohort. The reports also focus on options for state protection and internal relocation in the source country.

4. A/g FAS MPD has cleared both China reports, as has HOM Beijing. Beijing Post was closely involved in the preparation of the reports and agreed that the reports are unclassified.

5. North Asia Division (NAD) was consulted on the facts and assessments in the reports and agreed with them. Following a recommendation by NAD, an extended sources list has been included in order to ensure the credibility and transparency of the judgements and information contained in the reports.

6. The Office of National Assessments was also consulted and their views on the facts and assessments were incorporated. The reports have also been provided to the Department of Immigration and Border Protection (DIBP).

7. Subject to your approval, the reports will be released to decision makers for protection status determinations.

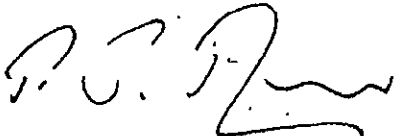
[REDACTED]

s47E(c) and s 47E(d)

Director
Country Information Section

~~I approve~~ / **do not approve** the following report to be released to decision makers
for protection status determinations:

- -Country Report on China
- Thematic Report on Unregistered Religious Organisations and Other Groups


Peter Rowe
A/g Deputy Secretary

~~For Official Use Only~~**Department of Foreign Affairs and Trade**Minute

File No: 16/2840#1

Date: 13 December 2016

TO. Lachlan Strahan, FAS MPD *LS 14-12-16*

CC. Graham Fletcher, FAS NAD

Through. Elizabeth Wilde, AS HRB *EW 13/12/2016*
s47E(c) and s 47E(d) A/g Director CIS *[Signature] 13/12/16*

FM. s47E(c) and s 47E(d) , Policy Officer, CIS

**APPROVAL TO RELEASE FUJIAN PROVINCE THEMATIC REPORT TO
THE DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION**

This Minute seeks your approval to release to the Department of Immigration and Border Protection (DIBP) a Thematic Report on Fujian Province (Attachment A). The report has been prepared in accordance with Administrative Circular P1264 to assist protection status determinations.

2. DFAT country information reports draw on a broad range of sources to produce assessments which are accurate and balanced. This includes posts' reporting, information from credible open sources and from in-country interviews conducted by the Country Information Section. Posts and geographic desks are closely involved in the preparation of the reports.
3. Assessments in country information reports draw on a methodology which assigns a risk profile to specific cohorts covered in each report. This relates to the type, frequency and severity of discrimination and violence faced by each cohort. The reports also focus on options for state protection and internal relocation in the source country. s47E(c) and s 47E(d)
4. HOM Guangzhou (Trindade) has approved the report and has agreed it will be unclassified once the footnotes are removed. Beijing Post and AS EAB (Roberston) were also consulted on the facts and assessments in the report and agreed with them. All agreed that approval from HOM Beijing was unnecessary. DIBP and the Office of National Assessments were also consulted and their views on the facts and assessments were incorporated as appropriate.
5. Subject to your approval, the report will be released to DIBP for use by protection status decision makers within DIBP and the Administrative Appeals Tribunal Migration and Refugee Division. The report may also be used by migration agents and lawyers and provided to protection applicants.

~~For Official Use Only~~

s47E(c) and s 47E(d)

Policy Officer, CIS (ext. s47E(c) and s 47E(d))

I approve / do not approve the release of the following reports to the Department of Immigration and Border Protection to assist protection status determinations:

DFAT Thematic Report on Fujian Province



14-12-16

Lachlan Strahan
FAS MPD

Department of Foreign Affairs and Trade**Minute****File No: 17/5610#4****Date: 20 December 2017****TO.** Gregory Andrews, A/g FAS MPD**CC.** Graham Fletcher, FAS NAD**Through.****FM.** s47E(c) and s 47E(d) , Director CIS

**APPROVAL TO RELEASE CHINA COUNTRY INFORMATION REPORT TO THE
DEPARTMENT OF IMMIGRATION & BORDER PROTECTION**

This Minute seeks your approval to release to the Department of Immigration and Border Protection (DIBP) a country information report on China (Attachment A). The report has been prepared in accordance with Administrative Circular P1264 to assist protection status determinations.

