



Australian Government
Department of Foreign Affairs and Trade



DFAT THEMATIC REPORT FUJIAN PROVINCE, PEOPLE'S REPUBLIC OF CHINA

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ACRONYMS

CPA	Catholic Patriotic Association
DFAT	Department of Foreign Affairs and Trade
TSPM	Three-Self Patriotic Association

1. PURPOSE AND SCOPE

1.1 This Thematic Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian Government policy with respect to Fujian Province and the People's Republic of China.

1.2 The report provides a general, rather than an exhaustive overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the *Migration Act 1958* states that:
Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in the People's Republic of China. It takes into account relevant and credible open source reports, including those produced by Amnesty International, China Aid, Human Rights Watch, International Monetary Fund, UK Home Office, UN Development Programme, UN Women, US Department of State and World Bank. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 See also DFAT's Country Information Report on the People's Republic of China (3 March 2015) and DFAT's Thematic Report on Unregistered Religious Organisations and Other Groups in the People's Republic of China (3 March 2015).

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 Fujian Province ('Fujian') is located in the south-east of the People's Republic of China, bordered by Zhejiang Province to the north, Jiangxi Province to the west and Guangdong Province to the south. Its main cities are Fuzhou, Xiamen and Quanzhou, which are all located along or close to the coast facing the Taiwan Strait. The landscape is largely mountainous and heavily forested.

2.2 For much of its history, Fujian was geographically isolated from other parts of China due to its rugged terrain and limited infrastructure. This isolation, along with ethnic and linguistic diversity, enabled local religions to thrive to a greater degree than elsewhere. Fujian's links with other areas of China increased following the mid-1950s completion of a railway line that connected its largest city, Xiamen, to other areas of China.

2.3 Another major city, Quanzhou, linked Tang dynasty China (618 – 907) with South East Asia through trade and shipping. Because of poverty and poor agricultural productivity, Fujian residents have a long history of emigration to Southeast Asia and, in more recent times, to the US, Europe, Australia and Africa. Fujian is considered the historic 'hometown' of many overseas Chinese, with an estimated 10 million people originating from Fujian now residing overseas.

2.4 The historical willingness of people from Fujian to travel overseas continues today. Despite Fujian being home to only 2.8 per cent of the Chinese population, an estimated 10 per cent (approximately 800,000) of all Chinese passports were issued in Fujian in 2015.

DEMOGRAPHY

2.5 According to the 2015 Fujian Statistical Yearbook, Fujian has a population of approximately 38 million people, a moderate size by Chinese standards. According to the 2010 National Population Census, the growth rate in Fujian was 0.611 per cent, slightly above the national growth rate of 0.57 per cent. Fujian has approximately 300 people per square kilometre, which is relatively low compared to neighbouring provinces of Zhejiang and Guangdong that both have over 500 people per square kilometre. Approximately 23.5 million people live in urban areas, and 14.5 million people live in rural areas. Between 2000 and 2010, the percentage of the population living in urban areas increased by an estimated 15 per cent.

2.6 Aside from the majority Han, who account for approximately 97.8 per cent of the population, there are a number of officially recognised ethnic minorities in Fujian, including the She (otherwise referred to as the Ho Ne or Hounie), Miao (otherwise referred to as the Hmong) and Manchu. The She is the largest ethnic minority group in Fujian, although it remains extremely small in absolute terms. Fujian is also home to significant cultural and linguistic minorities, including Hui and Hakka (Kejia), who are both ethnically Han, and Minnan-speaking peoples. Fujian is famous for its diverse dialects and languages, with Min Nan and Min Dong the two largest linguistic groups in Fujian.

2.7 According to the 2010 National Population Census, among women in Fujian who have had children, 68.2 per cent have had one child, 28.7 per cent of women have had two children and 3.1 per cent have had three or more children. By contrast, the 2015 Fujian Statistical Yearbook estimates that, based on a sample survey, among women in Fujian who have had children, 44 per cent have had two children and 3.3 per cent have had three or more children.

ECONOMIC OVERVIEW

2.8 Fujian's economy expanded rapidly after 1979, when the coastal city of Xiamen was designated as one of the first 'Special Economic Zones' (aimed at experimenting with economic liberalisation) in China. However, Fujian's ascent has not been on the same scale as its neighbour Guangdong (which hosted the other three 'Special Economic Zones'). While Guangdong benefited from its proximity to Hong Kong, Fujian has been slow to take advantage of its geographic proximity to other economically advanced cities and regions.

