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**Caught between Two Worlds:
*Mainland Chinese Return Migration, Hukou
Considerations, and the Citizenship Dilemma***

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CAUGHT BETWEEN TWO WORLDS: MAINLAND CHINESE RETURN MIGRATION, HUKOU CONSIDERATIONS, AND THE CITIZENSHIP DILEMMA

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INTRODUCTION

China has this situation with the hukou [household registration system]. It might be harder to obtain hukou status in Beijing than it is to become a Canadian [permanent resident]. Do you know that Beijing hukou status has many benefits? Since the hukou system started, only the minority of people living in cities has this privilege. I think there is a new trend now. Who knows? I may think twice if I were to naturalise [as a Canadian citizen now].
(Richard, early forties, naturalised Canadian citizen)

This article argues that considerations of the hukou system, stipulating access to rights and privileges in China, shape the return migration experience of Mainland Chinese migrants who have already naturalised as Canadian citizens. The “new trend” indicated by Richard above refers to the growing importance of the hukou for migrants who are returning to live and work in China after a temporary stay in Canada. Hukou status in large cities such as Beijing, Shanghai, and Guangzhou is especially valued because it confers better privileges in these cities than hukou status in urban areas elsewhere in China. Several scholars have documented the differentiated citizenship experienced by urban and rural residents in China because of their status in the household registration system, or *hukou*, in China (Cheng and Selden 1994; Chan and Zhang 1999; Fan 2002; Zhang 2002; Peter and Chan 2004; Chan, 2009).

My analysis extends this scholarship to a transnational scale by focusing on returning Mainland Chinese migrants (with Canadian citizenship) who have to navigate China’s dual citizenship restriction and its implications for their hukou status in China, which confers residency, employment, and social rights. In this way, this paper considers the intersecting relationship between entry and exit administration, citizenship laws, and the hukou system in China. This

paper also departs from the dominant literature on membership concerns and dual citizenship debates in immigration contexts by instead exploring the politics of migration and dual citizenship from an emigration perspective. Unlike the immigration literature that addresses the condition of non-citizens residing within a host society, this paper investigates the issues faced by former citizens returning to reside in the society they had left.

The following section contextualises this paper in the migration and citizenship literature and introduces new questions about citizenship in the light of return migration trends. This is followed by a consideration of the relationship between migration, citizenship, and hukou policies in China, drawing particular attention to the implications for returnees in terms of their admission (or exclusion) and terms of residence. The paper then proceeds to an empirical discussion on emigration and citizenship decisions amongst the Mainland Chinese returnees in my study and their later return to China. In so doing, this section sets the stage for the ensuing discussion on the dissonances experienced by returnees with Canadian citizenship status due to their treatment as “foreigners” (in terms of both legal status and social rights) in China, although they still regard it as their motherland. The penultimate section looks at the situation of returnees who are secretly holding both Chinese and Canadian citizenships. I then conclude this paper by summing up its main arguments and highlighting areas for future contemplation and study.

MIGRATION AND THE CITIZENSHIP DILEMMA

Political membership, or citizenship status, is linked to notions of national belonging and access to associated rights and privileges. Benhabib (2004, 1) argues that “new modalities of membership have emerged, with the result that the boundaries of the political community, as defined by the nation-state

system, are no longer adequate to regulate membership.” This observation is particularly appropriate for describing the changes that are happening to citizenship practices under conditions of accentuated transnational migration. As Stasiulis (2008, 140) suggests, patterns of multiple migrations are transforming the social relations of citizenship, thus leading to its respatialisation in terms of rights, obligations, and belonging. Various theories and models of citizenship have been advanced to make sense of these changing trends. For example, postnational advocates like Soysal (1994) and Benhabib (2004) emphasise a human rights regime of entitlements that transcends the nation-state-based model of citizenship. However, human rights discourses are treated with scepticism in a number of countries in Asia, including China; thus, this view of citizenship has only limited currency.

Another approach supports a theory of “transnational citizenship” wherein it is proposed that membership is shared between two or more nation-states (see Bauböck 1994). Dual or multiple citizenships are models of transnational citizenship (Faist 2000; Bloemraad 2004). Dual citizenship can be differentiated from dual nationality in that the latter provides for a more limited set of rights than the former (Faist 2000). Vertovec (2004) adds that nationality should be regarded as only formal status of state membership whereas citizenship encompasses rights and duties within the nation-state. The list of countries tolerating dual citizenship is now growing, first because of accentuated transnational migration that has led to concerns over the political integration of newcomers (Faist, Gerdes, and Rieple 2004), and second, because of new attempts by sending states to retain ties with citizens living abroad (Larner 2007; Stasiulis 2008; Bauböck 2009). But as Levitt and Glick Schiller (2004) highlight, this arrangement also leads to critical questions about which

state should assume the primary responsibility for migrants' protection and representation.

Questions of migrant protection become more salient in the case of return migration, especially when the sending state does not allow dual citizenship although the migrant has naturalised elsewhere. These migrants may be compelled to give up their citizenship status in the country from which they immigrated, or they may continue to keep their original citizenship without the knowledge of the immigration authorities. The implications of these citizenship strategies are critical in cases of return migration where "return" entails entering the source country on a newly acquired passport that attests to another citizenship status. In immigration parlance, such migrants are now regarded as "aliens." Bosniak's 2006 work considers the status of foreigners without citizenship status in the United States, and she argues that they occupy a liminal position as marginalised and subordinated subjects of the American immigration and citizenship regime. In a similar way, returnees with non-citizenship status in China are regulated by new terms of admission, exclusion, and residence. Their legal and social security entitlements in China have to be considered in a new light. Significantly, the migrant may continue to feel cultural or emotional belonging in the country of origin but no longer have the rights to legally reside, work, and obtain social security entitlements there.

