



EU-China Dialogue on Migration and Mobility Support Project

支持中欧人员往来和移民领域对话项目

Foreword

A glance through the year 2015

If we take a look back at 2015, it is not hard to recognize that it was a year with 'migration' at the center of political debates. Europe faced its greatest humanitarian challenge after the Second World War; thousands of migrants suffered hardship, uncertainty and death through their shattering journeys in the hope of a better life. The world was confronted with another level of threat by terrorism, causing not only a major security menace but also triggering historic migration surge. States are trying to frame these drastic developments within their socio-political contexts and this process will without a doubt have an impact on their strategic political priorities. As a leading migration agency, IOM contributed to governments' efforts in addressing the complex challenges caused by migration in 2015 and assisted migrants through emergency operations, humanitarian relief, resettlement and so forth.

Nonetheless, 2015 is also to be seen as an important year for the EU-China

relations, commemorating 40 years of EU-China relations and marked by several state visits to China by key European Heads of States as well as the visits of the Chinese leadership to Europe. The increasingly regular exchange between the two sides is contributing to the growing partnership, prosperity and people-to-people exchange and broadening the scope of dialogue on a range of issues, relevant and of interest to both sides. In the area of EU-China exchange on migration and mobility, significant developments occurred in 2015. The official roll-out in China of the "Visa Information systems (VIS)" on 12th October 2015 marked a key step in promoting efficient and safe tourism to Europe. EU and China held a first expert meeting on return management and discussed readmission agreements, which in itself is a milestone in the EU-China migration management dialogue.

The "EU-China Dialogue on Migration and Mobility Support Project", funded by the Partnership Instrument (PI) of the European Union (EU), has been playing an instrumental role in advocating European and Chinese strategic priorities surrounding migration and mobility through facilitating dialogue and mutual exchange. Ever since its launch in April 2015 and with vigorous pace, the project has been able to carry out several activities including a

technical training workshop for the provincial tourism agencies of Guangdong province to promote Approved Destination Status (ADS)-supported tourism to Europe, an exchange visit to Europe for a senior level delegation of the Ministry of Public Security (MPS) to enhance working-level cooperation on the investigation of individual trafficking-related cases and a workshop on practical cooperation on return and readmission and an assessment mission to Yiwu (Zhejiang province) on the management of foreigners in China.

The focus of this edition is to share the outcomes of the project activities carried out in the last few months and what has been planned for the year ahead. Additionally and as usual, we will have some analysis on recent policy and strategic developments and related legislative regulations in the EU and China in the area of migration and mobility.

Pär Liljert

Head of Office, IOM Liaison Office in China.

"Let's recognize that migration is a megatrend of our time, and we have to treat it with seriousness, not smears."

– IOM Director General William Lacy Swing.

Recent migration-related Policy Developments

EU launches Visa Information System (VIS) in China

The Visa Information System (VIS) was officially launched on 12 October 2015 in China. As from 12 October 2015 all applicants from China will be required to provide their biometric data (10 fingerprints and a digital photograph) when applying for a Schengen visa. When applying for the first time, all applicants will have to appear in person at a consulate or an external service provider. Biometric data, along with the data provided in the Schengen visa application form, will be recorded in the VIS database and stored for five years. Frequent travellers will only have to complete the procedure once within this period, as the fingerprints will be copied from the previous application file in the VIS.

The implementation of the VIS is part of the gradual worldwide deployment, which began in 2011. On the same day as in China, the VIS started operating in all Schengen consulates in East Asia. The VIS will contain all Schengen visa applications and the decisions taken by any Schengen State's consulate. This will facilitate visa application procedures and checks at external border of the European Union, as well as enhance security. The recourse to biometric technology will protect visa applicants better against identity theft and prevent false identifications, which in certain cases lead to a refusal of a visa or entry to a person who is entitled to enter. This will also allow to establish more easily the lawful use of previous visas and applicants' travel history (e.g. when applying for a multiple-entry visa). Exemptions from the fingerprinting requirement are provided for a limited number of applicants,

including children under the age of twelve and persons for whom the collection of fingerprints is physically impossible.