2.9 Despite this, Fujian's economy is strong compared to many other areas in China. In 2015, Fujian's economy was ranked 11th out of 31 administrative divisions across China and 8th by GDP per capita, despite it being one of China's smaller provinces (representing just over one per cent of the country's landmass and 2.8 per cent of the Chinese population). In 2015, Fujian had a GDP of approximately RMB2,598 billion (AUD550 billion) and a GDP per capita of RMB67,966 (AUD14,397). The disposable urban income per capita was RMB33,275 (AUD7,051) in 2015 and the net rural per capita income was RMB13,793 (AUD2,923).

Education

2.10 According to the 2010 National Population Census, 29.8 per cent of the population in Fujian attained primary qualifications, 51.8 per cent of the population attained secondary qualifications and 8.4 per cent of the population attained tertiary qualifications. Taken as a whole, educational levels are slightly lower than the national average. The literacy rate in Fujian was 97.6 per cent in 2010, slightly above the national average.

Employment

2.11 Growth in Fujian's economy has been traditionally driven by an abundance of low-skilled, low-cost labour, both coming in from poorer inland provinces and going out to wealthier cities and regions, such as Guangdong. Consistent with broader efforts to restructure the Chinese economy, Fujian has promoted the development of more high-tech, value-added sectors. The decline of traditional manufacturing industries has increased the unemployment rate (particularly among recent graduates). According to the 2015 Fujian Statistical Yearbook, the rate of unemployment (among individuals of working age registered in urban areas in non-agricultural activities) was 3.47 per cent.

POLITICAL SYSTEM

2.12 Fujian is divided into nine prefectures including Fuzhou, Xiamen, Zhangzhou, Quanzhou, Sanming, Putian, Nanping, Longyan and Ningde. Prefectures are further sub-divided into 85 county-level divisions including 26 townships, 14 country-level cities and 45 counties.

2.13 As with other Chinese provinces, the government of Fujian is subordinate to China's central government in Beijing. In practice, however, Fujian's provincial authorities, like authorities in other Chinese provinces, enjoy a degree of autonomy in implementing economic and social policy. The provincial government of Fujian has the power to enact its own legislation, or regulations, clarifying the local implementation of laws adopted centrally by the National People's Congress. You Quan was appointed Party Secretary for Fujian in 2012 and Yu Wiguo was appointed as the Governor of Fujian in January 2016, after his predecessor (Su Shulin) was investigated for corruption.

2.14 'Grass-roots elections' to select leaders at the local (village) level take place in Fujian, but DFAT is unable to comment on their frequency or legitimacy.

SECURITY SITUATION

2.15 DFAT assesses that the security situation in Fujian broadly accords with the information contained in DFAT's March 2015 Country Information Report on the People's Republic of China (see 2.21 – 2.23, DFAT Country Information Report on the People's Republic of China, 3 March 2015). Within the boundaries available to local authorities in all Chinese provinces, anecdotal discussions with in-country contacts suggest that authorities in Fujian Province may be slightly more flexible compared to local authorities in some other areas in China. Despite this, central authorities in Beijing retain the ability to assert control throughout all Chinese provinces, including Fujian.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 China's Constitution prohibits discrimination on the grounds of nationality and contains provisions that protect people's ability to both use and develop their own spoken and written languages as well as to preserve and reform their own customs. According to the Constitution, China upholds and develops 'equality, unity and mutual assistance' among all of China's nationalities.

3.2 At 97.8 per cent of the population, the Han dominate the political, economic and social landscape in Fujian, with only a very small number of non-Han in Fujian (see '[Demography](#)').

3.3 Along with other areas in China, the Chinese Communist Party has adopted a range of policies that preferentially benefit members of ethnic minorities in Fujian. This includes a more flexible approach to family planning issues (see [3.26](#)). Some in-country contacts have stated that minority ethnic groups are well respected in Fujian, while others suggest that there may be low levels of societal discrimination, particularly with regards to employment, because minority groups were historically poor and lacked educational opportunities. Broadly speaking, DFAT assesses that members of ethnic minorities in Fujian (including the She, Miao and Manchu) as well as other cultural and linguistic minorities (including the Hui and Hakka Han groups and Minnan-speaking peoples) are able to go about their day-to-day lives and are able to access housing, employment, education and government services without experiencing official discrimination or violence on the basis of their ethnicity.