The image of the "flexible citizen" has come to be associated with Chinese transnationalism since Ong (1999) introduced the term to describe the practices of multiple citizenship acquisition amongst Hong Kong immigrants to the United States. Their transnational strategies of accumulation have been further documented in other studies of Hong Kong immigration to Canada. Just as in the American case, scholars focusing on the Canadian context stress that Hong Kong immigrants obtain another citizenship as a safeguard against

geopolitical uncertainties and/or to capitalise upon the opportunities for travel convenience, better educational opportunities (for children), and other citizenship rights (Waters 2003; Preston, Kobayashi, and Man 2006). Yet, as research by Ley and Kobayashi (2005) shows, these immigrants do not remain in Canada for long. A significant number of them choose to return to Hong Kong for better economic opportunities after spending only a few years in Canada.

Since 1998, immigration to Canada from Mainland China has exceeded that from Hong Kong. The 2006 census indicates that the Mainland Chinese are fast catching up to replace the British as the largest stock of immigrants in Canada (Table 1). Between 2001 and 2006, approximately 155,000 Mainland Chinese immigrants arrived in Canada (Statistics Canada 2006). Immigration from Mainland China is concentrated in the skilled and business class categories. Li (2008) argues that this type of mobility represents human capital transfer from China to Canada. Like the Hong Kong Chinese, Mainland Chinese immigrants seek citizenship status in Canada to capitalise on the advantages of Canadian citizenship and to improve the quality of life for their families. The 2006 census indicates that 303,810 of those who indicated China as their place of birth had Canadian citizenship status. Another 13,935 claimed to have Canadian citizenship and citizenship from at least one other country (Statistics Canada 2007).

TABLE 1 BIRTHPLACE FOR IMMIGRANT POPULATION BY PERIOD OF LANDING

BIRTHPLACE	IMMIGRANT POPULATION	BEFORE 1991	1991–1995	1996–2000	2001–2006
UK	579,620	515,135	20,630	18,200	25,655
China, PRC	466,940	133,910	69,635	108,285	155,105
India	443,690	156,830	67,825	89,890	129,140
Philippines	303,195	107,765	65,485	52,060	77,880
Italy	296,850	289,820	2,540	2,225	2,270

Source: Statistics Canada, 2006.

However, the pursuit for citizenship in another country is not an easy one. Teo's (2007) research documents the difficulty Mainland Chinese immigrants face in settling and integrating into Canadian society while waiting to fulfil the residency requirement to apply for citizenship. The statistical analysis by Li (2008) and the qualitative study by Man (2004) on the Mainland Chinese in Canada are particularly telling of the extent to which these migrants are deskilled in Canada. "Astronaut family" arrangements, in which one parent returns to China to find better paid work while the other remains in Canada with the children, are common amongst the Mainland Chinese community in Canada. However, there are signs of a growing volume of return migration flows to China as well. This return is not limited to one member of the family, as in the case of the astronaut families, but involves relocating the entire family unit to China.

Data drawing on the 2001 and 2006 census indicate that outmigration rates of naturalised Canadians from Hong Kong and Taiwan are greater than from Mainland China (Devoretz, 2009). However, I would argue that outmigration rates from China are anticipated to rise more sharply given the later immigration peak of the Mainland Chinese and an estimated three- to five-year incubation period (DeVoretz 2009) before immigrants might decide to move elsewhere, including a return to their birth country. "Return," however, is not a straightforward process (Aranda 2006), particularly if "return" entails entering the source country on a newly acquired passport even though the law in China prohibits dual citizenship. A Chinese news article reports that demand for Chinese visas is growing as more Mainland Chinese migrants who have naturalised in the United States or Canada decide to return to China. But the lack of Chinese citizenship status and identity cards creates an inconvenience

for them, both in terms of applying for the visa and the difficulties faced during their stay in China (*Zhongguo Qiaowang*, 1 July 2008).

This paper draws on research conducted with Mainland Chinese individuals who have Canadian permanent residency or citizenship status. I carried out thirty interviews with Mainland Chinese migrants currently living in Vancouver and thirty more interviews with returnees in Guangzhou, Shanghai, and Beijing. I recruited these participants using two main strategies. First, I advertised my research project on a website for new Chinese immigrants in Canada and asked interested individuals to come forward. Second, I contacted immigrant service and community associations in Canada as well as Canadian associations in China. These associations put me in touch with some members who helped me to recruit more participants. Other than these two strategies, I also attended select social events organized by these associations in order to observe and recruit additional study participants.

All of the participants in my study had immigrated to Canada through the skilled migrant category as applicants or dependents. In other words, they all had university qualifications. The majority of them were in their thirties or forties and had accrued substantive work experience in China before immigrating to Canada. However, more than half of my total sample had experienced work deskilling after immigration. My interviews with them sought to understand their motivations for immigrating to Canada, their experiences living in Canada and China, and their attitudes towards returning to China. Interviews were conducted in Mandarin unless the respondent initiated conversation in English. The anecdotes presented here are translated by the author, and all names used are pseudonyms to protect the identities of the participants.

THE CITIZENSHIP REGIME IN CHINA

The concept of citizenship was introduced into China along with the growing influence of the West beginning in the eighteenth century. There are multiple Chinese translations of the term "citizenship": *guomin* (national), *gongmin* (state membership), *shimin* (city people), and *renmin* (people as distinguished from the class enemies in communist China). Each of these terms connotes a different quality of citizenship and the shifting terminology attests to the slippery nature of this concept in the Chinese context. Keane (2001, 2) observes that citizenship in China is framed on a collectivist understanding of rights that is geared towards economic, social, and cultural benefits. The hukou system is an integral part of Chinese citizenship and takes on special significance because of its economic and social redistributive role. The term *shimin* identifies a collectivity at the municipal or district level, which is arguably a type of consciousness linked to the hukou system in China.