2. DFAT country information reports and thematic reports draw on a broad range of sources to produce assessments which are accurate and balanced. This includes post's reporting, information from credible open sources and from in-country interviews conducted by the Country Information Section. Posts and geographic desks are closely involved in the preparation of the reports.
3. Assessments in country information reports and thematic reports draw on a methodology which assigns a risk profile to specific cohorts covered in each report. This relates to the type, frequency and severity of discrimination and violence faced by each cohort. The reports also focus on options for state protection and internal relocation in the source country.
4. You (FAS MPD) have already cleared the reports, as has HOM Beijing (Adams). Post has agreed the report is unclassified. NAD (AS EAB) was consulted on the facts and assessments in the report and accepts them. DIBP and the Office of National Assessments were also consulted and their views on the facts and assessments were incorporated as appropriate.
5. Subject to your approval, the report will be released to DIBP for use by protection status decision makers within DIBP and the Administrative Appeals Tribunal Migration and Refugee Division. The report may also be used by migration agents and lawyers and provided to protection applicants, and will be available on the DFAT website.

s47E(c) and s 47E(d)

Director
Country Information Section

I approve / do not approve the release of the following report to the Department of Immigration and Border Protection to assist protection status determinations:

DFAT Country Information Report on China

A handwritten signature in black ink, appearing to read 'Gregory Andrews', with a stylized flourish at the end.

Gregory Andrews
A/g FAS MPD

20 December 2017

The following report is from the Department of Foreign Affairs & Trade and is provided for the exclusive use of decision makers in the refugee determination process in the Migration/Refugee Review Tribunal. It is acknowledged that this document may be released to an applicant and/or their legal advisor.

DFAT REPORT: 1210

REPORT RELEASED TO THE MRT/RRT: 12 November 2010

MRT/RRT INFORMATION REQUEST: CHN37505

s 47E(d)

Questions

The RRT would appreciate it if Post in Guangzhou and Beijing would contact specific family planning agencies in Fujian and Shandong respectively to seek information to provide answers to the following:

A. What procedures are followed by family planning officials with regard to poor households who have difficulty in paying social compensation fees? For example, do family planning officials allow social compensation fees to be waived or deferred in some circumstances or paid via instalments? If so, what procedures are followed in these cases and how are the instalments calculated?

Post in Beijing:

An official from the *Shandong Population and Family Planning Committee* said poor households could pay social compensation fees by instalments, but the fees would not be waived. However, the number of instalments was limited to around three.

According to Article 46 of the *Shandong Social Compensation Fees Collecting Standards*, if a person has difficulty paying the social compensation fee, he/she can submit a written application to family planning authorities (normally at county level) within 30 days. The authority will notify whether the application is approved within 30 days. The person can discuss and sign a contract with county family planning authority on details of the instalments.

Post in Guangzhou:

According to Article 10 of *Management Measures for the Collection of the Fujian Province Social Compensation Fee*:

- the person concerned shall make a lump sum payment, in person, within 30 days from the time of receiving a payment notice;
- if the person concerned has difficulty in paying the social compensation fee, they should submit a written request within 30 days of receiving notice. Their request should be addressed to the authority who issued the payment notice (such as the county or town-level family planning administrative office), requesting to pay via instalments;
- the written request will require supporting documentation (unspecified) from employers, residence or village committees, or other relevant authorities;
- the authority responsible for collecting payment shall make a decision on approving or refusing the instalments within 30 days from the application date, and advise the person concerned of the authority's decision in writing; and
- the period permitted for payment instalments shall not exceed three years.

B. Do family planning officials in these two provinces allow registration of children who are born to single, unwed mothers? If so, what documents from the parent are required for the registration? Is the registration process the same as for married couples (with the exception of presenting a marriage certificate)? If the father of the child is known/named, is his involvement required for the registration even if the parents are not a de facto marriage relationship?

C. Do family planning officials in these two provinces allow registration of children born to unwed parents? If so, what documents from the parents are required for the registration? Is the registration process the same as for married couples (with the exception of presenting a marriage certificate)?

D. Do family planning officials in these two provinces allow registration of children born to underage parents (under 22 for men and 20 for women)? If so, what documents from the parents are required for the registration? Is the registration process the same as for married couples (with the exception of presenting a marriage certificate)?

Post in Beijing:

The *Shandong Population and Family Planning Committee* said that children born to single mothers or unmarried parents of any age could be registered in Shandong but the competent authority is the Shandong Public Security Bureau (PSB). The documents needed for registration include: birth certificate, documents from family planning authorities (including the receipt of social compensation fees), and the father or mother's *hukou* (household registration) record.

According to the *Regulations the Management of Hukou* on the Shandong PSB's website, applying for birth registration is the legitimate right of every person. The PSB allows the registration regardless of over-quota births, unmarried births, or whether babies are abandoned.

Post in Guangzhou:

According to the *Fujian Provincial Population and Family Planning Committee*, a child 'should' be able to register irrespective of the age of their parents.