RELIGION

3.4 Article 36 of the Constitution of the People's Republic of China states that citizens enjoy freedom of religious belief, and that no state organ, public organisation or individual may compel citizens to believe in, or not believe in, any religion. However, the establishment of government-affiliated organisations to regulate and monitor the five officially recognised religions (Buddhism, Taoism, Islam, Catholicism and Protestantism) has, in theory (and, in some circumstances, practice), restricted religious freedom in China.

3.5 Generally speaking, individuals in Fujian can practice religion within state-sanctioned boundaries, as long as such practices do not challenge the interests or authority of the Chinese Communist Party. In practice, the Chinese Communist Party obstructs religious practice at an organisational level, and is largely indifferent to religious practice at the individual level, with the exception of Party members, who are not permitted to follow any officially recognised or other religion. Religious adherents can be subject to a range of restrictions that are inconsistent or lack transparency. An individual's ability to practice religion can be influenced by whether the individual exercises their faith in registered or unregistered institutions, whether they practice openly or privately, and whether or not an individual's religious expression is perceived by the Chinese Communist Party to be closely tied to other ethnic, political and security issues.

Three-Self Patriotic Movement and Catholic Patriotic Association

3.6 The Three-Self Patriotic Movement (TSPM) and the Catholic Patriotic Association (CPA) are government-affiliated organisations that regulate and monitor Protestant and Catholic churches in China. The TSPM was established in China in 1949 to oversee China's non-denominational Protestant Church. The 'Three-Self' is a Chinese abbreviation for the Church's three principles of self-administration, self-financing and self-evangelisation. The CPA has managed Catholic affairs in China, including the appointment of Bishops, since 1957. The CPA does not recognise the authority of the Holy See and while there have been some discreet interactions between the CPA and the Vatican, a significant divide between the two remains.

3.7 Large numbers of people in Fujian worship in TSPM- and CPA-linked places of worship. Asia Harvest, a Christian US NGO, estimates that there were 1.88 million TSPM-linked worshippers in Fujian and 908,000 CPA-linked worshippers in 2011. More recent data on the number of TSPM- and CPA-linked places of worship in Fujian is difficult to obtain. However, TSPM- and CPA-linked places of worship (including prominent crosses outside places of worship) are clearly visible in Fujian. In-country contacts suggest that there are approximately 120 CPA-linked places of worship across Fujian and over 200 TSPM-linked places of worship in and around Fuqing City alone (including one that holds over 2,000 worshippers at any one time). In contrast to neighbouring Zhejiang Province, where the Zhejiang provincial government has recently demolished 'illegal structures', including prominent crosses and places of worship and other religious sites, DFAT is unaware of any recent credible evidence of a similar campaign against TSPM or CPA-linked places of worship in Fujian. Bibles and other religious paraphernalia are readily available for purchase at TSPM- and CPA-linked places of worship in Fujian and credible sources confirmed to DFAT that these were generally accessible to the public.

3.8 DFAT assesses that direct interference by local authorities in the operations of TSPM or CPA-linked churches in Fujian rarely occurs (particularly compared to other areas in China) and that worshippers at TSPM- and CPA-linked churches are generally able to openly practice their religion, including with a significant amount of public visibility (by attending clearly identified churches, for example), without interference. Beyond basic operations, some TSPM- and CPA-linked churches in Fujian also provide social services, such as palliative care, which in-country contacts said was encouraged by local authorities.

3.9 Publicly challenging the authority of the Chinese Communist Party can attract overt attention from local authorities. In practice, this is most likely to affect leaders of large TSPM or CPA-linked congregations who are perceived to be using their position to challenge the authority of the Chinese Communist Party (such as through using sermons to criticise the Party). Should an individual involved in a TSPM or CPA-linked church attract overt attention from local authorities, in-country contacts suggest that they may be subjected to detention, intimidation and/or harassment. In-country contacts also suggest that high-level leaders of TSPM or CPA-linked churches in China are sometimes prevented from travelling overseas, although DFAT has no evidence about the likelihood of this occurring in Fujian or to individuals from Fujian.

Unregistered, Underground or 'House' Churches

3.10 Unregistered churches (otherwise referred to as underground or house churches) are predominantly independent Protestant and Catholic congregations which refuse to acknowledge or associate with the officially sanctioned TSPM and CPA. By definition, unregistered churches are clearly subject to less control by the state than TSPM- and CPA-linked churches but also operate at greater risk given their unregistered status. Some in-country contacts questioned the validity of the 'registered' and 'unregistered' dichotomy, pointing out that members of a congregation will often move between the two.

