Is securitizing migration a mandatory choice? Lessons from the EU and China

Chou, Meng-Hsuan; van Dongen, Els; Koff, Harlan

2016

Chou, M.-H., van Dongen, E., & Koff, H. (2016). Is securitizing migration a mandatory choice? Lessons from the EU and China. In E. J. Kirchner, T. Christiansen, & H. Dorussen (Eds.), *Security Relations between China and The European Union: From Convergence to Cooperation?* (pp. 209-229). doi:10.1017/CBO9781316563243.012

<https://hdl.handle.net/10356/144305>

<https://doi.org/10.1017/CBO9781316563243.012>

© 2016 Cambridge University Press. All rights reserved. This book is made available with permission of Cambridge University Press.

Downloaded on 26 Apr 2023 21:35:18 SGT

Is Securitizing Migration a Mandatory Choice? Lessons from the EU and China

The final Version of Record of this manuscript has been published and is available in Security Relations between China and the European Union: From Convergence to Cooperation?, edited by Emil J Kirchner, Thomas Christiansen and Han Dorussen (20 September 2016), www.cambridge.org (ISBN: 9781107149038)

Meng-Hsuan Chou, Els van Dongen and Harlan Koff

Introduction

The correlation between migration and security is still prominent more than a decade after 11 September 2001 (9/11). While significant, political authorities, such as those in China and the European Union (EU), have approached these issues from different perspectives. For European countries, having a strong and credible external border is crucial for the integration project; EU external migration practice has thus focused on keeping migrants out. This remains a defining feature of EU's cooperation with neighbouring countries (through the European Neighbourhood Policy) and key transit/source countries (through EU Mobility Partnerships) (Lavenex 2006). In China, internal movement has been an utmost concern as it involves some 236 million people (this is approximately 31.8 percent of the EU's total population) (National Bureau of Statistics of China 2013). Internal migration regulation in China has been viewed through the security lens because it is a question of social stability relating to urban-rural relations and reduction of economic disparity that has characterized the period of economic reforms since 1978. By contrast, China's external migration control has been approached from the development angle as part of its shifting economic priorities and efforts at integrating into the global economy. Unlike the EU, China does not rely on external partners for migration regulation and this has significant implications for future EU-China security cooperation in migration. In this chapter, EU and Chinese policies concerning migration, security and development are compared and contrasted to reveal their divergent approaches. EU migration strategies are shown to derive largely from a framework of border security while Chinese migration policies are developed out of economic necessities. By outlining these differences, the question is raised: is it misplaced to focus on security when considering potential migration policy cooperation between the EU and China? The conclusion proposes ways forward.

China and EU migration cooperation: divergence

As a key country of origin for most of the world's migrants, China has remained in the spotlight as the top partner for cooperation in the field of migration. This is especially the case when it comes to issues emanating from the security dimension of migration such as human smuggling and trafficking. In terms of multilateral engagement and global cooperation in the field of migration, however, China has limited participation. To date, only three international instruments related to immigration have been ratified by China: the *Treaty of China and Indonesia on the Issue of Dual Nationality* (1958, ratified in 1958), the *Convention Relating to*

the Status of Refugees (1951, ratified in 1982) and the *Protocol Relating to the Status of Refugees* (1967, ratified in 1982) (Liu 2011: 13-14). China has, however, joined some international organizations focused on international migration, such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Labour Organization (ILO). It became an observer to the International Organization of Migration (IOM) in 2001 and a first IOM liaison office was set up in Beijing in 2007 (Liu 2011).

Concerning EU-China cooperation in migration, some specific joint actions have taken place more recently: the 2013 launch of the dialogue on 'EU-China Mobility and Migration' and the September 2013 seminar in Beijing on mobility and migration (United Nations Radio 2013). The seminar came on the tail of a series of EU sponsored projects carried out by the IOM in China to raise awareness about migration. IOM's Capacity Building for Migration Management in China project (CBMM China) targeted ministerial officials for training purposes during Phase I (2007-10). This first phase consisted of several workshops and study tours for Chinese officials involved in migration management, a series of policy dialogues and awareness-raising campaigns. The target audience of this training included nearly 1.5 million potential migrants, over 100 recruiting agencies for migrants and nearly 400 Chinese officials (IOM undated). The second phase (2011-13), mainly funded by the European Commission, involved a stronger focus on human trafficking, with the ILO as implementing partner. It specifically concentrated on implementing *China's National Plan of Action to Combat Trafficking* (State Council of China 2007). Apart from FRONTEX's (EU Border Protection Agency) participation, Italy, Hungary, Sweden, the United Kingdom, Denmark, the Czech Republic and Germany were partners (IOM 2015). Since this type of action mostly involved training and the sharing of best practices, it remains to be seen if it can lead to a more institutionalized and sustainable form of cooperation.

Beyond these specific joint actions, China has remained reluctant to participate in EU-China migration cooperation. This reluctance is clear in the official discussions for an EU-China readmission agreement, the main instrument for such cooperation, which have not even opened (European Commission 2011). Indeed, since the 1999 Tampere Conclusions, the EU has actively sought closer partnership with neighbouring, transit and source countries of unauthorized foreign nationals who have entered its territory. To this end, the European Commission received the mandate to initiate discussions with China in November 2002.