New amendment of the Chinese criminal law criminalizes “buyers”

The Ninth Amendment to the Chinese Criminal Law was passed by the National People's Congress in October, entering into effect on 1 November 2015. Article 241, which criminalizes the “buyers” of abducted women and children, was partly amended to abolish the anomaly that buyers could avoid criminal liability if they had not abused the victim or obstructed the victim's rescue. Under the new law, such buyers are liable to prosecution, and the Court has discretion to reduce the punishment in recognition of mitigating factors.

This was an amendment long sought by Chinese authorities. In China, the existence of the “buyers' market” is believed to be the root cause of the continuous demand for trafficked women and children. Under the law before amendment, law enforcement authorities found that in most cases buyers, once tracked down, were not prosecuted as they had neither abused nor impeded the rescue of trafficking victims. Therefore, buyers could easily avoid punishment, which in fact encouraged buyers to purchase trafficking victims.

The policy rationale behind this update to the law is that trafficking will be suppressed as buyers will be crimi-

nalized merely because of the act of buying, even in the absence of abuse of victims or obstruction of law enforcement activity. This is believed to be a key solution to disintegrating the “buyers' market”.

Supporting China's overall efforts to address trafficking and smuggling is one of the key objectives of migration and mobility dialogue between EU and China. A related recent activity, under the EU-China Dialogue on Migration and Mobility Support Project conducted in October, aimed at further promoting bilateral cooperation and agreements through establishing working-level networks and face-to-face interaction. A senior level delegation from the Ministry of Public Security (MPS) undertook an exchange visit to three European States (Austria, Bulgaria and France) to enhance cooperation and information-sharing, primarily on detection and investigation of traffickers as well as identification and referral services and held a number of consultations with their European counterparts at Justice, Interior affairs, civil society, international organizations and other relevant institutions.

The objective of the visit was to further strengthen EU-China dialogue on joint preventive measures to address irregular migration, in particular human trafficking and smuggling, through establishing partnership between EU Member States authorities and the Ministry of Public Security.

Green Book on Population and Labour

A green book on population and labor recently released by China Academy of

The Implementation of the VIS in Practice

How the EU Embassies experience the VIS implementation in practice

[Interviews with the Embassy of Sweden and Belgium in Beijing]

Your general impression on the VIS roll-out in China

Social Sciences (CASS) has put forward a set of recommendations for the authorities to defer the statutory retirement age to 65 as of 2018 and thereby address potential labour shortages both in urban and rural areas due to an increasing aging population. China has 210 million people aged 60 and above, accounting for 15.5 percent of the population. It is estimated that by 2020, this group will make up 19.3 percent of the population, and by 2050, 38.6 percent. In 2050, the population aged between 70 and 74 will be larger than in any other age group and the numbers taper down across all the labour force ages. Therefore, not only the labour force in China will be much smaller, but also much older. Immigration cannot be a solution to these labour shortages given that China's population base is so large. China will likely have to look to investment in other countries that will have large labour supplies (such as India, Indonesia or several Sub-Saharan African countries).

Statistics of the report suggest that in 2013 China's floating population, mainly migrant workers, reached 166 million people, out of which 10 million were elderly. The report puts forward a more flexible retirement plan to be implemented gradually in 2 phases; a complete merging of social insurances in 2017 as the first phase. In the second phase, female employees' retirement age to be pushed back one year every three years, while male employees' retirement age by one year every six years. By 2045, all employees will retire at the age of 65, according to the report. The current retirement policy, formulated in the early 1950s, indicates 50 or 55 for women and 60 for men as statutory retirement age. An extension of the retirement age, according to the report, is to be considered as a preventive measure to address labour shortage.

Sweden It is the opinion of the Embassy that the VIS roll-out in China has been well organized. The partly new processing routines for visa applications that follow with VIS have therefore not caused any major problems for the Embassy. The roll-out was preceded by several informative meetings at the EU-delegation in Beijing. The open communication and information sharing between the respective Schengen Embassies also helped to solve some problems before the system was introduced. The Embassy also received expert backup from the Swedish Migration Agency. Moreover, our external service provider, with experience gained through VIS roll-outs in other countries can easily address issues and potential challenges related to the launch in China.