3.11 Asia Harvest estimates that in 2011 there were 1.57 million worshippers of Protestant-linked unregistered churches and one million worshippers of Catholic-linked unregistered churches in Fujian. Accurate data on the number of unregistered churches in Fujian is unavailable, however in-country contacts report that they are able to be identified and accessed, particularly by Protestants.

3.12 Given that legislative protections for freedom of religious belief extend only to government-affiliated organisations (such as the TSPM and the CPA), the operations of unregistered churches depend on the attitude of local authorities. Their treatment varies greatly across China, and within Fujian. Generally speaking, in-country contacts suggest that local authorities in Fujian tolerate the operations of unregistered churches who operate discreetly, including by limiting the number of worshippers and meeting in inconspicuous locations. DFAT understands that congregations of up to 50 people can meet weekly in private houses without being closed down / repressed by local authorities.

3.13 Broadly speaking, DFAT understands that should an unregistered church or an individual perceived to be associated with an unregistered church engage in active and public proselytising, or are perceived to openly criticise the Chinese Community Party or the framework that regulates religious practice, the church or individual would likely be exposed to harassment, raids and destruction of property, pressure to join or report to TSPM- and CPA-linked churches and occasional violence and criminal sanction. In practice, this is more likely to affect leaders of unregistered churches, rather than individual worshippers. Leaders who amass a large (undefined) and unregulated congregation or personal following can also attract negative attention from the authorities.

3.14 Representative examples of the treatment of unregistered churches in Fujian are difficult to obtain. China Aid documented the destruction of an unregistered church (the Yulin Christian Church) in Fujian in January 2016 (although the events leading up to this incident are unknown). DFAT is unable to comment on the frequency of this occurring in Fujian, but open-source reporting and credible in-country contacts suggest that it has not been a common occurrence.

3.15 Charismatic leaders perceived to be associated with an unregistered church that come to the overt attention of local authorities are sometimes accused of committing offences unrelated to religious practice, such as fraud or corruption.

Other Groups Including ‘Cults’

3.16 The interpretation of what constitutes a cult can vary throughout China. Groups such as the Guanyin Method Sect (Guanyin Famen or the Way of the Goddess of Mercy), Zhong Gong and Falun Gong are all specifically banned by the Government. A number of heterodox Christian-linked denominations are also considered cults, including the Shouters, the Eastern Lighting, the Society of Disciples (Mentu Hui), the Full Scope Church, the Spirit Sect, the Three Grades of Servants, the Association of Disciples, the Lord God Sect, the Established King Church, the Unification Church, the Family of Love and the South China Church. Many of these groups have been historically present in Fujian. DFAT assesses that the current situation for individuals involved in cults in Fujian aligns with information included in DFAT’s March 2015 Thematic Report on Unregistered Religious Organisations and Other Groups in the People’s Republic of China (see 3.20 – 3.41, Thematic Report on Unregistered Religious Organisations and Other Groups in the People’s Republic of China, 3 March 2015).

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.17 Article 35 of China's Constitution states that citizens of the People's Republic of China enjoy freedom of speech, the press, assembly, association, procession and demonstration. In practice, however, the Chinese government continues to limit political and religious freedoms in the interest of stability and one party rule. Restrictive provisions in recent legislation, such as China's new National Security Law (passed in July 2015), Anti-Terrorism Law (passed in December 2015) and the Foreign NGO Law (passed in March 2016), together with China's ongoing censorship of the internet and media, reflect the Chinese Communist Party's continued attempts to limit political and religious freedom and limit the growth of civil society.

3.18 In recent years, freedom of expression has declined across China. While individuals are generally able to express dissent privately, there has been a notable increase in the number and intensity of restrictions on individuals and organisations which seek to openly discuss sensitive issues or criticise the Chinese Communist Party. Authorities are increasingly monitoring and targeting more moderate civic groups and non-government organisations, in addition to their longstanding focus on prominent critics, intellectuals and human rights activists. While activists in largely non-sensitive areas (such as women's rights, discrimination, public health including HIV/AIDs, labour rights and environmental protection) were previously more or less tolerated by authorities, now even grassroots activists are facing increased scrutiny, intimidation, harassment and arbitrary detention.