The readmission agreements with third countries have been the key pan-European instrument enabling the EU to establish and maintain a credible border until the launch of the Mobility Partnerships in 2007, which have incorporated this instrument. So why have the partners failed to begin discussing this very important policy instrument? According to the European Commission, this failure can be largely attributed to the lack of incentives for China, which has repeatedly requested 'visa facilitation' for its own nationals, which the EU member states are unwilling to consider. A visa facilitation agreement would enable Chinese nationals (most likely high-level officials) to enter the EU through a fast-track procedure. The European partners believe that such an agreement may 'lead to a rise in the irregular migration into the EU from those countries' (European Commission 2011: 7). Here, 'irregular migration' is likely to occur following the expiration of short-term visas.

This chapter demonstrates that underneath this limited cooperation lies a divergence in the perception of what constitute security threats. Whereas external migration has been securitized in the EU (following the trend amongst advanced industrial states like the US), migra-

tion has been perceived primarily in terms of development in China. Because migration is part of China's national development strategy (in which there is much emphasis on talent migration), and in the context of largely traditional notions of security, territorial sovereignty and non-intervention, it is understandable that structural differences have prevented and continue to prevent convergence. At the same time, given China's economic rise, its rapid transition, its changing role in the international community and existing tensions within the current system, it is likely that these structural factors will play a lesser role in the future.

It is not in China's interest to discuss readmission because its main focus in migration is on the promotion of high-skilled return migration of Chinese nationals and ethnic Chinese of foreign nationality, and attracting foreign talent. At the same time, the EU understands visa facilitation as being contrary to its interests of preventing irregular migration. However, increasing tensions in both models (in the case of the EU: the need to attract more high-skilled immigrants; in the case of China: the presence of more irregular immigrants due to an under-developed long-term residency regime) demonstrate that there is some convergence in these interests and this will likely increase in the future. The sections below explain further why China and the EU diverge in their prioritization of security, migration and development, and how this affects cooperation.

The migration security nexus

The conceptual literature on the 'migration-security nexus' has evolved significantly since the 1990s. The end of the Cold War and the bipolar stability that it provided redefined our views of security. Specifically, the emergence of new security paradigms in global debates focused on three questions: 1) what is security? 2) for whom is security? and 3) what threatens security?

Within this context, a literature emerged around the so-called 'security-migration nexus' that linked the emergence of migration debates to globalization discussions (compare Weiner 1995). For instance, Adamson (2006) claimed that migration was viewed as a threat to national security in terms of shifting 1) state capacity and autonomy, 2) balance of power and 3) the nature of violent conflict. As the nature of conflict became more decentralized and as non-state threats to security emerged further, migration was viewed as a symbol of both the erosion of state power and the international conceptualization of 'security', which was becoming nebulous due to the emergence of new threats and definitions.

Migration scholars, such as Chou (2009) and Rudolph (2003), picked up these themes. Chou argues that the EU has securitized external policies related to migration and asylum since the 1970s through the establishment of a dialogue on migrants and asylum-seekers as abusers of the EU's generosity. Similarly, Rudolph (2003) compares the securitization of migration policies amongst the United States, Germany, Great Britain and France from 1945 to 2003 to illustrate how securitization processes began before 9/11, identifying three types of security relevant for migration debates: 1) geopolitical security, 2) wealth establishment and accumulation and 3) social stability and cohesion. Rudolph compares the emergence of two 'new world orders': the first emerged following the end of the Cold War and contextualized migration in terms of economic globalization. The second 'new world order' emerged after 9/11 and viewed the world in terms of emerging security threats to which migration was intrinsically linked. Contending that 9/11 was a catalyzing moment, Rudolph argues that it joined the

three types of security into an interlinked paradigm so states began addressing migration simultaneously within the framework of political security, economic security and social/cultural security.

The literature on border and migration controls has also engaged with these themes. For instance, Andreas (2012) has analyzed the mechanisms that have developed between the securitization of migration and the emergence of a border control industry, which militarized border regions in advanced industrial states. This literature examines the relationship between public perceptions of borders as dangerous areas, the resulting militarization of these borders, and subsequent increase in transnational smuggling and trafficking (compare Alscher 2005).

Controlling Immigration is the most comprehensive contribution to theory building in this literature (Cornelius et al. 2004). The book argues that significant convergence in immigration control strategies amongst advanced industrial countries characterizes the international migration system because: 1) regional integration has promoted multilateral inter-state negotiation on immigration policies that have led to the adoption of least-common-denominator strategies, 2) global terrorism and organized crime have heightened fears in which migration policies are framed as security concerns; 3) ageing advanced industrial states are experiencing similar demographic trends that have affected labour markets and welfare states; and 4) the perceived failure of integration programmes has led to a backlash against further immigration. Consequently, whereas immigration policies in advanced industrial states varied widely in the 1960s and 1970s, they focus heavily on three factors today: high-skilled migration, border controls and security. The following sections will show that while the EU's migration policies seem to follow the international convergence Cornelius et al. (2004) documented, China has developed diverging approaches.

EU immigration and border controls: security over development

EU migration policies have followed parallel strategies in line with those implemented by many other advanced industrial polities, most notably the United States. These strategies include migration control policies based on the securitization of external border zones and the externalization of border controls through cooperation agreements with third countries. While migration was first linked to security concerns very early on, immigration policies clearly adopted a security focus in 2002 when the Seville Council prioritized border controls in EU policy responses to migration. The approved strategies entailed: 1) harmonization of measures to combat illegal migration, 2) progressive operationalization of coordinated and integrated administration of external borders and 3) integration of immigration policy in EU and third country relations. The EU has further developed these objectives through successive five-year annual programmes in justice and home affairs: The Hague Programme (2005-10) and the Stockholm Programme (2010-14). Consequently, the two defining 'security' characteristics of EU migration policies are the evolution of European external border controls and externalization of these controls through cooperation agreements with third countries.