The hukou system was established in 1951 and extended in 1955 to regulate the movement of people within China and the redistribution of economic and social resources (Cheng and Selden 1994). Chan and Zhang (1999, 819) observe that the hukou system acts as a tool of social control by enabling the state to decide where people should live and work. A public controversy erupted in 2003 when a young university graduate from Hunan was arrested and beaten to death in custody for not carrying his identity card and failing to apply for a temporary residence permit identifying his right to live and work in Guangzhou (*China Daily* 2003). The hukou thus acts as a type of "domestic passport system" in China (Chan and Zhang 1999, 830). A number of other studies looking at the urban-rural divide in China also suggest that this type of household registration system privileges urban residents and entrenches

economic and social divisions in Chinese society. Peter and Chan (2004) argue that this creates a form of apartheid in China while Cheng and Selden (1994) and Zhang (2002) contend that the hukou system contributes to a spatial hierarchy linking Chinese residence to socio-economic entitlements.

Hukou is, however, also closely tied to entry and exit administration in China, which is managed by the Ministry of Public Security (Liu 2009, 314). There is a plethora of laws regulating migration in China, and several Mainland Chinese scholars advocate the need to have an integrated migration administrative system (Jing 2009; Liu 2009; Zhang 2009). Critically, hukou regulations established in 1955 stipulate that Chinese citizens going abroad have to obtain a migration certificate at the public security department in their place of residence (Cheng and Selden 1994, 656). Prior to 2004, Chinese citizens who left China for more than year also had to relinquish their hukou status, which they could reinstate only upon their physical return. This regulation was later abolished, thus allowing Chinese citizens living overseas to remain abroad for a longer period of time without losing their hukou status (Liu 2009, 319).

However, naturalising into another country's citizenship is in effect still tantamount to giving up one's citizenship and hukou status. As one participant in my study explained:

The passport and identity card are two different concepts in China . . . The identity card signifies which city [hukou] you come from while the passport represents your country. Without a hukou, you cannot apply for a passport. If you give up your citizenship, your hukou status will be cancelled. So the hukou represents citizenship. China used to be a closed society so the documents issued only managed affairs within the country rather than dealing with international relations through the passport system.

The right to Chinese citizenship thus intersects with rights at the hukou level. Ownership of hukou is especially valued by residents from large cities such

as Beijing, Shanghai, and Guangzhou, where social security entitlements, or what Isin (2008) terms as “rights of the city,” are considered superior to other urban areas in China.

In 2006 China issued a new passport law that liberalised the right of Chinese citizens to leave China.¹ This is a landmark move for a country that previously enacted strict controls on not only entry into but also exit from China. However, Liu (2009, 324) observes that the new law is careful to consider the right to leave and yet negligent towards the right to return. One of the reasons for this is that China has restricted dual citizenship since 1958 in view of historical and geopolitical considerations. At a time when China’s ambitions were viewed with suspicion by neighbouring countries, this policy sought to signal to countries with sizeable populations of ethnic Chinese that China encourages the overseas Chinese to assimilate into their new communities (Cheng 2005). This stance was reiterated in the Law of Nationality instituted in 1980, which explicitly prohibits dual citizenship (*Zhongguo Zhengfu Wang* 2008).

By naturalising into another country’s citizenship, Chinese citizens are regarded as having given up their Chinese citizenship. While this is an automatic clause, Chinese immigration authorities have periodically enforced this rule by checking that Chinese citizens who intend to migrate have given up their citizenship and hukou status in China. There is also, however, a moralising discourse attached to giving up Chinese citizenship. Recent Chinese media reports and website discussions reflect a sharply critical attitude towards the decisions made by internationally renowned Chinese celebrities Jet Li and Gong Li to take up Singaporean citizenship, thus automatically denaturalising them as Chinese citizens. One participant in my study also told me about her ex-

¹ This law also limits the validity of Chinese passports from ten years to only five years.

perience of being mocked by an immigration officer for giving up her Chinese citizenship when she remarked that she had been made to wait a long time in the queue to renew her visa for China.

Yet China maintains a tenuous relationship with the overseas Chinese in that it continues to reach out to both the *huaren* (those without Chinese citizenship) and *huaqiao* (those with Chinese citizenship) through other institutionalised ties. China has historically sustained diasporic links with the ethnic Chinese abroad, and its efforts today have expanded, particularly through schemes intended to attract those considered “talented” enough to return and contribute to China’s economic and technological development (Biao 2005; Zweig 2006). A closer look at these policies, however, reveals that the programs inducing return are limited to three categories of overseas Chinese: overseas students, exceptionally senior level personnel, and other persons deemed to have the potential to make outstanding contributions to China.

The returnees from Canada mostly do not fall under the above categories as they had received their earlier education in China and migrated to Canada as skilled immigrants. Some may have taken up postgraduate studies in Canada but did not successfully enter the Canadian labour market, thus prompting the decision to return to China. Apart from these exclusions, returnees with Canadian citizenship status also do not belong to the category of *guixiao*, referring to returnees with Chinese citizenship (usually lowly educated labour migrants or refugees) who are entitled to special protection by the Chinese state. In sum, these returnees are multiply excluded in China because of their non-citizenship status, local Chinese educational backgrounds, and “middling” status in the labour market.

Chen (2009, 392) argues that returnees who have given up their Chinese citizenship, and as such, also their hukou status, encounter inconveniences when they return to live in China. Hukou can be regarded as urban citizenship, granting rights to legal residency, housing subsidies, medical care, and education (Zhang 2002). Giving up national citizenship in China means giving up rights at the hukou level as well, but returnees experience dissonances between their cultural-emotional claims to belonging and their claims to substantive rights. "Flexible citizens" are commonly thought of as neoliberal subjects accumulating rights while avoiding obligations, but as Stasiulis (2008) points out, plural-nationality may not be as advantageous as one might imagine. Instead, neoliberal subjects moving between two or more countries may fall through the gaps of citizenship rights. The remainder of this paper now explores the ways in which the Mainland Chinese returning from Canada navigate being caught (*jia*) between two life-worlds.