3.19 There are a number of recent and credible open-source examples of individuals or organisations throughout China being targeted for criticising or threatening the authority of the Chinese Communist Party:

- In May 2015, prominent blogger and campaigner Wu Gan was taken into custody after protesting outside Jiangxi High Court in Jiangxi Province in support of four men who he claimed authorities had convicted and sentenced based on evidence obtained through torture. Wu was subsequently transferred to Fujian, where he was detained on suspicion of 'defamation' and 'picking quarrels and provoking trouble'. He was formally charged with 'picking quarrels and provoking trouble' and 'inciting subversion of state power', and denounced in media.
- In July 2015, authorities detained and interrogated approximately 100 lawyers across China working on human rights who had signed a public petition calling for the release of another lawyer who had been detained. Media reports suggested that the lawyers were part of a 'criminal gang' who insisted on 'causing trouble'. Nine of those detained were held in residential surveillance at an undisclosed location and were subsequently charged in January 2016 with 'inciting state subversion' or 'state subversion' which attracts sentences of between five years and life imprisonment.
- In January 2016, the Beijing Zhongze Women's Legal Counselling and Service Centre was ordered to close its doors. Some open-source reports suggest the reason behind the service centre's closure was its sources of foreign funding, which is considered sensitive.
- In April 2016, volunteer journalist Wang Jing was sentenced to nearly five years imprisonment in Jilin Province for causing disorder. Wang had published articles about police harassing, detaining and beating protestors on *64 Tianwang*, an independent online media source. Authorities reportedly stated that her articles were defamatory and accused her of causing trouble.

3.20 Individuals who openly discuss sensitive issues or criticise the Chinese Communist Party are likely to attract overt attention from authorities. In practice, this is likely to affect protestors and petitioners, human rights activists (including lawyers), academics and individuals linked to independent media outlets or civil society organisations. Credible in-country contacts suggest that should an individual come to the attention of authorities, they may experience intimidation and harassment, restrictions on freedom of movement (both

domestically and internationally), arbitrary arrest and detention, subversion of due process and character assassination by official Party-controlled media outlets.

3.21 DFAT assesses that the situation for individuals in Fujian who are perceived to express dissent, advocate for human rights, or criticise the Chinese Communist Party has deteriorated since 2013. However, anecdotal discussions with in-country contacts suggest that authorities in Fujian Province may be slightly more flexible compared to local authorities in some other Han-dominated areas and much more flexible than local authorities in non-Han dominated areas, within the boundaries available to local authorities in all Chinese provinces.

GROUPS OF INTEREST

Women

3.22 Article 48 of China's Constitution states that women enjoy equal rights with men in all spheres of life. The Law on the Protection of Women's Rights and Interests provides further protections, including the right to equal ownership of property, inheritance, education and equal pay for equal work. DFAT assesses that the situation for women in Fujian mirrors the experience of women in China more broadly (see 3.36 – 3.38, DFAT Country Information Report on the People's Republic of China, 3 March 2015) and that discrimination against women in Fujian remains a significant problem.

3.23 Domestic violence in Fujian is a significant issue, as it is throughout China (estimates suggest that between 25 per cent and 40 per cent of women nationally are affected by domestic violence). The Chinese government is trying to implement more stringent legislation to protect individuals experiencing domestic violence; the first Anti-Domestic Violence Law was passed by the National People's Congress in March 2016. However, the Anti-Domestic Violence Law does not include protections for former spouses and same-sex couples and does not make specific reference to economic abuse or sexual violence, (including spousal rape). In-country contacts were unable to point to specific support services in Fujian for individuals experiencing domestic violence, other than the All-China Women's Federation. Contacts stated that mediation between victims and perpetrators was culturally accepted, and that perpetrators were unlikely to face any formal opprobrium by authorities unless the incident was considered particularly severe.

Sexual Orientation and Gender Identity

3.24 China does not explicitly criminalise consensual same-sex (or other non-heterosexual) activities between adults. However, it also lacks anti-discrimination legislation protecting individuals on the basis of their sexual orientation and gender identity. The UN Development Programme released the findings of a survey titled 'Being LGBTI in China' in May 2016. The survey found that the most common forms of discrimination experienced by LGBTI respondents were verbal abuse, being asked to change appearance or being encouraged to change behaviour. The majority of respondents said they did not reveal their identity at work or in a religious setting, and around 60 per cent thought families were not accepting of LGBTI family members.