EU border security: the establishment of FRONTEX

To facilitate border management cooperation, the EU established the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of

the European Union (FRONTEX) in 2004. Its operational areas of activity include: joint border patrol operations, development of common training for border guards, analysis of risk at the EU's external borders, provision of a rapid response capability through the establishment of European Border Guard Teams (EBGT) and assistance to member states for joint return operations (deportation). FRONTEX also promotes 'situational awareness' for European border control authorities and facilitates information exchange including the Information and Coordination Network established by Decision 2005/267/EC and European border surveillance system.

Its most visible activities carried out are the joint border operations that have raised the EU's profile in public migration debates (Leonard 2009). The EU began its first joint aerial and naval operations in 2006: Hera I and Hera II in collaboration with Spain in the Canary Islands. Since then, FRONTEX responses have shifted to the centre of the Mediterranean as missions have been organized in association with Italy and Greece (Operation Hermes and Operation Poseidon). Many observers criticized these operations for violations of fundamental rights (see Burrige 2012). Not only has FRONTEX become more visible in EU border politics, it has also become an increasingly important actor in the EU's border governance strategies. The agency's budget has increased from 19 million euros in 2006 to 88 million euros in 2013.

FRONTEX has also begun new activities, which has increased the agency's impact on European migration governance. The European Surveillance System (Eurosur) is a real time platform for information sharing amongst EU member states to: reduce the number of irregular migrants entering the EU; reduce the number of deaths at the maritime borders; and to prevent cross-border crime. FRONTEX has also established a new system of Rapid Border Intervention Teams (RABITs) which began operations in Greece in 2012. RABITs represent the EU's response to localized border emergencies. However, Burrige (2012) has contended that the presence of RABITs in specific border areas justifies the transformation of 'emergency' control mechanisms into more permanent border policies and it facilitates the displacement of migration flows (compare Adamson 2006).

Finally, it is important to note that FRONTEX has also increased the importance of its presence through the establishment of cooperation agreements with seventeen third countries that now support EU border management objectives. These agreements operationalize the externalization of EU borders. In short, the EU has adopted a policy strategy that attempts to manage migration closer to its source.

The externalization of EU borders through development assistance

Aside from FRONTEX, the EU has funded technical assistance in third countries and integrated migration into regional development strategies. The signing of trade agreements and concessions of economic aid are subject to the application of 'best practices' in the field of migration (Gabrielli 2007: 163). Indeed, these themes have been developed in various multi-lateral initiatives on migration issues involving the EU and its African partners. For instance, Article 13 of the Cotonou Partnership Agreement between Europe and their partners in Africa, the Caribbean and in the Pacific (the so-called ACP states) introduced a readmission clause requiring any ACP state to re-admit 'its nationals illegally present on the territory' of

one of the states party to the agreement as well as migrants from other countries who have transited through its territory (see Chou and Gibert 2012).

In the framework of its programme of cooperation with third countries in the field of migration and asylum, the EU has allocated specific budgets since 2001 to finance projects with the main objective of controlling African migration and the fight against illegal migration (European Commission 2010). Migration control funding is also included in European development aid, as evidenced by the allocation of 40 million euros for ‘migration’ under the 9th European Development Fund (EDF). 10 million euros has been dedicated to the creation of a migration information management (CIGEM) centre in Mali. This centre was established in 2008 following signature of a joint declaration on ‘Migration and Development’ between Mali, ECOWAS, France, Spain and the European Commission on 8 February 2007. Also under the 9th EDF, €5.5 million were granted to Mauritania (3 million) and Senegal (2.5 million) for the establishment of ‘rapid response mechanisms for the fight against illegal migration to the European Union’.

Of all of the proposed EU measures to combat clandestine migration, the construction of detention centres in third states has received the greatest attention. A 2004 proposal to officially support these camps at the EU level did not pass because of French and Spanish objections; however, the idea remains at the forefront of European immigration debates. Two transition states, Libya and Morocco, are significantly implicated in this process. In the former, Italy has initiated the closest collaboration in terms of immigration controls. Similarly, Morocco has become a front line in European immigration politics because of the country’s close ties with Spain. For example, Morocco and Spain have already engaged in joint sea and air border patrols. Many observers of immigration to Spain (see Alscher 2005) have contended that the country’s influence in immigration politics has even surpassed Morocco geographically as Mauritania has recently joined the collective effort to halt clandestine migration, forcing would-be migrants to sail for the Spanish coasts from as far away as Senegal. In this regard, the EU has not only fortified migration controls at its external borders, but it has also successfully enacted these controls in important transit countries located in its political neighbourhood through development cooperation and trade agreements. However, as will be shown below, this strategy differs significantly from migration policies enacted by China.

China and immigration control: development over security

Due to the ‘eudaemonic legitimacy’ (Chen 1997) of the Chinese Communist Party (CCP) – a legitimacy tied to the Chinese people being able to live a relatively comfortable life as a consequence of continuous and stable economic growth – China has and continues to prioritize economic development over security in the realm of migration. Since the start of the reform programme in 1978, and in response to a history that had focused too much on ideology, recent emphasis has been explicitly on pragmatism and gradualism. This policy choice in the economic realm also helps to explain why a limited body of laws and regulations exists concerning migration: through practice (trial and error) and a gradual approach, China is building up this system in tandem with the stages of its economic reform programme.