EMIGRATION, CITIZENSHIP DECISIONS AND LATER RETURN

Earlier literature on citizenship decisions amongst Hong Kong Chinese immigrants in Canada documents that many of them move to qualify for Canadian citizenship so as to improve the quality of life and educational opportunities for their children. However, Preston, Kobayashi, and Man (2006) report on the low-income levels found amongst immigrant households from Hong Kong. Ley (2010) also observes underemployment trends and business failure in his study of Hong Kong business immigrants. Such outcomes are replicated amongst the Mainland Chinese immigrants. Li (2008, 233–34) reports that China-born university-educated immigrants (aged above twenty-two years old) earn \$39,500 a year, compared to \$54,170 earned by Canada-born white men because their foreign credentials are devalued in the Canadian labour

market.² In a separate study, Teo (2007) argues that these immigrants experience a decline in living standards compared to life in China as well as difficulties maintaining transnational familyhood.

During my research with returnees in China, I similarly found that these reasons, alongside the belief that there are better opportunities in China's fast-growing economy, prompted their decisions to leave Canada and return to China. In fact, obtaining Canadian citizenship is regarded by some as a means for them to return to China at their own free will. Jing, a female returnee in her forties with Canadian citizenship, explained her experience to me:

If I did not apply for Canadian citizenship, there would be a lot of problems returning to China . . . If I only had permanent residency, five years later I would still have to force myself to live in Canada for at least two years to fulfil the criteria for renewing my permanent residency status. But with citizenship, I can go to Canada or return to China anytime I want—there is greater freedom this way.

While Ong (1999) regards such “flexible citizenship” practices as a capitalist accumulation of rights, I argue that decisions to return after obtaining Canadian citizenship should be viewed in the context of the difficulties of employment and settlement in a new country. In the case of Jing, her husband could not find suitable employment in Canada and so decided to return to China to start a company. She relocated with him so that they could start a family and maintain familyhood in China. During the interview, she stressed that Canadian permanent residency status is impractical in their situation because they would have to return to live in Canada in the short term so as to renew their status, which would disrupt the company's operations in China. In a separate interview carried out in Vancouver, another respondent revealed

² In his study, Li accounts for variations in language capacity. This estimated income is independent of the influence of language.

that his business operations in China had to be downsized and left in the care of friends so that he could return to Canada to fulfil the residency requirement (two out of five years) for renewing his permanent residency status.

Jing is one of the few in my interview sample who managed to secretly retain her Chinese hukou after naturalising as a Canadian citizen. This is because she reinstated her hukou status upon her return to China without reporting her Canadian citizenship status to the Chinese immigration authorities. However, many others had been made to give up their hukou status when they applied to leave China. Amongst them is Yang, who left China under a student visa in 1991 to pursue graduate studies in Canada. At that time, Yang had to hand over his household registration documents to the immigration authorities so that he could apply for an international passport and Canadian student visa.

When I left China, the regulation then was I had to give up my hukou. I had to surrender my hukou when I went to apply for a passport . . . That was the rule in the public security department then. The hukou is one of the criteria for proving that you are a Chinese citizen.

During the earlier years he was abroad, Yang remained a Chinese citizen in name, and he could have reinstated his hukou status upon his return to China except that he eventually naturalised as a Canadian citizen. When he returned to China, he used his Canadian passport and was automatically no longer recognised as a Chinese citizen with an entitlement to hukou status.

In another case, Cherry, who left China in 1998, told me that she had applied for a passport signalling her intention to immigrate to Canada:

We didn't have any choice at that time. Ten years ago not many people could leave China . . . When you go to the entry and exit administration to apply to emigrate, your hukou would be cancelled, and so would your status as a Chinese citizen . . . My husband had some hesitations, but I thought I would remain in Canada after leaving [China] so I did not think too much of

it . . . I didn't expect that we would return . . . If I had known we would return, I would not have become a Canadian citizen—a permanent residency status would be enough. Now it is inconvenient for me when I am living in China.

Cherry's anecdote suggests that her earlier intention had been to settle permanently in Canada. However, like many other Mainland Chinese immigrants, her husband could not find work in Canada that matched his professional credentials and experience. The family decided that he would return to work in China while she remained in Canada with the children. Unfortunately, this arrangement led to separation anxieties and the family unit eventually relocated to China. Their return under Canadian citizenship status was not, however, a straightforward transition process because they are now regarded as "foreigners" in their homeland. Both Yang and Cherry are now designated as "aliens" in China and can no longer access the rights and privileges they had previously enjoyed as Chinese citizens. The next section examines the new conditions governing the stay of the Mainland Chinese who return to China as naturalised Canadian citizens.

"FOREIGNERS" IN THEIR MOTHERLAND

With Canadian citizenship in hand, returnees who have given up their hukou status cannot legally reside in China unless they obtain appropriate visas. These range from employer-sponsored visas to self-employment visas or spousal and visitor visas. Visa holders also have to register their residence with the local public security bureau (i.e., the police) within thirty days of arriving in China. Several respondents expressed the dissonance between feeling a sense of cultural belonging in China and having to apply for permission to return and remain there. Chen says, for example:

The company hired me and I am now in China because of my work visa. My company has to renew my visa every year. But I am Chinese and formerly a Chinese citizen, so I feel inconvenienced. Perhaps some Caucasians working in China would not have this experience and may not feel this is inconvenient. Having to apply is troublesome. Compared to the past, I feel I am *returning* to China, so why do I need to apply for a visa?

