

The development and future of chinese migration law

Part I the historical development and framework of the present china migration law

Chapter I the framework of China migration law at present

- Article 1 laws and regulations concerning the free movement of Chinese national on migration issues
 1. Nationality law (1980),
 2. Passport law (2007),
 3. The law on entry and exit of Chinese nationals (1986) and implementing measures of the law on entry of exit of Chinese nationals (1986),
 4. Temporary regulation on coming and going Hong Kong and Macao of Chinese nationals in private (1986),
 5. Administrative measures on coming and going Taiwan of Chinese nationals (1992)
- Article 2 law and regulation relating to foreigners---Law of the people's republic of china on entry and exit of aliens and the implementing measures of the law of the people's republic of china on entry and exit of aliens.

- Article 3 regulation related to both Chinese nationals and foreigners---Ordinance of the people's republic of china on border control of exit and entry (1995),

Chapter II the historical development of the china migration law and requirements for amendment of the present migration law

- Article 1 History and formation of china migration regulations.
 1. slow development of migration issue and reasons before 1949
 2. the Ordinance of Household Registration of the People's Republic of China promulgated in 1958 has been governing the migration and registration of Chinese residents and family members.
 3. a series of migration laws governing the exit and entry of foreigners and china nationals set up after the open policy.
- Article 2 the circumstance at present forced the authorities concerned to amend the migration law
 1. Rapid development concerning migrants and immigrants forced the competent authority to think about a new migration policy.
 2. Gradual severity of illegal immigration
 3. The present migration law deterred the development of migration issue

Part II Comparison between migration law of European Union, certain member states and China

Chapter I on the perspectives of depth, width and integrity of the
immigration law

Chapter II on the safeguard of rights of nationals of their own country
and other countries and refugees

Chapter III Administrative department in charge of immigration issues

Chapter IV aggressive integration measures

Chapter V different attitudes and measures dealing with illegal
immigration issues

Chapter VI the means of sanctions of illegal immigrants

Chapter VII some programs are waste of money and imbalance of input
and output

Chapter VIII comparison on the perspective of family reunification

Chapter IX Case law

Part III the future of the china migration law

Chapter I brief introduction to the ninth draft of the amending law of
the exit and entry of china.

The main contents of the ninth draft consist of seven chapters.

Chapter II the newly amending immigration law should be inserted
several important parts or considered revising

I upgrading the administrative measures into the level of law.

II Nationwide computerized data center of foreigners shall be set up.

III The scope of family reunification should be broadening.

IV Provisions of refugees and asylum-seekers should be regulated in the
new immigration law.

V the new immigration law should pay much attention to the rights and
obligations of foreigners and Chinese nationals.

VI suggestion about obligations and rights or handing over the rights of
ministry of foreign affairs concerning immigration issues
inside the territory of china.

VII the border control authority should be endowed the power of
examination of exit and entry and visa issuance at the border.

VIII the terms of the redress procedures should be considered revising.