

The Reform of Chinese Migration Law and Its Actual Implementation

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Abstract : This article advances the reform of Chinese migration law through an analysis of the updated and former versions of the Chinese migration law, specifically for the Exit-Entry Administration Law of the People's Republic of China and Regulations on Foreigners' Permanent Residence in the People's Republic of China(Exposure Draft), which was most recently issued in 2012 and 2020 respectively. After a fundamental reform of China's migration law, China's immigration legal framework has become relatively well developed compared with the previous one. Immigration procedures are available online and these procedures have become relatively simple. Comparative research for the Chinese migration laws has been done during the past several years for its legislation, legal reference for western countries and its preliminary implementation. Some results show that the reform is a superficial one and may not have a practical effect on China's current immigration legal framework. However, complete results cannot be obtained only through the comparative research of legal definitions. Some practical case studies will also be required to analyze in detail to demonstrate the reasons that some reforms still remain at the superficial level and what further progress is required in China's immigration legal framework. This is a perspective that has been overlooked in most comparative law studies. In the first part, this article will conduct a simple comparative study of the reform of Chinese migration law and use cases studies to illustrate the reform of Chinese migration law. In the second part, this article will point out another perspective that is easily overlooked, that is, how do the Chinese nationals treat the reform: whether it is a legislative advance or a failure, and whether it deepens social tensions between nationals and immigrants. In the third part, the article will discuss Chinese migration law through China's international law perspective with international organizations, such as International Organization for Migration and International Labour Organization will also be discussed to dialectically judge the reform of Chinese migration law. This article will adopt case and comparative studies to conduct overall research based on the reform of Chinese migration law and try to put forward more constructive advice for China's immigration legal framework.

Keywords : Chinese migration law, reform, foreigners, immigration legal framework

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