3.25 Broadly speaking, DFAT assesses that the situation for LGBTI individuals in Fujian mirrors the experience of LGBTI individuals in China more broadly (see 3.39 – 3.41, DFAT Country Information Report on the People's Republic of China, 3 March 2015). In-country contacts report that lesbian and gay, individuals in Fujian continue to experience low-level social discrimination, mainly in the form of social pressure to marry and have children. Such pressures are more common in rural areas. Broadly speaking, tolerance towards

lesbian and gay individuals is slowly growing, particularly in larger cities (such as Fuzhou and Xiamen). Younger lesbian and gay individuals in these areas are able to live their lives with relative openness. DFAT is unable to comment specifically on the situation for bisexual, trans or intersex individuals in Fujian. DFAT understands that there are a small number of domestic civil society organisations which provide support to LGBTI individuals and their families. These organisations often find it difficult to officially register as NGOs and generally keep a low public profile (see 3.39 – 3.41, DFAT Country Information Report on the People's Republic of China, 3 March 2015).

People Affected by Family Planning Policies

3.26 On 27 December 2015, the National People's Congress amended the Population and Family Planning Law with effect from 1 January 2016. Changes to the Population and Family Planning Law included the full implementation and encouragement of a two-child policy (provided couples continue to meet other health, age and timing requirements), the cancellation of forced contraception and changes to certain leave entitlements for parents (including maternity and paternity leave). The Fujian People's Congress passed implementing provincial-level regulations on 19 February 2016. As with the March 2014 Population and Family Planning Regulation of Fujian (see [3.28](#)), DFAT understands that the amended regulations include provisions for some couples to have a third child, including if:

- The first child has a disability preventing them from working in the future and the couple is deemed medically suitable to give birth to an additional child.
- Between them have two children from previous marriages.
- Either of them is a single child and resides in a national minority township.
- One of them is Han and the other (and their children) is registered as a member of a national minority, and the couple has lived in a national minority township for more than five years.

3.27 The term 'returned overseas Chinese couple' refers to couples who had permanently settled in foreign countries but who have given up their long-term, permanent or lawful right of residence and returned to China. Citizens who are based temporarily abroad, such as those who are abroad for study or employment purposes are not considered to be 'returned overseas Chinese couples'. DFAT understands that the amended February 2016 Population and Family Planning Regulation of Fujian is not applicable to children born overseas to 'returned overseas Chinese couples' who either remain overseas and do not return to China with their parents or who were born overseas and return to China for an accumulated period of less than 18 months in two years. Returned overseas Chinese couples who return to China may then give birth on their return to further children in accordance with the regulations.

3.28 Along with many other provinces in China, Fujian was already implementing regulations which allowed couples in certain circumstances to have more than one child. For example, the previous March 2014 Population and Family Planning Regulation of Fujian provided that:

- A couple may give birth to a second child if the husband or wife are only children; the couple were diagnosed as sterile, adopted a child and then become pregnant; the first child has a non-inherited disability; or the husband or wife becomes disabled because of a work accident.
- A rural couple may give birth to a second child if the husband's brothers have no children and are all sterile; the wife has a brother who supports his wife's family but not his own family; the husband and wife live in an area with negligible population density; or the couple only has one daughter.

- A returned overseas Chinese couple (see [3.27](#)) may give birth to a second child if they were already pregnant by the time they returned to China; have been returned overseas Chinese for less than six years and only have one other child; or the couple's children reside overseas.
- A couple who are members of a national minority (with the exception of the Zhuang nationality) may give birth to a second child if they are peasants or have resided or worked in a national minority township for over five years. Further, the couple may give birth to a third child if both the husband and wife are only children or if one of the two children is disabled.

3.29 Authorities in China use incentives and penalties to achieve compliance with family planning regulations. Social Compensation Fees (also referred to as Social Maintenance Fees) are the most common disincentive used in Fujian. According to the March 2014 Population and Family Planning Regulation of Fujian, Social Compensation Fees are calculated on the basis of average annual disposable income for urban residents or the average annual net income for rural residents, or residents' actual income, whichever is the greater). The fee is levied on a multiplier basis, depending on the couple's circumstances. The March 2014 Population and Family Planning Regulation of Fujian provided that:

- A Social Compensation Fee of 0.6 to 1 times will be imposed on those who give birth to a child ahead of schedule.
- A Social Compensation Fee of 2 to 3 times will be imposed on those who give birth to an additional child. A Social Compensation Fee of 4 to 6 times will be imposed on those who give birth to a second additional child. Heavier Social Compensation Fees will be imposed on those who give birth to additional children.
- A Social Compensation Fee of 4 to 6 times will be imposed on those who give birth to a child born out of an extra-marital affair (including those who give birth to a child out of wedlock). Heavier Social Compensation Fees will be imposed on those who give birth to additional children born out of an extra-marital affair.