The Family Planning Committee advised that household registration was the responsibility of the relevant PSB. Concerned parties were advised to make enquiries with the household registration department of the PSB responsible for that household.

Post has consulted the *Fuzhou Public Security Bureau Regulations* on the "Rights, Time Span and Procedures for Household Registration and Identity Card Applications (Revised Edition)." These regulations would be specific for Fuzhou city only: each city is likely to have their own regulations.

Post is unable to comment on the applicability of these regulations to Fujian Province as a whole.

According to the above document, for the household registration of a child born before the marriage of the parents, required documentation would include: birth certificate; marriage certificate; and a "joint application from the parents." The case would be directly handled by the local police station (i.e. the PSB at the township level).

For the registration of a child born out of wedlock, and to be registered in the mother's hukou, the mother should submit a written application along with a birth certificate and her own household registration. The local police station would conduct an investigation and submit a report to the PSB at the county or municipal level. The responsible officer at the County or Municipal PSB would be authorised to comment on the case.

For the registration of a child born out of wedlock, and to be registered in the father's hukou, in addition to the required material above, documents proving fatherhood would be required, which may include a DNA report, official Court Judgment, notarial certificate etc.

If the father is unable to provide documentation proving fatherhood, the local police station would conduct an investigation. Following investigation, the report would be submitted to the PSB at the country or municipal level. The responsible officer at the County or Municipal PSB would be authorised to comment on the case.

E. What was the average per capita disposable income for urban residents in Shandong each year since 2005 and what was the average per capita net income for rural residents in Shandong each year since 2005?

Post in Beijing:

Shandong: per capita disposable income for urban residents (RMB)

2005	2006	2007	2008	2009
10744.8	12192	14265	16305	17811

Average per capita net income for rural residents (RMB)

2005	2006	2007	2008	2009
3930.6	4368	4985	5641	6119

F. Given that the range of social compensation fees varies from half to ten times the average annual per capita disposable income for urban residents in Shandong and between four to six times the average annual per capita disposable income in Fujian, which level is applied in the following cases and are any additional restrictions placed on the parent(s):

- i) single, unwed mother 20 years or over;
- ii) unwed couples, both of marriage age (22 for men and 20 for women); and
- iii) couples under the legal age of marriage?

Post in Beijing:

According to the *Shandong Social Compensation Fees Collecting Standards*, for a baby born to unmarried parents, the man and the woman shall pay 3000 RMB each as social compensation fees.

If the parents are married, the birth of the second baby (or more babies) will attract social compensation fees, calculated based on the following factors (note that the man and woman each have to pay separately):

- for urban residents, the fee is between two and six times the per capita disposable income for the previous year. If the actual income is higher than per capita disposable income, the fee will be between two and six times the actual income;
- for rural residents, the fee is between two and six times the per capita net income for the previous year. If the actual income is higher than the per capita net income, the fee will be between two and six times the actual income
- for second or more births, the base number in 1) or 2) should be multiplied by the numbers of extra children ;
- if the year of the over-quota births cannot be confirmed, the fees should be based on income of the previous year at the time of the extra birth is discovered;
- if the birth is twins (or triplets, etc), the social compensation fee is only collected for one child; and
- if either member of the couple cannot pay the social compensation fee, the other should pay.

Unmarried couples who are qualified for marriage before having their first baby have the option of obtaining their marriage license with 60 days after the birth of their child to avoid social compensation fees. After that time, they need to pay social compensation fees amounting to half the figure determined above.

Unmarried couples who are unqualified for marriage are required to pay social compensation fees to the full amount calculated above.

Where a range of penalties is applicable, there is anecdotal evidence that local officials have discretion to decide, on a case-by-case basis, the applicable fees. There

is also anecdotal evidence that social compensation fees is an important stream of revenue for local governments, and that adhering to family planning regulations is an important performance indicator for local officials.

Post in Guangzhou:

According to Article 39 of the *Fujian Provincial Population and Family Planning Regulation*, social compensation fees are based on:

- the average urban per capita disposable income for the previous year for an urban hukou;
- the average rural per capita net income of a farmer for the previous year for a rural hukou; and
- the salary of an individual parent, if their salary is higher than the incomes listed above.

The amount imposed will vary according to:

- for a delivery without a marriage certificate or certificate to give birth: 60% to 100% of the above income;
- for having one more child (a total of two): 200% to 300% of the above income;
- for having two more children (a total of three): 400% to 600% of the above income;
- for having four or more children: a larger (but unspecified) fine is recommended;
- for a single, unwed mother to have one child (the first): 400% to 600% of the above income; and
- for a single, unwed mother to have two or more children: a heavier (but unspecified) fine is recommended.