The work visa in China is usually valid for only one year and needs to be renewed annually. Some returnees establish their own companies in China to apply for work and dependent visas this way. According to my respondents, the penalty for a late renewal of their visas is about RMB 10,000.³ The right of returnees to remain in China is tenuously tied to their employment or the sustainability of their businesses. Cherry expressed frustration about this arrangement: "I feel that I have migrated once again, even if it is to return to China so that I earn a living."

Likewise, Bing claims insider status through her ethnic and cultural identification with China as well as her familial ties there. She had returned to China with her daughter to be reunited with her husband who previously commuted between Canada and China. But the limits placed on her spousal visa in China makes her feel uncomfortably positioned as an outsider:

Though I have obtained Canadian citizenship, I am still a Chinese person from China. My roots are here, so is my cultural belonging, and I speak Mandarin fluently. My family is here, including my parents and my siblings. I don't like it when I am made to feel that I am no longer a Chinese national. It is now inconvenient for me to come back. Although I can travel easily to other countries because I am a Canadian citizen, it is especially troublesome to come to China. I was lucky because I applied for my visa after the [2008] Olympics and the visa allows multiple entries for up to a year. But I can stay in China for at most ninety days at a time. This makes it difficult for my daughter and I because every three months we have to leave China for no

³ RMB 10,000 is approximately equivalent to C\$1500.

other reason except to re-enter again. My daughter and I went to Macau for a day the last time just because of this matter.

As Bing suggests, returnees with foreign citizenships are vulnerable to capricious changes in China's immigration policies. During the 2008 Olympics in Beijing, China tightened restrictions on visa approvals for foreigners so as to ensure its national security. So Bing considers it fortunate that her application was made after the Olympics, thus making it possible for her to obtain a one-year multiple entry visa. However, she still has to leave China every three months only to enter through immigration again. In Bing's case, being based in Guangzhou enables her to take advantage of its proximity to Hong Kong and Macau so as to negotiate this visa regulation. As this paper will later show, geographical proximity and the special arrangements made for Hong Kong and Macau as Chinese territories, enables dual citizenship holders to hide their status from the Chinese immigration authorities.

Mabel, on the other hand, deployed a different strategy to return to China. She decided to apply for a tourist visa instead of a spousal visa, even though her husband could have sponsored her visa. She used the pretext of visiting her aunt who lives in Beijing to register her stay there:

I renew my tourist visa every six months. If I want to apply for a longer-term spousal visa, I have to do it in Nanjing because my husband's registration is based there. So I renew my visa in Beijing instead by giving the reason that I am visiting my aunt.

The above anecdote explains that if Mabel applies for a spousal visa through her husband, she would have to register her residence in Nanjing, which is about two hours by train from Beijing. Mabel previously had hukou status in Beijing but relinquished it when she naturalised as a Canadian citizen. Her extended family continues to live in Beijing. By applying for a tourist visa

through her ties with an aunt, she is able to register her residence in Beijing instead of Nanjing.

However, the tourist visa does not allow her the right to work. She wistfully remarked:

I still feel in my bones that I am a Chinese from China though I have a Canadian citizenship and passport . . . I feel close to Beijing and sometimes I feel it would be easier if I had my Chinese citizenship. I would be able to work for example. I feel that after the time I spent overseas, I would be better qualified for some jobs than my friends in China, but the only thing is that I don't have the legal right to work here anymore.

Indeed, in addition to experiencing emotional dissonance, giving up hukou status and its right to employment makes it harder for returnees to find work because they would have to find an employer willing to sponsor their work visas. Additionally, some jobs in the government and government-linked firms are reserved only for those with local hukou status, meaning that the returnees are no longer entitled to such jobs. Several respondents also told me that their stay abroad has reduced the effectiveness of their social networks (*guanxi*) that would help them find desirable employment in China.

Critically, the visa and residence registration systems identify returnees with Canadian citizenship as "foreigners" in their homeland, creating a space in which the dialectics of rights and cultural identities unfolds (Benhabib 2004, 126). Their status as foreigners manifests as practical issues that returnees have to negotiate upon their return. Steve noted, for example, that coming back to China as a foreigner working on local terms and conditions disadvantages returnees in terms of their social security entitlements:

I don't have benefits like the housing subsidy now that I am a Canadian citizen. When the company was hiring, it did not want to give an expat allow-

ance because it costs more and it is a more complicated procedure. So the company asked if I was willing to be a “foreigner” on local terms . . .

The majority of my respondents work in China on local terms and conditions even if they have a foreign citizenship. This is because they are mostly middle-level technical and management personnel; consequently, employers are unlikely to offer expatriate terms and conditions for their employment. The diaspora strategies propagated by China in recent years have limited application to “middling” migrants (*zhongdeng yimin*) such as these respondents.

The housing subsidy is only one of the social benefits that returnees with Canadian citizenship are no longer entitled to receive. Other respondents mentioned the lack of pension plans, healthcare, and state-subsidised education for their children. Wu’s citizenship application in Canada had recently been approved at the time of the interview, and he was particularly reflexive of what this change in status means for him:

When I joined this company, I was a Chinese citizen, but I will soon be a Canadian citizen and in the process of changing, the benefits that I used to have, such as health insurance, will only apply to Chinese citizens. Some companies, like mine, will not provide insurance for foreigners. I have to cover it myself, so it is an issue . . . The biggest issue though would be my child’s education. It would be very difficult for me to send my child to a private school [in China]. I will have to send my child to a public school.

As suggested by Wu, education for children stood out as an issue of concern for returnees who are parents. Wealthier families are able to send their children to international schools in China so as to prepare them for future education in Canada. However, most returning families cannot afford the expensive annual tuition fees and send their children to Chinese public schools instead, albeit at a higher cost of several thousand Chinese yuan compared to children with local hukou.