In China, immigration has not been securitized. Contrary to the findings of the securitization thesis in migration, there is relatively little political discourse framing immigration as a security threat in China. While different policy discourses exist across different institutions in

China, as is the case in the EU, only one discourse exists in the official media. In this discourse, migration is not securitized; consequently, this chapter will demonstrate that migration policies are not designed in response to perceived threats, but in line with economic reform. Burning domestic security issues, on the other hand, in the words of one specialist and advisor to the government, are ‘cyber, Xinjiang and Tibet’ (Perlez 2013). Immigration is not listed as an area of focus here. The absence of securitization in immigration will now be further explored, as well as the challenges that China faces as a consequence of its policy choices.

China and the absence of securitization in immigration

Various factors explain the absence of immigration as a relevant domestic security issue. To start, immigration is a recent phenomenon: between 1949 and 1977, China’s borders were practically closed. Borders were ‘highly politicized’ in the context of China’s policy of autarky and self-reliance, and its perception of external ideological threats to Communism (Xiang 2003). It was only in 1978 that China reopened its borders as part of its reform efforts and opening up (*gaige kaifang*) under Deng Xiaoping. Consequently, only two migration laws, in combination with 24 rules and regulations, have governed the admissions of immigrants in China for the last three decades: the 1985 *Law of the People’s Republic of China on the Control of the Entry and Exit of Aliens* and the 1980 *Law of Nationality* (Liu 2011). In the former, Article 1 stipulates that ‘this law is formulated with a view ... to promote international exchange’ while ‘safeguard[ing] the sovereignty, security, and social stability’ of China (Bureau of Exit and Entry Administration 2012). Apart from China’s central concern of social stability and its association of borders with national sovereignty, entry and exit are seen to be directly tied to the goals of economic reform. The 1980 *Law of Nationality* is only integral to the immigration system insofar as it regulates the admissions of ethnic Chinese, who are not allowed to hold dual citizenship (Liu 2011). The 1985 *Law* was repealed by the 2012 *Law of the People’s Republic of China on the Administration of Exit and Entry*, which will be discussed below.

Next, the general absence of an identifiable security discourse in immigration may be attributed to low numbers of legal immigrants in China. Historically, China has not been a country of destination, and this remains the case today (see, however, Shen 2011). According to China’s sixth census data, there were some 594,000 immigrants residing in China in 2010, which is approximately 0.044 percent of the total population at the time (National Bureau of Statistics of China 2011a). Remarkably, this was the first time foreign residents were included in census data. The majority of these immigrants, however, do not have permanent residency since this was not an option until 2004 when China introduced its green card (*‘lǚka’*) system (*Renmin ribao* 2004). The number of people with green cards in China is negligible: only 4,752 green cards had been issued by 2011 (Boehler 2013). This is hardly surprising given the high threshold required for eligibility: professionals from deputy manager or director level upward, academics who have at least obtained associate professorship, and those married to Chinese nationals for more than five years (Liu 2007: 56, 63). Furthermore, China has imposed the conditions of at least three years cumulative residency period before an immigrant could be eligible for the green card and which Chinese institutions could act as sponsors (Liu 2007: 56). It has, however, acknowledged its restrictive approach – the Chinese media called its green card ‘the hardest to get in the world’ (Boehler 2013) – and discussions on lowering the requirements for the green card are ongoing (Yang 2014). Although part of

the remarkable difference between the number of entries and long-term residencies can be explained as a conscious policy choice now under reconsideration, it needs to be noted that the high discrepancy is also the result of short-term planning. The policies were implemented only with the start of the reform period; numbers of entries and exits increased much more rapidly than the system was able to accommodate.

Third, it seems that China does not securitize immigration since, as scholars such as Boswell (2007) have argued, it would contradict its development strategy. Since the very beginning of reform, China has focused on attracting ‘talent’ as part of its economic development plan. As early as 1983, targeting primarily ethnic Chinese, the *Provisional Rules on Introducing Overseas Talented People* was adopted. ‘Talent’ was considered one of the so-called ‘three imports’ essential to China’s economic development (*Guowuyuan Qiaoban* 2006). During the 1990s, there was a shift towards targeting Chinese students who were not returning home after having completed their education. From the early 2000s onwards, in line with the new stage of economic reform after China’s entry into the World Trade Organization (WTO) in 2001, the promotion of return policies for ‘highly-talented’ Chinese became a central part of China’s national development strategy. It is important to emphasize how significant attracting ‘talent’ is for China: the body responsible for designing and administering ‘talent plans’ is located centrally in the Chinese Communist Party. Under the auspices of the powerful Organization Department of the CCP Central Committee, China launched its most noteworthy of ‘talent plans’ in 2008 – the *Thousand Talent Plan* (*qianren jihua*) – aiming to attract 2,000 ‘high-level talents’ within ten years (Zhu 2013). Finally, the 2012 *Law of the People’s Republic of China on the Administration of Exit and Entry* introduced a separate category of ‘talent visa’ (Boehler 2013). What the emphasis on consolidating its ‘talent’ migration policy tells us is that China has prioritized attracting immigrants with the ‘right’ sets of skills to its country.