Belgium VIS roll-out went on very smoothly in China and we think a part of this is thanks to the excellent communications the Embassies and the European Delegation had long in advance.

How does VIS work in practice (opportunities/challenges)?

Sweden Collecting biometrical data requires extra resources both for the Embassy and for the external service providers. The change is however even bigger for the applicants who will have to travel to Beijing or Shanghai where Sweden has consular presence or to Guangzhou, where Sweden is represented by the Consulate General of Norway, to submit visa application. Therefore, it is of great importance for us to open more visa application centers around China so that the applicants would not have to travel too far. Hopefully these application centers can be opened before the Scandinavian tourism high season begins in spring 2016.

The Chinese regulations on the use of the official passports impose that visa application and passports should be submitted by the Foreign Affairs Office. The Embassy has now changed the opening hours in our reception and given a special service so

that these applicants can submit their biometrical data after the application has been handed in by the FAO.

Belgium For the moment the visa applicants can introduce their file in Beijing, Shanghai and Guangzhou, but we requested the Ministry of Public Security the approval for opening Visa Application Centers in 12 more cities. Visa applicants submit their file directly to the external service provider: fingerprints of 10 fingers and a digital picture are taken. ADS groups can introduce their files one day before the applicant comes for the fingerprints and digital picture. We receive the applications the next day and most of the applications are delivered within 4 working days or less. The biometric data is kept for 59 months so the applicant does not have to come back within 5 years if he travels again, unless the quality of the fingerprints was very poor. Holders of official passports have to introduce their file directly at the Embassy. We work with an appointment system for the fingerprints/digital photo and the organization/company or person can introduce the file one day in advance so that the procedure goes more smoothly. Up to now we have no complains. Challenges remain high.

What are the overall trends of visa applications over the last year? How has VIS affected the number of visa applications and what do you foresee for the first half of 2016?

Sweden The Embassy was predicting the number of visa applications to go down after the introduction of VIS. The reason for this forecast was that we assumed that many applicants, especially those belonging to the categories that previously were exempted from the requirement of personal appearance, would try to submit their application before the roll-out. We also thought that this was one of the main reasons to why we received almost 70% more applications in September 2015 than in the same month 2014. However, after reviewing the visa statistics for October and November 2015 the Embassy concludes that the number of applications is higher than the previous year (about 30% for October and 20% for November).

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Overview

Project activities throughout the year and the way forward

Chinese travel agents receive information to enhance tourism to Europe

Training workshop on ADS-Supported tourism for Travel Agencies and Tourism Authorities in Provinces (Guangdong province)



The first activity of the project, the Training Workshop “European Approaches to Tourism Management for Travel Agencies and Tourism Authorities in Provinces” was held in Guangzhou on 11 September 2015. Organized just ahead of the VIS roll-out, the training provided the EU Delegation with a good occasion to present a preliminary introduction to VIS’s objectives and implications. The Italian Consulate General in Guangzhou and other EU Member States’ representations in Guangzhou supported the organization of the training by identifying key actors of the tourism industry in Guangzhou to be invited including 16 representatives from the EU MS Consulates, 30 Chinese Travel Agency representatives, as well as the China National Tourism Administration (CNTA). Guangdong is considered as one of the major contributing provinces in outbound tourism and one of the target provinces for improved tourism management between EU and China.

Similarly, two additional training workshops are planned in Chengdu and Chongqing, which will be organized in March 2016 with the support of the EU MS Consulates General present in the

two cities.

China’s rapid economic development has had a direct influence in growing outbound tourism not only for the well-to-do of the mega cities but also for the emerging upper middle class of the second and third tiers cities. Today a large segment of Chinese tourism comes from various provinces and not necessarily in the form of ‘group tours’ but more and more self-organized tourism. As Europe is one of the main destinations (600 million tourists visit Europe every year. 1.5 billion Chinese applications for Schengen visa in 2013), the EU has made it its priority to streamline tourism management with the overall objective of promoting sustainable and responsible tourism for the benefit of mutual economic gain.