3.30 Average annual disposable incomes for urban residents and net average incomes for rural areas differ according to the county, city or district. In Fuqing (a county-level city near Fuzhou with a population of approximately 1.34 million people) the average annual disposable income for rural residents was RMB32,279 (AUD6,840) and the average net annual income for rural residents was RMB15,061 (AUD3,190) in 2013. Social Compensation Fees calculated in 2014 were based on these figures.

3.31 DFAT understands that the Social Compensation Fee multiplier rates for people in breach of the amended February 2016 Population and Family Planning Regulation of Fujian (ie. couples who have a third child) are likely to be similar to the multiplier rates described in the March 2014 Population and Family Planning Regulation of Fujian outlined above.

3.32 Credible information on the actual Social Compensation Fees charged in practice is difficult to obtain. The actual application of Social Compensation Fees varies across Fujian and is subject to local discretion (and leaves open the possibility of individual or institutionalised manipulation). The March 2014 Population and Family Planning Regulation of Fujian states that the decision to impose a Social Compensation Fee may be made at the county, township or neighbourhood level. DFAT is aware of verdicts by the Fujian High Court in late-2015 imposing Social Compensation Fees of approximately RMB50,000 (AUD10,595) for couples who gave birth to a second son, in violation of the Population and Family Planning Regulation of Fujian. In 2014, Fujian courts recorded 1,628 cases involving payments arrears of Social Compensation Fees over RMB100,000 (AUD21,190). However, DFAT also understands that local authorities in Fujian are able to show considerable discretion in charging Social Compensation Fees. Factors that would influence local authorities when charging Social Compensation Fees may include whether a couple is cooperative, is underage and/or from a low income family.

3.33 While there has been some speculation that any outstanding Social Compensation Fees for children born in breach of the March 2014 Population and Family Planning Regulation of Fujian would be waived, DFAT understands that the waiving of outstanding Social Compensation Fees remains at the discretion of local authorities. In March 2016, the Deputy Chairman of the Fujian Family Planning Association stated that if parents had received previous notification of Social Compensation Fees, these penalties stood. If individuals who had children in breach of the March 2014 Population and Family Planning Regulation of Fujian had not received notification of Social Compensation Fees, local authorities would not pursue the issue further. DFAT therefore understands that outstanding Social Compensation Fee notices issued under the March 2014 Population and Family Planning Regulation of Fujian are still enforceable. The February 2016 Population and Family Planning Regulations of Fujian only applies to children born after 1 January 2016 or in cases where Social Compensation Fee notices have not been issued for children born prior to 1 January 2016.

3.34 DFAT is aware of a range of measures that have been used in Fujian to secure payment of Social Compensation Fees, including applying personal pressure through personal calls and visits. In July 2015, the Fujian Health and Family Planning Commission signed a Memorandum of Understanding with the Fujian High Court, the Fujian Development and Reform Commission and the Fuzhou Branch of the People's Bank of China to list people who failed to pay Social Compensation Fees on a 'black list', limiting their ability to bid for government-linked contracts, apply for loans or credit cards, obtain market access certificates for their businesses, board planes or book soft berth tickets on trains.

3.35 Notwithstanding that these measures demonstrate that many couples in Fujian seek to evade payment of Social Compensation Fees, in-country contacts suggest that widespread awareness of the fees means couples wishing to have an additional child in violation of the relevant regulations often save the required Social Compensation Fee in order to do so. DFAT assesses that for the vast majority of residents in Fujian, Social Compensation Fees operate akin to a form of unwelcome taxation, rather than as a punitive arbitrary measure.

3.36 While the March 2014 Population and Family Planning Regulations of Fujian permitted unspecified 'remedial measures' to be taken against an individual violating its provisions, in-country contacts suggested that the use of extreme remedial measures, such as forced sterilisation or late term abortions (which have occurred previously in China), was unlikely in Fujian.