In discursive terms, what would commonly be observed if migration is being securitized (for example ‘flood’, ‘illegal migrants’, ‘fight against illegal migration’) is absent in the Chinese discourse on immigration. This is not to say that China would not securitize migration. On the contrary, if China were to securitize migration, we would most likely observe the emergence of this discourse in emigration. Between 1990 and 2013, the number of Chinese emigrants increased by 128.6 percent to over nine million, making China the fourth largest sending country of migrants globally (Wang 2014). While during this period there was also an increase in the number of immigrants to China (that is, 35 percent growth between 2003 and 2013), these figures remain miniscule in comparison to emigrants. The biggest threat from the migration sector for China, as for most developing countries, would thus be its ‘brain drain’, exemplified by the very large number of overseas Chinese students (the most in the world, 3.06 million by 2013) (Wang 2014). The anxiety concerning these developments is best summed up in an article in *People’s Daily*, the official government newspaper, in 2011. Referring to the ‘trend’ of ‘new migrants’ (*xin yimin*) who have left, or are leaving China, since the period of reform and opening up, the *People’s Daily* cautioned that it must be ‘faced with calm’ (*Renmin ribao* 2011). While in the main we do not observe securitization in immigration in China, its official ‘stiff-upper-lip’ approach may be increasingly coming under pressure between its economic desire to be open and the political need to control its borders – as will be shown next.

Rising tensions and emerging challenges for China in the migration sector

Several sets of tensions in the area of migration can be identified for China that may contribute to possible securitization in the future. The first stems from the rather sparse sets of laws and regulations that govern migration in China. Liu (2011: 12) tells us that there was ‘an urgent need to revise the 1985 *Law*’ because the adopted regulations in many instances actually contradicted the 1985 *Law*. In response to these shortcomings, the 2012 *Law of the People’s Republic of China on the Administration of Exit and Entry* introduced harsher punishment (including detention, deportation and higher fines) for the so-called ‘three situations of illegality’ (*sanfei*), namely illegal entry, illegal stay and illegal unemployment (Lefkowitz 2013; Zhu and Price 2013).¹ While this may be interpreted as evidence to support possible growing securitization of migration in China, the extent to which the government would consistently apply these rules remains to be seen (see the case of Nigerian amnesty below). Moreover, Article 1 of the 2012 *Law* repeats the promotion of ‘foreign exchanges and opening to the outside world’ the 1985 *Law* mentioned (Bureau of Exit and Entry Administration 2012). Finally, the 2012 *Law* remains very limited in scope; issues such as refugees and asylum, cross-border crime, or integration remain untouched (Zhu and Price 2013).

Another potential source of tension is institutional; there are many central institutions and bodies involved in migration policymaking and implementation. For instance, the National People’s Congress (NPC) issues the national laws; administrative laws and regulations come from the State Council (Zhu and Price 2013). In addition, seventeen² ministries and offices implement the rules, regulations and policies concerning the entry, exit, travel and residence of foreigners in China (Liu 2011). What this tells us is that migration regulation and implementation in the case of China would likely exhibit tensions at both vertical (multi-level) and horizontal (between ministries and bodies with different priorities) levels that would be familiar to the EU audience. In response to this, the 2012 *Law* also includes the establishment of an information platform for exit-entry administration in order to improve communication between institutions (Zhu and Price 2013).

The third set of tensions derives from the sheer increase of the number of foreigners entering China. While there were only 594,000 immigrants registered in 2010, some 26 million foreigners entered China for business, leisure, visits to relatives and friends, work and other purposes (National Bureau of Statistics of China 2011b).³ It is important to note that approximately 2.5 million of these 26 million ‘overseas visitors’ were ‘workers and crew’ on short-term visas (National Bureau of Statistics of China 2011b). Overall, the current focus remains mostly on exit-entry administration and short-term visits (Shen 2011); thereby leading those on non-renewed short-term visas needing to resort to other measures (Østbø Haugen 2012). The extent to which the situation of overstayers may spark tensions and lead to securitization of migration can be seen in the case of Guangzhou, which witnessed a rapid increase of immigration from Africa since the strengthening of Sino-African ties in 2003. According to a 2009 article in a Chinese weekly, Guangzhou had over 20,000 registered African inhabitants and another 200,000 ‘invisible’ African residents (Zhu and Price 2013). In 2007, local authorities released reports that outlined the main problems, such as the lack of registration and business licenses and expired visas, but also the lack of administrative coordination (*ibid.*).⁴ In 2009, a riot ensued following a police raid on Nigerian overstayers in Guangzhou (Lefkowitz 2013). Tensions were relieved when China and Nigeria signed an amnesty agreement that allowed the overstayers to leave and return to China legally. This *ad hoc* approach is emblematic of China’s preference for pragmatism, but critics have argued for a more system-

atic approach (that is, to establish a central body for immigration administration) (Shen 2011; Zhu and Price 2013). EU member states, such as Spain and Italy, which have conducted amnesties for unauthorized migrants could provide leadership for EU-China cooperation in this area.

China's preference for embracing the pragmatic approach in migration regulation comes from its economic priorities and the drive to implement its reform programme since 1978. This can be seen, for example, in the establishment of free trade zones as a solution for high volumes of border crossings, as is the case on the China-Vietnam border and the China-Myanmar border. The free trade zone of Dongxing receives 7,000 Vietnamese traders on a daily basis, whereas the border town of Ruili, also a free trade zone, experience 30,000 crossings daily (*Xinhua*, cited in Lefkowitz 2013). Another instance of China's creative response to border region problems is the example of the *Documented Registration Certificate for Border Residents in Cross-border Marriages*, or 'Blue Card' for cross-border brides. This programme seeks to address the illegal import of foreign brides – a thorny issue for China given the imbalanced sex ratio – through a registration system that offers them social benefits; it is active in Dehong, Yunnan province (Shen 2011). While these cases are successful examples, these models cannot be applied systematically elsewhere because of the sheer numbers of current and likely future border crossings.