China and EU Share Experiences in Combating Human Trafficking

Exchange visit on Measures to Prevent and Address Human Trafficking



The Chinese government has recently increased efforts to combating human trafficking. The National Plan of Action (2013 -2020) 2013 reflects the Chinese government’s increased engagement in responding to new trends and patterns of trafficking crimes in/from China and stresses the need for international cooperation. At the operational level within China, the Chinese national anti-

trafficking program conducted several crack down operations and uncovered some 33,505 cases of trafficking in women and children (from 2009 to 2013). The MPS authorities rescued 13,000 trafficked children and over 30,000 trafficked women in 2014. Chinese courts have also imposed harsh punishments for these crimes. According to the Supreme People’s Court data, courts across China handled 978 cases of trafficking in women and children in 2014. From 2010 to 2014, a total of 12,963 traffickers and buyers involved in 7,719 cases were brought to justice and penalized. Further, the Ninth Amendment to the Chinese Criminal Law passed by the National People’s Congress in October and entered into effect on 1 November 2015, criminalizes the “buyers” of abducted women and children to abolish the anomaly that buyers could avoid criminal liability if they had not abused the victim or obstructed the victim’s rescue.

Beyond the borders, the number of Chinese trafficked overseas has increased since 2011 due to a growing presence of international crime networks. A majority of these cases involve women, coming from poor rural areas in China and are trafficked to Southeast Asia, Europe and Africa for sexual exploitation.

Among many bilateral police cooperation agreements signed between MPS and foreign counterparts, 50 involve counter trafficking, including UK, France, Germany, Italy, Spain, etc. Since 2013, the EU and MPS jointly investigated around 200 cases and cracked down criminal operations through criminal justice channels and bilateral police to police cooperation.

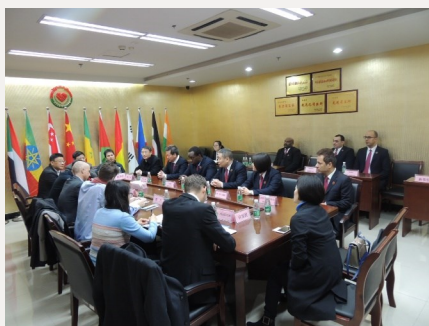
To further strengthen joint investigative cooperation on trafficking cases, a nine-day exchange visit to Austria, Bulgaria and France was facilitated by IOM for a senior level delegation of six

MPS and MFA officials in October 2015. The objective was to further strengthen EU-China dialogue on joint preventive measures to address irregular migration, in particular trafficking and smuggling, through establishing partnership between EU Member States authorities and MPS and enhance bilateral police to police cooperation and information-sharing, primarily on detection and investigation of individual cases of trafficking.

The Chinese delegation held discussions with representatives of various European counterparts in these three countries including governmental institutions (Police, Interior affairs, Justice), international Organizations (UNODC), civil society providing victim protection.

The outcome of the exchange contributed to the project objective of nurturing the dialogue with China in reducing and addressing irregular migration, in particular trafficking and smuggling.

IOM-MPS BEEA Joint Field Assessment on Foreigners Administration in Yiwu, Zhejiang Province



Located in the center of Zhejiang Province, Yiwu covers an administrative area of 1,105 km² with a built-up area of over 100 km². Yiwu ranks ninth on the chart of hundred most dynamic counties of China. As an international port city, it enjoys extensive international trade and commerce exchange with the world. The city promotes One Belt and One Road Strategy and in line with central government's advocacy for

intercontinental land trade, it maintains direct trade and commerce with Europe through Yiwu-Madrid line.

With the fast economic development and expansion of small commodity markets, Yiwu is inhabited by around 760,000 local and 1.31 million floating population. In 2014, around 447,000 foreign nationals from 213 countries and regions resided in Yiwu. Yiwu is an interesting place to study not only due to the important concentration of foreign migrants but also the way Yiwu deals with this population.

On the invitation of and in close coordination with MPS BEEA, IOM, together with three other senior officials from European Embassies in Beijing and the EU Delegation in China, carried out a joint field assessment to the city of Yiwu to study the administration of foreign migrants in Yiwu. The assessment team had the occasion to meet with local authorities dealing with migrants at different levels; Jinhua municipal Public Security Bureau, Yiwu municipal Public Security Bureau, Police Station in Jiangdong Street, Jimingshan Community and the judicial office of the International Trade City of Yiwu. Local authorities presented their operations, regulations and services made available to ensure effective integration of the migrants. They shared challenges faced especially when dealing with irregular migration and illegal employment.

