



Quick Facts	
Immigration detainees (2019)	Not Available
Detained minors (2017)	Not Available
International migrants (2019)	1,030,871
New asylum applications (2019)	465

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/asia-pacific/china>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Total number of detained minors	Not Available	2017
Criminal prison population	1,649,804	2015	Percentage of foreign prisoners	0.4	2015
	1,701,344	2013			
	1,650,000	2010			
	1,642,215	2007			
	1,583,006	2004			
	1,428,126	2001			
	1,440,000	1998			
	1,320,947	1995			
Prison population rate (per 100,000 of national population)	118	2015			
	124	2013			
	123	2010			
	124	2007			
	122	2004			
	112	2001			
	115	1998			
	109	1995			

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	1,439,300,000	2020	International migrants	1,030,871	2019
	1,376,049,000	2015		978,000	2015
	1,363,600,000	2012		848,500	2013
International migrants as a percentage of the population	0.1	2015	Refugees	303,379	2019
	0.1	2013		321,756	2018
				321,718	2017
				317,239	2016
				301,052	2015
				301,047	2014
Ratio of refugees per 1000 inhabitants	0.23	2016	Total number of new asylum applications	465	2019
	0.22	2014		493	2016
	0.22	2012		342	2014
	0			309	2012
Refugee recognition rate	35.3	2014			

DOMESTIC LAW

LEGAL TRADITION

	Name	Observation Date
Legal tradition	Civil law	2017
	Customary law	2017

LAWS AND REGULATIONS

Core pieces of national legislation	Name	Year Adopted	Last Year Amended
	Exit and Entry Administration Law 30 June 2012(EEAL)	2012	2013

LAWS AND REGULATIONS

Regulations, standards, guidelines	Name	Year Published
	Regulations of the People's Republic of China on Administration of the Entry and Exit of Foreigners, Decree of the State Council of the People's Republic of China, July 12, 2013	2013

GROUND FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION

	Name	Observation Date
Immigration-status-related grounds	Detention to effect removal	2016
	Detention for unauthorised entry or stay	2016

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	2016

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration	Observation Date
	Unauthorized entry	0	2016
	Unauthorized exit	0	2016
	Unauthorised stay	0	2016

LENGTH OF DETENTION

Maximum length for administrative immigration detention in law.	Number of Days	Observation Date
	60	2016

LENGTH OF DETENTION

Maximum length of time in custody prior to issuance of a detention order	Number of Days	Observation Date
	1	2016

PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Right to appeal the lawfulness of detention	Yes		2016
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Supervised release and/or reporting	Yes	infrequently	2016
	Home detention (curfew)	Yes	infrequently	2016
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Pregnant women	Prohibited		2016
	Elderly	Prohibited		2016
	Accompanied minors	Prohibited		2016
EXPEDITED REMOVAL AND RE-ENTRY BAN				
Re-entry ban	Name	Observation Date		
	Yes	2016		