To sum up, China is undergoing a rapid transition in how it handles migration-related issues. At the time of writing, it appears that its immigration regime is struggling to balance two sets of very important priorities for China: the need to further open up its borders to allow immigrants to enter and contribute to its economic growth (and introduce the associated integration measures currently lacking), and the more traditional security concern of controlling population movements into and within its borders. While China may be unique in its size and state structure, the migration challenges it faces would be familiar to most governments worldwide. Any government, European partners included, wishing to cooperate effectively with China on migration matters, needs to understand the tensions highlighted above.

Concluding remarks: whither EU-China security cooperation in migration?

This chapter sets out to answer the question: is the focus on security in migration misplaced? This question arises because China provides us with quite a different model from the EU. Whereas the EU follows policies in relation to migration, security and development that prioritize security, China's migration system can be defined as 'pragmatic' as it balances the development needs with security concerns in relation to migration. Although it is too early to tell whether this model will be successful in the long run and how it will evolve in the near future, some elements of the model do challenge the notion of the need for an overall focus on security. In light of the impact that the financial crisis has had, the question might be asked whether it would not be beneficial for the EU to focus more on areas of migration that require *de-securitization* so as to gain economic benefits. This has already partially been put in practice in the form of the attraction of high-skilled workers (see Cerna and Chou 2014), but much more could be done in this area and through a partnership approach with those countries classically considered as source areas and regions.

This may be especially timely given that China's view on international relations is undergoing transition, which may have important implications for future EU-China cooperation on

migration. During the late 1980s and 1990s, Deng Xiaoping adopted the foreign relations strategy of keeping a low profile (*taoguang yanghui*);⁵ China should not seek leadership of the international community. In line with its growing integration into the international community since 2001, China has partly moved away from this in practice. Currently, it is trying to be perceived as a ‘responsible major power’ and it is taking a more pro-active stance in diplomacy and global affairs (Chen and Wang 2011: 203). Another indication that China’s position is changing came in 2013 with the announcement on creating a National Security Committee for coordinating foreign policy. The latter, however, unlike the United States National Security Council on which it was partly modelled, also has a considerable domestic security dimension, which again indicates its priority of *domestic* security (Perlez 2013). Overall, it should be kept in mind that this transition is gradual and still ongoing and that China’s view of its role in international relations remains very different from the EU’s normative role in international affairs.

The findings of this chapter show that immigration policies and practices in China do not exhibit an identifiable security discourse. While a systematic explanation as to why this is the case is not offered here, China’s very recent opening of its borders for immigration, the low numbers of immigrants and permanent residents, and its prioritizing economic development all seem to contribute to the Chinese state’s general reluctance to securitize immigration. Put simply, for China, its economic performance, which is the very foundation of the national objective of ‘harmonious existence’ and constitutes the basis of the CCP’s legitimacy, guides its immigration policies. Threat perception in the migration field would be those activities that destabilize economic growth, for example, emigration of its highly talented citizens. The immigration discourse, which is largely oriented at both the ethnic Chinese and Chinese nationals abroad, has thus remained very much focused on China’s development, both in economic and knowledge terms, and at the inclusion of Chinese overseas in this project (Bolt 1996; Nyíri 2001). This integration project, then, is very much about transcending borders, something that can also be witnessed in the global promotion of Chinese culture and the rise of China’s soft power.

The overall lack of securitization in immigration in China has important implications for EU-China cooperation in this domain. First and foremost, it means that the Chinese and European partners must exercise ‘mutual flexibility’ and find common grounds to push forward. It is clear that China is keen to have a fast-track procedure for the admissions of its nationals to Europe. Opening a channel for this, even if restricted to a very limited set or number of Chinese citizens on a phase-by-phase basis, could be a possibility to explore. Undoubtedly, the EU needs full cooperation, not only a mandate, from its member states to pursue this policy option. It is difficult to envisage a particular EU member state openly opposing this policy option, other than the traditional member states such as the UK, which has selective participation in EU migration measures, and some new member states, which continue to struggle with having access to the job market in other EU countries. Nonetheless, it would be very challenging to unite the 28 EU member states on a common position in any migration measures given the Council negotiations in this area. China, on the other hand, could consider signing the ‘readmission agreement’ and assist EU member states in accepting the return of irregular Chinese nationals or those who travel through its territory en route to Europe.

Another obstacle that must be overcome, however, is the EU strategy of linking the security aspects of migration to all agreements with third countries. This practice is most pronounced in inter-regional relations where migration clauses have been included in – or represented the

main obstacle to – the conclusion of economic partnership agreements with the African Union and African sub-regional organizations (see above), the Andean Community of Nations and the Caribbean Community. For collaborative dialogue to emerge with China in the field of migration, the EU must abandon a ‘cookie-cutter’ approach to third country relations and address the points mentioned above that are specific to the EU-China migration dialogue because of China’s position as an emerging power.

The second implication concerns the focus on the security dimension in migration cooperation: is it misplaced?⁶ Concentrating on the possibility of a robust EU-China migration cooperation, it may be argued that both the EU and China could consider initiating cooperation in regulating skilled migration (see also ‘China-Europe 2020 Strategic Agenda for Cooperation’). Here, the EU is interested in attracting the highly qualified and the skilled to its common territory (Cerna and Chou 2014), while China wants its talented citizens back. Agreements focusing explicitly on knowledge migrants and workers (students, academics, scientists and professionals) could be a good starting point since many of these ‘new migrants’ are ‘trans-migrants’ who move between Europe and China, and around the world. Transforming Europe and China into attractive destinations for them could be a common project between the two partners. With the US being the current top receiver of Chinese students, developments in the US will continue to affect EU-China collaboration on this matter.