Past literature has demonstrated that Chinese families place premium value on the importance of education for young children (Waters 2003). However, even in a general sense, state-provided education is widely regarded as a key right for citizens (Faist, Gerdes, and Rieple 2004; Brodie 2007). Returnees living in China as foreigners find the lack of state-subsidised education jarring because they compare it with the free education their children would be entitled to if they lived in Canada, or if their children had Chinese citizenship and hukou status instead of being regarded as foreigners in their ancestral land. It is in this sense that returnees with foreign citizenships fall through the social security provisions in both China and Canada.

Social security entitlements such as free education, housing subsidies, pension plans, and healthcare are especially significant in the Chinese context because of the historical emphasis on social welfare provision through institutional mechanisms such as the *danwei* (work unit) and hukou registration that provided dormitories, health services, education, and pensions. Although these institutional mechanisms have given way to market reforms in China, my research suggests that Chinese claims to social rights continue to be predicated on a political consciousness that the state should take responsibility in these areas. Returnees' expectations of the Chinese state, despite their lack of Chinese citizenship status, is framed by their knowledge of the historical past as well as their recent experiences living in Canada. Joppke (2007) observes that citizenship status is intrinsically linked to the other dimensions of citizenship as rights and citizenship as identity. The case of these returnees demonstrates the disjuncture between identity, status, and rights. Significantly, they contest that though they have naturalised as Canadian citizens, they should still "belong" to China as ethnic Chinese who were born and bred there and should still be eligible for the rights and entitlements of Chinese citizenship. At

the heart of the issue is a desire for recognition as simultaneous members of both the Chinese and Canadian states, yet they have become caught between two citizenship regimes instead.

DUAL CITIZENSHIP ON THE QUIET: ANXIETY, FEAR AND UNCERTAINTY

As mentioned by Cherry, some individuals covertly retain their hukou status even after naturalising in Canada. One reason why they are able to do so is because they left China without reporting their intention to emigrate, such as in the case of Jing. During fieldwork, I was told that another way of retaining hukou status is by capitalising on loopholes in China's entry and exit administration. Liu has naturalised as a Canadian citizen and given up his Chinese citizenship, but he told me about the strategy used by his friends with dual citizenship status:

[By using] the special permit for entering and leaving Hong Kong and Macau, Chinese citizens [with dual citizenship] can return to China without leaving any records. All they have to do is to use their Canadian passport to enter Hong Kong and then return to China using the special permit for entering China through Hong Kong. In this way, Canadian immigration would not know this person has returned to China. And Chinese immigration would also only see that this person has gone to Hong Kong. But if they are caught, China may never allow them to return again.

By entering and leaving China through Hong Kong and Macau, these dual citizenship holders do not leave records of their Canadian passports with the Mainland Chinese immigration authorities. This enables them to retain their hukou status and identity cards, which makes it easier for them to access social rights and other services that require citizenship identification in China. For example, foreign passport holders are bound by stricter regulations if they buy property, use banking and financial products, or start businesses in China.

Unlike the passport, which has to be renewed every five years, identity cards are valid for ten or twenty years, thus prolonging dual citizenship holders' status as Chinese "citizens."

But as suggested by the anecdote above, dual citizens are conscious of their precarious situation and the ramifications of being found out by Chinese immigration. In Jason's case, for instance, his work visa application coincided with China's preparation to host the 2008 Olympics. During this time, the Chinese immigration authorities carried out stricter checks on visa applicants and discovered his dual citizenship status. He ruefully told me:

In the past, Chinese immigration did not check so it did not matter. But because of the Olympics, they started to check. They found out about people like me and made me give up my hukou before they would give me a visa. I didn't have a choice. Now that I don't have hukou status, I cannot enjoy benefits like the retirement fund, unemployment insurance, housing subsidies, and so on. I don't have all that. These count for almost ten percent of my income and I don't have all that.

Being stripped of their social rights in China is the worse case scenario feared by dual citizenship holders like Jason. In clinging to their social rights in China through local hukou status, such dual citizenship holders may fit stereotypes of the flexible citizen devising strategies to accumulating rights in different countries. However, as Waters (2009, 642) shares in her critique of Ong's flexible citizenship thesis, the "concept . . . should be used thoughtfully, with attention to the nuances of people's experiences." I argue in this paper that being "flexible citizens" in China is an experience filled with trepidation and uncertainty, as illustrated below.

Li and her husband had both naturalised in Canada and would have liked to remain there if he had been able to find suitable work after completing postgraduate studies at a Canadian university. They eventually decided to

return to China where he started his own company. She told me that she had returned to China with a visa for her Canadian passport but that she still has her hukou status. However, she fears that this privilege will soon be taken away because:

[My identity card] is past its ten-year validity, so I have to apply for a new one next year. When you do so, the Chinese immigration will check your background. I may lose my Chinese citizenship status by next year. I can only keep one now. I expect I will give up my Chinese citizenship since my child has Canadian citizenship and cannot be a Chinese citizen. So I have to choose to give up my Chinese citizenship.

Choosing Canadian citizenship over Chinese citizenship is not an easy decision for Li because of her cultural and familial ties in China. However, it is in view of her child's lack of right to Chinese citizenship that she chooses Canadian citizenship. As Ho (2008) argues, familial concerns are a significant factor in citizenship decisions when dual citizenship is prohibited by the migrant's country of origin. This is also illustrated in the case of Richard who explained his conundrum to me in English:

I'm a citizen right now, but I don't want anyone to find out. I don't want to give up the Canadian citizenship but I also want to get benefits from the Chinese government. Some people told me that when they renew their passports in China, they are asked if they have another citizenship. If they lie and are found out, the penalty is very heavy. Maybe I will have to make a decision. I am happy in Canada. I have leisure time and I have friends. I like that there are no barrier between people. But I must consider my family in China so that's the main reason why I returned.