	Update Status	Observation Date
<p>Latest Update</p>	<p>On 11 January 2020, Chinese state media reported the first known death from COVID-19. On 23 January, in the middle of the Lunar New Year holiday and almost overnight, China instituted an internal travel lockdown on people in Wuhan and other cities in Hubei in an effort to contain the domestic spread of the virus. Many other cities, districts, and counties in other provinces followed suit in restricting entry and exit of persons. On 26 March, China announced that it would temporarily suspend entry by foreign nationals holding visas or residence permits. The lockdown on Wuhan was partially lifted on 8 April, with residents being able to leave the city; however, residents have still been urged to avoid unnecessary travel. Restrictions in other cities across China have also eased, as the number of deaths reported by state media have slowly decreased. Little is known about immigration detention in China. Article 60 of the country's 2012 Exit and Entry Law provides that persons suspected of violating regulations on exit/entry administration can be detained for investigation. Article 63 of the same law states: "Persons who are detained for investigation or who are to be repatriated upon decision but cannot be repatriated promptly shall be held in custody in detention houses or places of repatriation." It is unclear about whether there have been any changes to immigration detention policy in China in light of Covid-19. According to the Shanghai municipal government's social media, officers working in Shanghai Minhang District Detention Center have been required to remain at their work stations for 30 days, in order to avoid infecting their families and friends. A report from Chutian Metropolis Daily similarly notes that one officer had been stationed and was working at a detention centre in Wuhan continuously for 50 days (starting on 6 February), before dying of illness on 8 April. It appears that legal proceedings in different detention centres are taking place by video call rather than with a full court. In certain detention centres, lawyers have been able to meet their clients within the centres. On 7 April, Chinese state media reported that five Nigerian nationals in Guangzhou, Guangdong Province, had tested positive for Covid-19, and that four of them had frequently visited a local restaurant, subsequently infecting the owner and her eight-year-old daughter, and transmitting the virus to a three year-old boy in Jieyang, another city in Guangdong Province. The state media report sought to dispel rumours that African nationals in Yuexiu District in Guangzhou (a district known for a high number of African migrants) had been subject to a lockdown, with the local Centre for Disease Control claiming that people wearing masks could enter and exit pending temperature checks. Nonetheless, the report noted that the cause of the rumours was likely from "growing concerns over mounting pressure from imported cases on the southern Chinese city [Guangzhou], where 111 imported infections have been reported so far. Among them, 25 are foreign nationals, with nine from Nigeria, three from Angola, two from Democratic Republic of the Congo and two from Niger. One each from France, Brazil, UK, Australia, Ethiopia, Syria, Burkina Faso, Madagascar and Russia has also been reported." The Guangzhou health department subsequently announced that it would begin widespread testing of African nationals. It was later reported that the department had tested every African national in the city and found that 111 of the more than 4,500 Africans in Guangzhou tested positive. The local government also established a hotline for "foreigners who experience discrimination". Reports began to surface of Black African migrants in Guangzhou being subject to racist attacks, including being evicted from apartments and refused entry into hotels and restaurants. Many African students were forcibly quarantined on their university campuses, with little to no material support or access to food. Some Africans have criticised the local government's policy of quarantining African people who have tested negative for the virus for 14 days for being discriminatory. Observers underscore the broader context of xenophobic attitudes towards African migrants in China, pointing to the widespread portrayal of African migrants as 'illegal immigrants', 'drug dealers', 'rapists', and 'spreaders of AIDS'. In 2011 (prior to the statewide 2012 Exit and Entry Law), Guangdong Province implemented the Interim Provisions of Guangdong Province on Administration of and Services to Aliens. These provisions empowered Chinese citizens to report on people suspected to be illegal migrants, expanded the authority of the local police alongside the foreign affairs police to stop foreigners and verify their passports, and also introduced new powers on the part of city or county Public Security Bureaus to "restrict aliens or foreign institutions from establishing residences or offices in certain areas", namely 'areas adjacent to Party and government buildings or military restricted zones'. In effect, this Act became a tool of spatialized and racialized control over Black African migrants. Many provisions of this Act were, as argued by Lan (2014), integrated into the statewide 2012 Exit and Entry Law. On the ground, grassroots community groups comprising of local residents, students, and scholars, have mobilized to provide material support to African communities. The issue of the treatment of Black African nationals in Guangzhou has become an issue of geopolitical tension between China and different African countries. There is also growing concern regarding the effect of COVID-19 on Uyghur Muslims and other ethnic minority groups detained in detention centres and camps in the Xinjiang Uyghur Autonomous Region. As of 28 February, the Chinese government had confirmed at least 76 cases of coronavirus and two deaths in the region, albeit international human rights organizations, activists, and journalists have noted that the actual number may be much higher. This is particularly concerning given reports of overcrowding, malnutrition, lack of sufficient medical facilities, and other human rights abuses in these so-called 'voluntary vocational training centres', though the communication blackout and widespread censorship makes it difficult to ascertain the exact conditions within them. Uyghur Muslims in the diaspora have taken to social media to raise concerns about the risks in detention centres, calling on the WHO to send a delegation to the region to evaluate the spread of the virus; the international community to pressure the Chinese government to release all detained persons; and for medical supplies and other humanitarian support to be sent to the region. In response, the Chinese government has denied that COVID-19 will pose a serious threat to minority groups.</p>	<p>2020</p>

INTERNATIONAL LAW

Relevant international treaties and date of ratification

	Name	Ratification Year
International treaties	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2010
	CRPD, Convention on the Rights of Persons with Disabilities	2008
	ICESCR, International Covenant on Economic, Social and Cultural Rights	2001
	CRC, Convention on the Rights of the Child	1992
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1988
	CRSR, Geneva Convention Relating to the Status of Refugees	1982
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1982
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1981
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1980
	VCCR, Vienna Convention on Consular Relations	1979
Ratio of relevant international treaties ratified	10/19	

Non treaty-based international human rights mechanisms

Relevant recommendations of the UN Universal Periodic Review	Recommendation Issued	Year Issued	Observation Date
	No	2009	2017
	No	2013	2017

INSTITUTIONAL INDICATORS

More information about immigration detention in China is available at the website of the Global Detention Project (www.globaldetentionproject.org)