The third implication touches on the more general perception of China in European public or policymakers’ eyes: primarily as a source of irregular or ‘illegal’ migrants to Europe. It appears that as long as this perspective holds, EU-China security cooperation in the migration field will remain the same in the years to come. As has been highlighted, China has recently also experienced the challenge of accommodating African ‘overstayers’ in Guangzhou. It is thus essential for the European audience to widen their understanding. In addition to direct Europe-China exchanges, it is important for the European audience to contextualize its cooperation with China within rising regionalism in Asia, which is different from the European understanding of regionalism where an emphasis has been on building an institutional infrastructure to support and enforce cooperation. In Asia, movements toward greater cooperation and initiatives in areas such as higher education and migration can be observed. Therefore, it can be argued that understanding Chinese migration also involves understanding migration within Asia, a major phenomenon that does and will continue to affect the process of migration and migration cooperation between the EU and China.

References

- Adamson, Fiona 2006. ‘Crossing Borders: International Migration and National Security’, *International Security* 31(1): 165-99.
- Alscher, Stefan 2005. *Knocking at the doors of ‘Fortress Europe’: Migration and border control in Southern Spain and Eastern Poland*, CCIS Working Paper #126, San Diego: UCSD.
- Andreas, Peter 2012. *Border Games: Policing the US-Mexico Divide*. Ithaca, NY: Cornell University Press.

Boehler, Patrick 2013. 'Under China's New Immigration Law, Harsher Fines for Illegal Foreigners', *South China Morning Post*, 1 July.

Bolt, Paul 1996. 'Looking to the Diaspora: The Overseas Chinese and China's Economic Development, 1978-1994', *Diaspora* 5(3): 467-496.

Boswell, Christina 2007. 'The Securitisation of Migration: A Risky Strategy for European States', *DIIS Brief*, Danish Institute for International Studies.

Bureau of Exit and Entry Administration of the Ministry of Public Security 2012. *Exit and Entry Administration Law of the People's Republic of China*, 30 June. Available at: www.mps.gov.cn/n16/n84147/n84196/3837042.html (accessed 22 June 2015).

Burridge, Andrew 2012. *The 'Added Value' of RABITs: Frontex, Emergency Measures and Integrated Border Management at the External Borders of European Union*. RISC Consortium Working Paper 1. Available at: www.risc.lu/content/working-papers (accessed 22 June 2015)

Cerna, Lucie and Chou, Meng-Hsuan 2014. 'The Regional Dimension in the Global Competition for Talent: Lessons from Framing the European Scientific Visa and Blue Card', *Journal of European Public Policy* 21(1): 76-95.

Chen, Dingding and Wang, Jianwei 2011. 'Lying Low No More? China's New Thinking on the Tao Guang Yang Hui Strategy', *China: An International Journal* 9(2): 195-216.

Chen, Feng 1997. 'The Dilemma of Eudaemonic Legitimacy in Post-Mao China', *Polity* 29(3): 421-39.

Chou, Meng-Hsuan 2009. 'The European Security Agenda and the "External Dimension" of EU Asylum and Migration Cooperation', *Perspectives on European Politics and Society* 10(4): 541-59.

Chou, Meng-Hsuan and Gibert, Marie 2012. 'The EU-Senegal Mobility Partnerships: From Launch to Suspension and Negotiation Failure', *Journal of Contemporary European Research* 8(4): 408-27.

Cornelius, Wayne A.; Tsuda, Takeyuki; Martin, Philip L. and Hollifield, James F. (eds.) 2004. *Controlling Immigration: A Global Perspective*. Palo Alto: Stanford University Press.

European Commission 2010. 'Policy Coherence for Development Work Programme 2010-2013', SEC (2010) 421.

European Commission 2011. 'Communication from the Commission to the European Parliament and the Council on Evaluation of EU Readmission Agreements', 76 final.

Gabrielli, Lorenzo 2007. 'Les enjeux de la sécurisation de la question migratoire dans les relations de l'Union européenne avec l'Afrique', *Politique Européenne* 22: 149-73.

Guowuyuan qiaoban qiaowu ganbu xuexiao bian 2006. *Qiaowu gongzuo gailun* [Outline of overseas Chinese work]. Beijing: Zhongguo zhigong chubanshe.

International Organization for Migration 2015. 'Promoting China-EU Cooperation on Migration Management'. Available at: <https://www.iom.int/news/iom-hosts-eu-china-dialogue-migration-and-mobility-support-project> (accessed 14 July 2015).

International Organization for Migration undated. 'China'. Available at: www.iom.int/countries/china/ (accessed 14 July 2015).

Lavenex, Sandra 2006. 'Shifting up and out: The Foreign Policy of European Immigration Control', *West European Politics* 29(2): 329-50.

Lefkowitz, Melissa 2013. 'Strike Hard Against Immigration: China's New Exit-Entry Law', *ChinaBrief* 13(23): 22 November.

Leonard, Sarah 2009. 'The creation of FRONTEX and the politics of institutionalisation in the EU external borders policy', *Journal of Contemporary European Research* 5(3): 371-88.
Liu, Guofu 2007. *The Right to Leave and Return and Chinese Migration Law*. Leiden; Boston: Martinus Nijhoff.

Liu, Guofu 2011. *Chinese Immigration Law*. Burlington, VT: Ashgate.