Richard had returned to live in China because of concerns over the mental and emotional health of his aging mother after his father passed away. In Canada he had taken up several menial jobs because his Chinese qualifications as an engineer was not recognised in the Canadian labour market. Despite that,

during the interview he recounted the “happy” days he spent in Canada and indicated his future intentions to move back there. But for the time being, his filial obligations tie him to China and so being able to legally live, work, and receive social security entitlements there is important to him. As someone with Shanghai hukou, he also had special status and rights in the city compared to non-hukou residents. Thus these considerations are important enough for him to contravene the law in the Chinese political regime, where penalties are known to be severe but the specific punishment for this offence left unknown. However, Richard admits that if forced to make a decision, it is more likely that he would give up his Canadian citizenship because of his family obligations in China.

During this part of the interview, where we discussed his dual citizenship status, Richard switched from Mandarin to English to indicate that he did not want “anyone to find out” his identity (i.e., the Chinese immigration authorities). His anxiety arises from the unknown “heavy” penalty that is imposed upon dual citizenship holders who lie about their status and are discovered. During fieldwork, I found that there was a lot of guesswork regarding this matter. Some respondents believed that the Chinese government would be sympathetic and still allow their future return while others told me that their greatest worry was they might be prohibited from returning to China again, meaning they would not be able to see family members there in the future. Yet at the same time, Canadian citizenship continues to be important to them because of their plans for a future return to Canada. However, their grip on Canadian citizenship can be likened to holding a “hot potato” that is difficult to keep in one’s grasp if there are important family or economic reasons for remaining in China.

CONCLUSION

Citizenship theorists have frequently argued in immigration contexts that citizens require an affinity to the political community so as to be able to enjoy the rights and privileges of citizenship. However, this case study of Mainland Chinese returnees with Canadian citizenship status demonstrates a reversal of fortunes in the Chinese emigration context. These returnees share in the ancestry as well as cultural, and national identity of China, but their right to have rights is sidelined through institutional-legal practices forbidding dual citizenship. The removal of their hukou status manifests as practical difficulties in remaining in China, such as the precariousness of their residency and work status, or the lack of social security provisions despite their economic contributions there. Although these migrants are not necessarily stateless, they are caught between territories. They have become rightless individuals in the place they are compelled to return to because of disappointing job prospects in Canada and/or familial commitments in China. While they are rights-bearing citizens in Canada, the challenges of finding work and maintaining long distance familyhood make it impractical for them to remain there.

The discussion in this paper also considers the situation of those who secretly continue to enact their rights in China by not reporting their foreign citizenship status. While these individuals are able to access social security entitlements in China through their hukou status, their situation can be likened to a ticking time bomb in that they inhabit a state of perpetual fear and anxiety about being found out by the Chinese immigration authorities. They are also never certain of what the penalties might be for keeping their dual citizenship status secret.

Lobbying amongst the overseas Chinese for dual citizenship in China has gained pace in recent years because of new tides of Chinese emigration, but the Chinese government has been reluctant to agree to this arrangement. In a recent forum held in Vancouver by the Chinese *Qiaoban*, the government agency managing overseas Chinese affairs, the *Qiaoban* representative reiterated that dual citizenship will not be recognised by China in the near future but conceded that the Chinese government would consider allowing former Chinese citizens to apply for Chinese permanent residency status instead. However, if the current green card scheme in China is of any indication, the bar to qualify for this status is likely to be set so high that it would be beyond the realistic attainment of “middling” migrants such as those in my study. There is also no discussion on whether they can regain specific city rights (Isin 2008) through the hukou status to which social security entitlements are tied or whether they would be privy to social rights in China at all. This paper thus prompts further reflection about “the right to have rights” for those who initially chose to leave China but are forced to return as non-citizens because of laws barring dual citizenship and challenging circumstances in Canada; this is a group that has hitherto received limited attention in citizenship debates, both in the scholarly and policy realms.

BIBLIOGRAPHY

- Aranda, E. M. 2006. *Emotional bridges to Puerto Rico*. Lanham: Rowman and Little Publishers.
- Bauböck, R. 1994. *Transnational citizenship: Membership and rights in international migration*. Aldershot, England: Edward Elgar.
- . 2009. The rights and duties of external citizenship. *Citizenship Studies* 13(5): 475–99.
- Benhabib, S. 2004. *The rights of others: Aliens, residents and citizens*. Cambridge: Cambridge University Press.
- Biao, X. 2005. Promoting knowledge exchange through diaspora networks (The case of People's Republic of China). Oxford: University of Oxford. <http://www.compas.ox.ac.uk/publications/reports/diaspora-networks-china> (accessed 2 January 2010).
- Bloemraad, I. 2004. Who claims dual citizenship? The possibilities of transnationalism and the persistence of traditional citizenship. *International Migration Review*, 38(2): 389–426.
- Bosniak, L. 2006. *The citizen and the alien: The dilemmas of contemporary membership*. Princeton, NJ: Princeton University Press.
- Brodie, J. 2007. The social in social citizenship. In *Recasting the social in citizenship*, ed. E. F. Isin, 20–43. Toronto, Buffalo, and London: University of Toronto Press.
- Chan, K.W. 2009. The Chinese hukou system at 50. *Eurasian Geography and Economics* 50(2): 197–221.

