



Home Office

Home Office Response to IAGCI Review China COIRs, April 2014–January 2015

20 April 2015

Review Conclusions/ Recommendations		Response	Home Office Comments
1.	01/15-152: Political Affiliation The structure of the response is confusing: while five questions are raised, six answers are provided. Answers No 2, No 3 and No 4 seem to relate to question No 2, while answer No 5 seems to be relate to questions No 3 and No 4.	Not Accepted	The numbered paragraphs do not specifically relate to answers to the questions (i.e. paragraph 1 is not a direct response to question 1). It should be seen as information in response to the question(s) posed.
2.	01/15-152: Political Affiliation On the content, the questions are answered in an appropriate manner with reference to recent sources, although the answers are very brief and no list of additional relevant sources is provided.	Partially Accepted	Whilst we agree in principle – and endeavour to provide a wide range of sources – it is not always possible for a variety of reasons, such as availability and time.
3.	01/15-152: Political Affiliation Answer No 6 makes reference to an unclear source, in the full text instead of a footnote, and without providing an online link.	Not Accepted	The link is to a different, earlier COIR on the subject available via the Home Office’s internal IT system.
4.	01/15-041: Religion and Ethnicity The reviewer suggests a 2009 Canadian IRB Response to Information Request for additional information.	Accepted	We appreciate the suggestion and will assess the source and the material for inclusion in future queries on the same or similar issues.
5.	01/15-041: Religion and Ethnicity While paragraph 1 of the response refers to “9 January 2012” as the date of response by the British Embassy in Beijing to an information request, corresponding footnote 1 refers to “9 January 2015”. Assuming that these dates should be identical, the error should be corrected.	Accepted	We will correct this, subject to priorities and resources and/or a further enquiry on this point.

6.	<p>04/14-052: Women and Children</p> <p>The information request is answered with reference to a 2013 China COI Report, three enquiry responses dating from 2012 and 2014 and a number of provisions of the Chinese Nationality Law.</p> <p>The hyperlinks connected to the references do not work; therefore the references cannot easily be consulted. In addition, it is not clear to what extent these sources provide an answer to the question, as the titles do not specifically relate to the issue of Chinese children born abroad, and the response does not elaborate on the content of the sources. The response simply states that it should be read “in conjunction with” these sources. This answer cannot be considered sufficiently helpful for the reader.</p>	Not Accepted	<p>The links are to different, earlier COIRs on the subject available via the Home Office’s internal IT system.</p> <p>Whilst we accept it has not been possible for the <i>reviewer</i> to make an assessment, we do not accept this can lead to the general conclusion that they “cannot be considered sufficiently helpful for the reader”.</p>
----	--	--------------	--

7.	<p>04/14-052: Women and Children</p> <p>The reference to a number of provisions of the Chinese Nationality Law is only helpful to a limited extent. Of all the provisions cited, only Article 5 seems to be particularly relevant: “Any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality.” It can be concluded that a daughter of Chinese parents who is born in the UK without having the British nationality, is a Chinese national.</p> <p>However, this information is not sufficient to conclude that the welfare of the child will be safeguarded if it were to be removed to China. Additional information is required about the treatment of children born abroad upon their return to China, in particular where the Chinese one child policy has been breached while the parents are/were living abroad.</p>	Not Accepted	<p>I think we can interpret the question about ‘the welfare of his child cannot be safeguarded’ as asking whether the child would have access to education and medical welfare etc, which are only accessible to those children that are registered. The answer establishes that the child is a Chinese national and therefore can be registered. There was no mention in the question that the child was either born out of wedlock, or was born an additional child, which would have breached the One-Child-Policy. So registering a child should be ‘reasonably’ straight forward through the correct procedures.</p> <p>The other responses (available via the Home Office’s internal IT system) would have also assisted the decision maker.</p>
8.	<p>04/14-052: Women and Children</p> <p>The reviewer suggests an article via China Daily USA for additional information.</p>	Accepted	<p>We appreciate the suggestion and will assess the source and the material for inclusion in future queries on the same or similar issues.</p>