Ministry of Foreign Affairs of the People's Republic of China 2014. 'Full Text of Li Keqiang's Speech at Opening Ceremony of Boao Forum.' 11 April. Available at: www.fmprc.gov.cn/mfa_eng/topics_665678/ (accessed 22 June 2015).

National Bureau of Statistics of China 2011a. 'Major Figures on Residents from Hong Kong, Macao and Taiwan and Foreigners Covered by 2010 Population Census', 29 April. www.stats.gov.cn/english/ (accessed 22 June 2015).

National Bureau of Statistics of China 2011b. *China Statistical Yearbook 2011*. Available at: www.stats.gov.cn/tjsj/ndsj/2011/indexeh.htm (accessed 22 June 2015).

National Bureau of Statistics of China 2013. *China Statistical Yearbook 2013*. Available at: <http://www.stats.gov.cn/tjsj/ndsj/2013/indexeh.htm> (accessed 22 June 2015).

Nyíri, Pal 2001. 'Expatriating is Patriotic? The Discourse on "New Migrants" in the People's Republic of China and Identity Construction among Recent Migrants from the PRC', *Journal of Ethnic and Migration Studies* 27(4): 635-53.

Østbø Haugen, Heidi 2012. 'Nigerians in China: A Second State of Immobility', *International Migration* 50(2): 65-80.

Perlez, Jane 2013. 'New Chinese Panel Said to Oversee Domestic Security and Foreign Policy', *The New York Times*, 13 November.

Renmin ribao 2011. 'Lengjing miandui "xin yimin chao"' [Calmly facing the "new migrants trend"], 23 May.

Renmin ribao 2004. 'Woguo "luka" zhidu zhengshi shishi' [China's "green card" system officially implemented], 21 August.

Rudolf, Christopher 2003. 'Security and the Political Economy of International Migration', *American Political Science Review* 97(4): 603-20.

Shen, Haimei 2011. 'Inflow of International Immigrants Challenges China's Migration Policy', *Brookings Report*. Available at: www.brookings.edu/research/ (accessed 22 June 2015).
State Council of China 2007. *China National Plan of Action on Combating Trafficking in Women and Children (2008-2012)*. Available at: www.humantrafficking.org/countries/china (accessed 22 June 2015).

United Nations Radio 2013. 'China and European Union Discuss Cooperation on Migration', available at: www.unmultimedia.org/radio/english/2013/09 (accessed 22 June 2015).

Wang, Huiyao 2014. 'The Role of Government and NGOs in Chinese Migration Policy Development'. International Symposium on Talents Exchange and Skilled Migration Policies. Bureau of Talents Management of the Organization Department of the CPC Central Committee and State Administration of Foreign Experts Affairs, PRC. Beijing, 16-17 June.

Weiner, Myron 1995. *The Global Migration Crisis: Challenge to States and to Human Rights*. Addison Wesley Publishing.

Xiang, Biao 2003. 'Emigration from China: A Sending Country Perspective', *International Migration* 41(3): 21-48.

Yang, Fang 2014. 'Residency Reform "Vital"', *Global Times*, 28 May. Available at: www.globaltimes.cn (accessed 22 June 2015).

Zhu, Guobin and Price, Rohan 2013. 'Chinese Immigration Law and Policy: A Case of "Change Your Direction, or End up Where You Are Heading"?' *Columbia Journal of Asian Law* 26: 1-28.

Zhu, Jinjing 2013. 'China Attracting Global Top Talent: Central and Local Government Initiatives', Wang Gungwu and Zheng Yongnian (eds.) *China: Development and Governance*. Singapore: World Scientific, 361-68.

¹ For an official English translation of the law, see Bureau of Exit and Entry Administration 2012.

² They are: the Ministry of Public Security, the Ministry of Foreign Affairs, the State Administration of Foreign Experts Affairs, the Ministry of Justice, the Ministry of Civil Affairs, the Ministry of Human Resources and Social Security, the Ministry of Education, the Ministry of National Security, the Ministry of Business, the Ministry of Supervision, the National Bureau of Religious Affairs, the National Bureau of Travel, the State Administration of Foreign Exchange, the Hong Kong and Macau Office of the State Council, the Overseas Chinese Affairs Office of the State Council, the Taiwan Affairs Office of the State Council and the General Staff (Liu 2011: 13).

³ The top ten nationalities in China are from Japan, South Korea, Russia, the USA, Malaysia, Singapore, Vietnam, the Philippines, Burma and Mongolia (Liu 2011: 3-4).

⁴ Guangzhou Committee of Chinese People's Political Consultative Conference, Report of Investigation and Research on the Management of Foreigners Living in Rented Houses/Apartments of Guangzhou City, released on 31 October 2007; Report by Office of Advisors of the Municipal Government. Cited in Zhu and Price 2013: 10, 14.

⁵ Literally 'hide brightness, cherish obscurity'. This became part of Deng Xiaoping's '24-character' principle for foreign relations: 'observe calmly, secure our position, cope with affairs calmly, never seek leadership, hide brightness and cherish obscurity, get some things done' (Chen and Wang 2011: 198).

⁶ As stated, security in the Chinese context remains mostly a traditional concept tied to the military and notions of sovereignty and territorial boundaries. It is worth noting that, however, recently the Chinese state has realized the limits of a focus on traditional security; at the Boao Forum for Asia in April 2014, Premier Li Keqiang proposed the creation of a regional security framework for non-traditional security challenges (Ministry of Foreign Affairs of the PRC 2014). Yet it remains to be seen how this focus on non-traditional security affects future discourses on migration.