- Chan, K.W. and L. Zhang. 1999. The hukou system and rural-urban migration in China: Processes and changes. *China Quarterly* 160: 818–55.
- Chen, F. 2009. A reflection on the present Chinese nationality administration system. In *Migration Law: Theory and Practice*, ed. G. Liu, 388–97. Beijing: Law Press China.
- Cheng, X. 2005. *Zhongguo fangqi 'shuangchong guoji' de huigu yu fansi*. Beijing: Zhongguo Huaqiao Chuban She.
- Cheng, T. and M. Selden. 1994. The origins and social consequences of China's hukou system. *China Quarterly* 139: 644–68.
- China Daily*. 2003. Sun Zhigang's brutal killers sentenced. 10 June. http://www.chinadaily.com.cn/en/doc/2003-06/10/content_168514.htm (accessed 2 January 2010).
- DeVoretz, D. 2009. Canada's secret province: 2.8 million Canadians abroad. *Canadians Abroad Working Paper* 09-05. Vancouver, BC, Asia Pacific Foundation of Canada. <http://www.asiapacific.ca/other-analysis/canadas-secret-province-28-million-canadians-abroad> (accessed 2 January 2010).
- Faist, T. 2000. Transnationalisation in international migration: Implications for the study of citizenship and culture. *Ethnic and Racial Studies* 23(2): 189–222
- Faist, T., J. Gerdes, and R. Rieple. 2004. Dual citizenship as a path-dependent process. *International Migration Review* 38(3): 913–44.
- Fan, C. 2002. The elite, the natives and the outsiders: Migration and labour market segmentation in urban China. *Annals of the Association of American Geographers* 92(1): 103–24.
- Ho, E. L. E. 2008. 'Flexible citizenship' or familial ties that bind? Singaporean transmigrants in London. *International Migration* 46(4): 145–75.

- Isin, E. 2008. The city as the site of the social. In *Recasting the social in citizenship*, ed. E. F. Isin, 261–80. Toronto, Buffalo, and London: University of Toronto Press.
- Jing, C. 2009. On the construction of China's new administrative system of exit and entry. In *Migration law: Theory and practice*, ed. G. Liu, 145–57. Beijing: Law Press China.
- Joppke, C. 2007. Transformation of citizenship: Status, rights, identity. *Citizenship Studies* 11(1): 37–48.
- Keane, M. 2001. Redefining Chinese citizenship. *Economy and Society* 30(1): 1–17.
- Larner, W. 2007. Expatriate experts and globalising governmentalities: The New Zealand diaspora strategy. *Transactions of the Institute of British Geographers* 32: 331–45.
- Levitt, P. and N. Glick Schiller 2004. Conceptualising simultaneity: A transnational social field perspective on society. *International Migration Review* 38(3): 1002–39.
- Ley, D. 2010. *Millionaire migrants*. London: Routledge.
- Ley, D. and A. Kobayashi. 2005. Back to Hong Kong: Return migration or transnational sojourn? *Global Networks* 5(2): 1470–2266.
- Li, P. 2008. Immigration from China to Canada in the age of globalization: Issues of brain gain and brain loss. *Pacific Affairs* 81(2): 217–39.
- Liu, G. 2009. The right to leave and return and Chinese migration law. *International Migration and Integration* 10: 311–33.
- Man, G. 2004. Gender, work and migration: Deskillling Chinese immigrant women in Canada. *Women's Studies International Forum* 27(2): 135–48.

- Ong, A. 1999. *Flexible citizenship: The cultural logics of transnationality*. London: Duke University Press.
- Peter, A. and A. Chan. 2004. Does China have an apartheid pass system? *Journal of Ethnic and Migration Studies* 30(4): 609–29.
- Preston, V., A. Kobayashi, and G. Man. 2006. Transnationalism, gender, and civic participation: Canadian case studies of Hong Kong immigrants. *Environment and Planning A* 38: 1633–51.
- Soysal, Y. 1994. *Limits of citizenship: Migrants and postnational membership in Europe*. Chicago: University of Chicago Press.
- Stasiulis, D. 2008. The migration-citizenship nexus. In *Recasting the social in citizenship*, ed. E. F. Isin, 134–61. Toronto, Buffalo, and London: University of Toronto Press.
- Statistics Canada. 2006. Immigrant population by place of birth and period of immigration. <http://www40.statcan.gc.ca/l01/cst01/demo24a-eng.htm> (accessed on 28 November 2009).
- . 2007. Citizenship (5), place of birth (35), sex (3) and immigrant status and period of immigration (12) for the population of Canada, provinces, territories, Census Metropolitan Areas and Census Agglomerations, 2006 Census - 20% Sample Data. <http://www12.statcan.ca/english/census06/data/topics/Print.cfm?PID=89425&GID=837928&D1=0&D2=0&D3=0&D4=0&D5=0&D6=0> (accessed on 28 November 2009).
- Teo, S. Y. 2007. Vancouver's newest Chinese diaspora: Settlers or 'immigrant prisoners'? *Geojournal* 68(2–3): 211–22.
- Vertovec, S. 2004. Migrant transnationalism and modes of transformation. *International Migration Review* 38(3): 970–1001.

- Waters, J. 2003. Flexible citizens: Transnationalism and citizenship amongst economic immigrants in Vancouver. *Canadian Geographer* 47(3): 219–34.
- . 2009. Immigration, transnationalism and flexible citizenship in Canada: An examination of Ong's thesis ten years on. *Tijdschrift voor economische en sociale geografie* 100(5): 635–45.
- Zhang, B. 2009. On the basic track of China's exit-entry legal system construction. In *Migration law: Theory and practice*, ed. G. Liu, 127–44. Beijing: Law Press China.
- Zhang, L. 2002. Spatiality and urban citizenship in late socialist China. *Public Culture* 14(2): 311–34.
- Zhongguo Qiaowang*. 2008. Ruji waiguo fanhua buyi. *Waikan Kuaixun*, No. 20–28. 1 July, unpaginated.
- Zhongguo Zhengfu Wang*. 2008. Zhongguo renmin gongheguo guojifa. http://www.gov.cn/banshi/2005-05/25/content_843.htm (accessed on 2 January 2010).
- Zweig, D., 2006. Competing for talent: China's strategies to reverse the brain drain. *International Labour Review* 145(1–2): 65–89.