3.37 The hukou (or household registration) system ties access to services including health and education to an individual's place of birth or, in some circumstances, their parent's place of birth (see [5.4](#)). In August 2015, the Fujian Public Security Department implemented a new 'Household Registration Management System' which directed local authorities to not treat the payment of Social Compensation Fees as a prerequisite for accepting an application for a hukou (residence permit). Children whose unauthorised birth might previously have gone unregistered are now able to apply for a hukou irrespective of whether relevant Social Compensation Fees have been paid.

4. COMPLEMENTARY PROTECTION CLAIMS

4.1 DFAT assesses that conditions in Fujian broadly accord with the information on Arbitrary Deprivation of Life, Death Penalty, Torture and Cruel, Inhuman or Degrading Treatment or Punishment included in DFAT's March 2015 Country Information Report on the People's Republic of China (see 4.1 – 4.10, DFAT Country Information Report on the People's Republic of China, 3 March 2015). DFAT is not aware of any credible information to suggest that people in Fujian have any greater or reduced risk compared to people in other areas of China with regard to these issues.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 DFAT assesses that conditions in Fujian broadly accord with the information on State Protection included in DFAT's March 2015 Country Information Report on the People's Republic of China (see 5.1 – 5.26, DFAT Country Information Report on the People's Republic of China, 3 March 2015). DFAT is not aware of any credible information to suggest that people in Fujian have any greater or reduced risk compared to people in other areas of China with regards to State Protection.

INTERNAL RELOCATION

5.2 Between 2000 and 2010, the percentage of the population living in urban areas of Fujian increased by an estimated 15 per cent, demonstrating the strong trend of people moving from rural to urban areas, predominantly in search of better employment opportunities. However, the hukou (or household registration) system has historically hindered rural migrants' ability to access services such as education and healthcare when internally relocating.

5.3 Hukou reform has been proceeding throughout China as part of wider economic reforms for some time in an effort to control urbanisation. In Fujian, authorities no longer distinguish between urban and rural hukou – all households are now registered as 'residents' and are entitled to access available social services. Despite this, local authorities throughout China still have significant flexibility in setting stricter (or looser) restrictions in order to control population flows to urban areas and therefore limit associated pressure on social services (which are often of a higher quality in urban areas, thereby exacerbating inequality between urban and rural residents). This flexibility has also created a greater potential for corruption.

5.4 Under the new system, children may be registered under the hukou of either parent, who must normally supply supporting documentation including the child's birth certificate, household registration books of the parents, identification cards of the parents and the marriage certificate of the parents. If the child is born out of wedlock, the registering parent must supply a 'declaration' of the child's situation and/or a paternity test certificate.

5.5 Hukous do not expire, but the supporting documentation (such as identity cards) must be renewed every 10 years, otherwise they do expire.

TREATMENT OF RETURNEES

5.6 The Exit and Entry Administration Bureau under the provincial Public Security Department monitors who exits and enters Fujian, both via airports and through other means of public transport which require citizens to show their national identity cards. Given recent technological developments, DFAT considers it highly likely that there is a centralised list of high-profile individuals who are prevented from traveling internationally, and that this list is available to relevant security agencies.

5.7 DFAT is not aware of any evidence that suggests a failed asylum seeker returning to Fujian would be distinguishable from the broader community or susceptible to any form of discrimination or violence. An asylum seeker returning to Fujian who had or was perceived to have openly expressed dissenting political views or criticised the Chinese Communist Party and was therefore on the centralised list (see [5.6](#)) and/or considered high-profile may be treated adversely in line with the conditions outlined in ‘Political Opinion’ (see [3.17 – 3.21](#)).

DOCUMENTATION

5.8 DFAT assesses that types of documentation used in Fujian broadly accord with the information on Documentation included in DFAT’s March 2015 Country Information Report on the People’s Republic of China (see 5.17 – 5.26, DFAT Country Information Report on the People’s Republic of China, 3 March 2015).

PREVALENCE OF FRAUD

5.9 DFAT understands that there is a well-established history of individuals from Fujian using fraudulent documents to obtain visas. Fraudulent activity is supported by highly organised and well-resourced networks of agents and counterfeiters. High-risk documents include financial and employment records, which can be either bogus or altered.

5.10 Organised syndicates selling immigration packages for visa applicants are active in Fujian. Syndicates have been known to alter identity documents such as passports or national identification cards to misrepresent the applicant’s place of birth (to avoid greater scrutiny of their applications). DFAT understands that applicants originating from Fuqing, Lianjiang and Pingtan have demonstrated particularly high rates of fraud and non-compliance.