G. Please provide clarification on the concept of 'mature age' marriage (25 for men and 23 for women) contained in the Shandong Province Population and Family Planning Ordinance 2002, including whether any penalties are imposed for having children when a man is aged between 22 and 24 and a woman is aged 20 and 22.

Post in Beijing:

"Mature age" marriage is term used by Chinese authorities to encouraging people to defer marriage and childbirth. Authorities offer incentives, including financial subsidies, to couples who marry at a later age.

People who marry and bear children above their legal age (22 for men and 20 for women) but below the "mature age" (25 for men and 23 for women) do not attract any penalties. However, people under the legal marriage age cannot obtain marriage licences, and therefore any offspring they produce will be liable to social compensation fees.

All claims mentioned by applicants

RELIGION - related categories	S 47F(1)
Christian (non-Catholic / underground) -- SEE PROVINCIAL BREAKDOWN	
Falun Gong -- SEE PROVINCIAL BREAKDOWN	
Local Church (Shouters) -- SEE PROVINCIAL BREAKDOWN	
Catholic -- SEE PROVINCIAL BREAKDOWN	
Ti' Guan Dao	
Christian (Almighty God)	
Christian: Member of the Mantinh Congregation of Disciple	
Ailing (The Quies) underground church in Longian, Fujian	
Muslim	
Membership of the Salvation Army	
BLACK CHILD - related categories	
"Black Child" (includes: "Mukou") -- SEE PROVINCIAL BREAKDOWN	
Child of single parent (mother)	
ANTI- GOVT - related issues	
Anti-government / Democracy supporter	
Anti-government / Accused of Espionage	
Former CCP member	
Revealing the location of a "black jail"	
ETHNICITY - related categories	
Han Chinese (in Xinjiang)	
Kashin	
Uighur	
DOMESTIC VIOLENCE & FEMALE - related issues	
Domestic violence; fear of ex-husband and/or his family.	
Sexual Assault Victim	
Single, divorced or unprotected female	
Trafficked Sex Worker	
Family Planning program violator	
Protester against corrupt officials	
Protester against land confiscation by local govt	
Personal dispute	

Provincial and Thematic Breakdowns

Christian (non-Catholic / underground) - provincial breakdown	S 47F(1)
Fujian	
Sichuan	
Liaoning	
Hebei	
Tianjin	
Jilin	
Inner Mongolia	
Shandong	
Beijing	
Guangdong	
Hainan	
Shanghai	
Henan	
Hebei	
Jiangxi	
Zhejiang	
Falun Gong - provincial breakdown	
Hebei	
Liaoning	
Guangdong	
Henan	
Heilongjiang	
Jiangsu	
Shanghai	
Sichuan	
Zhejiang	
Anhui	
Fujian	
Hunan	
Jilin	
Shandong	
Tianjin	
Local Church (Shouters) - provincial breakdown	
Fujian	
Hebei	
Jiangxi	
Shandong	
Catholic - provincial breakdown	
Fujian	
Hebei	
Shanghai	
Black Child - related categories - provincial breakdown	S 47F(1)
Fujian	
Hebei	
Zhejiang	
Protester against corrupt officials - provincial breakdown	
Hebei	
Jiangsu	
Sichuan	
Henan	
Shandong	
Guangdong	
Fujian	
Jiangxi	
Jilin	
Protester against land confiscation by local govt - provincial breakdown	
Hebei	
Fujian	
Jiangsu	
Heilongjiang	
Liaoning	
Shandong	
Jiangxi	
Hebei	
Henan	
Personal dispute - thematic breakdown	
Debtor fearing creditors	
Extortion	
Compensation-related	
Property/land sale	
Unacceptable defacto	
Gang-related	
Paid bribe to secure contract	
Business failure, tax irregularities	
Unwanted suitors, local official	
Compensation / lost wages	
Police violence / intimidation	
Bullying / discrimination	
Family Planning program violator - thematic breakdown	
Forced abortion	
Ignored sterilisation order	
Harassed by authorities	

S 22(1)(a)(ii)

Single parent s 47F(1)

PROVINCE	TOTAL CASES
FUJIAN	S 47F(1)
HEBEI	
LIAONING	
JIANGSU	
SICHUAN	
GUANGDONG	
HENAN	
JILIN	
HEILONGJIANG	
SHANDONG	
TIANJIN	
SHANGHAI	
XINJIANG	
HUBEI	
JIANGXI	
ZHEJIANG	
location not provided	
GUANGXI	
GUZHOU	
HUNAN	
ANHUI	
BEIJING	
HAINAN	
SHANXI	
SHENYANG	
TOTAL	