The assessment team visited the "Jimingshan Community" that is also home to 926 foreigners from 59 countries (mainly the Middle-East, North Africa and Korea) and 168 foreign enterprises/companies. Long-term stay resident migrants mainly engage in investment and trade. Short-term stayers make procurements. Most of them have already lived in other places such as Hong Kong, Guangzhou, Dubai, etc.

The team visited a local Chinese NGO "Yiwu Tongyue Service Centre" that works with migrants. Under a government-funded project "Building Yiwu International Fusion Community", the NGO aims to provide social services to the migrants of Jimingshan community.

The assessment team, in their turn, shared with the local authorities the European approach and measures put in place in similar situations in Europe. The Assisted Voluntary Return Programmes were among concepts highlighted by IOM as well as the European officials. Many common areas, opportunities and challenges, were identified and encouraged both sides to work further in the area in the future including potential Assisted Voluntary Return and Reintegration (AVRR) programmes.

Workshop on Enhancing Practical Cooperation on Return and Readmission



In 2014, 276 113 migrants entered the EU irregularly - an increase of 138% compared to the same period in 2013. According to Eurostat, China was the second largest source country of non-EU victims of trafficking in 2013 and is enlisted as one of the priority countries of the EU Strategy towards the Eradication of Trafficking in Human beings 2012-2016 (COM (2010) 286 final). Despite significant increases in Chinese efforts to address the issue, irregular migration and organized crime (especially 'migrant smuggling' from China to Europe) continue to challenge EU migration policies and EU countries. The return of irregular migrants remains a priority for the EU and its Member States.

One of the specific objectives of the project is to engage China in a political dialogue on return management as a whole and in particular to explore the

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prospects of a readmission agreement with China. The EU argues that as a result of its economic development, China has been increasingly attracting immigration, exposing it to the challenges of irregular migration and putting China in the same position of a receiving country. Opportunities of experience-sharing promote mutual learning and understanding and have proved to be a useful tool to create a platform for dialogue.

In this connection, IOM facilitated the first platform of dialogue between EU and China on the subject of return and readmission. The workshop ‘*Practical Cooperation on Return and Reintegration of Irregular Migrants*’, held on 3-4 November 2015, gathered 55 key interlocutors from the Chinese Ministry of Public Security (MPS) from Beijing and 14 provinces, Ministry of Foreign Affairs (MFA), the EU Directorate General for Migration and Home Affairs (DG Home), EU Embassies, EU Member States and the EU Delegation to China.

The format of the gathering, being a workshop, corresponded to the requirements of this first encounter and facilitated exchange of know-how and allowed for a preliminary information sharing. Expert presentations delivered by the MPS, the DG HOME, the EU Member States (France and the Netherlands), Chinese academic and IOM provided an overview of how readmission works in practice, within which policy provisions and what are the benefits as well as challenges of readmission agreements within the context of both countries of origin as well as destination. Key challenges and preventive measures to combat irregular migration were the subject of several group discussions during the workshop:

The workshop is considered as one of the major actions of the project that not only facilitated first platform of dialogue between EU and China on readmission but also set the tone for the EU-China Expert meeting on the subject that took place the next day.

The way forward

Activities planned for 2016

The year 2016 is going to be a busy year for the project. In addition to the Policy Seminar on Migrants and Cities (Guangzhou, March 2016), a wide range of activities have been planned to be carried out including the finalization of two important background papers related to the Policy Seminar on Migrants and Cities.

Some of the highlights

- [Two additional ADS training](#) workshops for provincial tourism agencies in Chengdu and Chongqing
- [Development of a Basic Handbook on Return and Readmission](#) procedures for Chinese authorities
- Field assessment for Chinese authorities to IOM-ILO [Migrant Information Center \(MIC\)](#) in Vietnam to demonstrate the model for its application in selected Chinese provinces to promote regular migration. ILO develops awareness-raising material
- Training course on [China-EU Labour Migration – Challenges and Opportunities](#) carried out by ILO
- Development of [good practice guidelines on pre-departure orientation](#) for workers going abroad

Policy Seminar on “Migrants and Cities”

(March 2016)

In March 2016, IOM plans to organize a Policy Seminar on “Migrants and Cities” in the city of Guangzhou, which will invite participants from the MFA, MPS and other Chinese counterparts. The objective of the seminar is to validate the link between develop-

ment and migration and to promote the role of migrants and migration in the urbanization process. The “EU-China Dialogue on Migration and Mobility Support project”, under which the seminar will be held, aims at strengthening the dialogue between the EU and China on how to maximize the potential of migration for the benefit of development, how to channel regular migration to fulfill the needs of labour market both in EU and in China and how to jointly reduce the risks of irregular migration to

How the EU Embassies experience the VIS implementation in practice

[Interviews with the Embassy of Sweden and Belgium in Beijing]

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The Embassy has also seen a surprisingly high increase of ADS-group applications during both these months.

It is difficult for the Embassy to predict whether we will see an increase in the number of applications also in 2016. The opening of the new visa application centers in various Chinese provinces will have an immediate effect on the total amount of ADS-groups who choose to submit their application to a Swedish consulate.

Belgium This is a tricky question and difficult to answer. The overall trends of visa applications over the past year is very positive for Belgium (we increased with more than 200%, but this was due to 2 new visa projects we started in 2015). It is too early to say what we foresee for the coming six months, without the new visa projects, it would have affected our statistics for the last three months of the year: we had a huge increase during the month of September and the first week of October and a sudden drop after the implementation of the VIS mid-October. On the other hand we are confident that from the Chinese New Year onwards, figures will increase again and especially once the Member States can open more Visa Application Centers in China (Belgium requested the approval of 12 more cities), yet it is too early to foresee the real impact on a longer period.

ensure sustainable development and safe cities. The two-day seminar will create an international platform of debate among various actors to discuss and observe how a city deals with pull and push factors of migration by setting Guangzhou as an example. Representatives from public and private sectors, civil society, academic circles and diaspora organizations will be invited to share their experiences and ideas. The seminar will also look back at 2015 from IOM's perspective (year of "Migrants and Cities") and share some recommen-

IOM in China



Since its official establishment in China in 2007, IOM Liaison Office in Beijing has supported the government's efforts in dealing with mixed migratory flows to, in and from China.

Through delivering targeted technical assistance activities in the area of migration management, IOM has been able to build a strong partnership with key Chinese governmental institutions mainly with Ministry of Foreign Affairs (MFA), Ministry of Public Security (MPS) and other institutions working on migration-related issues.

China is increasingly experiencing the challenges of migration and becoming a country of origin, transit and destination at the same time. Therefore, IOM is working towards broadening its cooperation with Chinese counterparts and diversifying its programmatic areas.

Current programmatic areas include regulating migration, migrant assistance, facilitating migration etc. The "EU-China Dialogue on Migration and Mobility Support project" is one of the main projects currently being implemented by IOM Liaison office in Beijing.

"Migration must be legal, safe and secure for all - both for the migrants themselves and the countries that will become their new home"

— IOM Director General William Lacy Swing

dations of IOM's International Conference on Migrants and Cities (held in Geneva from 26 – 27 October, 2015). IOM's global flagship report on "World Migration Report 2015: Migrants and Cities, New Partnerships to Manage Mobility" - the eighth report in IOM's World Migration Report (WMR) series, focusing on the potential of migration and migrants in shaping cities as well as the importance of cities, their people, civil service and rules in changing migrants' lives, will be launched at the event in Chinese.

"The EU and China share many similarities in their approach to manage irregular migration. The main challenge is the identification of irregular migrants and more cooperation at policy and technical expertise-level is needed in this area."

From Group Discussion – "Potential Cooperation between EU and China in the field of Return and Readmission – the way forward", Workshop on Practical Cooperation on Return and Readmission of Irregular Migrants, 3-4 November 2015, Beijing



Funded by the Partnership Instrument (PI) of the European Union



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