

**Caught between two worlds: Mainland Chinese return migration,  
hukou considerations and the citizenship dilemma**

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Abstract: Issues about migrant rights and protection are raised in cases of return migration when the country migrants return to prohibits dual citizenship although the migrant has naturalised elsewhere. This article explores the politics of membership and rights faced by former citizens returning to reside in the society they had left. Returning Mainland Chinese migrants with Canadian citizenship status have to navigate China's dual citizenship restriction and the implications for their Chinese hukou status that confers residency, employment and social rights. This analysis also keeps in view their relationship with the country in which they have naturalised and left, namely Canada. Migrants shuttling between the two countries face a citizenship dilemma as they have limited rights in China while their status as Canadian citizens living abroad simultaneously removes them from some rights provided by the Canadian state. This article thus introduces new and pressing questions about citizenship in the light of return migration trends.

Keywords: return migration, hukou, entry and exit administration, dual citizenship, China, Canada

**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].

(Fang, 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 Fang 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 like Beijing, Shanghai and Guangzhou are especially valued because it confers better privileges than other urban areas 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, *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 that 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. 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 findings in this paper point to a structural inability on the part of the Chinese citizenship regime to accommodate for the legal status and just treatment of former citizens returning from abroad. This paper further signals the manner in which Canadian citizenship is valued by Mainland Chinese returnees in view of their intentions to eventually move back to Canada. Thus they face a citizenship dilemma as they have limited rights as foreigners in China while their status as Canadian citizens living abroad simultaneously removes them from the social security provisions given by the Canadian state.

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. The next section considers the relationship between migration, citizenship and hukou policies in China, drawing attention to the implications for returnees in terms of

their admission (or exclusion) and terms of residence. The paper then proceeds on to an empirical discussion on emigration and citizenship decisions amongst the Mainland Chinese returnees in my study and their later return to China. This section sets the stage for the subsequent discussion on the dissonances experienced by returnees with Canadian citizenship status because they are treated as ‘foreigners’ (in terms of 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 secretly hold both Chinese and Canadian citizenships. I then conclude this paper by summing up its main arguments and highlighting future contemplations.

### **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 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 the respatialising of citizenship 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 only has limited currency.

Another approach advocates ‘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. There is tolerance for dual citizenship in a growing list of countries now, first, because of accentuated transnational migration leading to concerns over the political integration of newcomers (Faist et al, 2004), and second, new attempts by sending states seeking 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 cases of return migration, especially when the country migrants return to does not allow dual citizenship although the migrant has naturalised elsewhere. These migrants may be compelled to give up citizenship status in the country from which they emigrated, or they may continue to keep their original citizenship without the knowledge of the immigration authorities. The implications of these citizenship strategies are critical when 'return' entails entering the source country on a newly acquired passport attesting to another citizenship status. In immigration parlance, such migrants are now regarded as 'aliens' (i.e. those outside the national community). Bosniak's (2006) work considers the status of foreigners without citizenship status in the United States and she argues that they occupy a liminal status as marginalised and subordinated subjects of the American immigration and citizenship regime. In a similar way, the 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 to the country of origin but no longer has the rights to legally reside, work and obtain social security entitlements there.

Since 1998, immigration from Mainland China has replaced the peak of Hong Kong Chinese flows to Canada. 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 2001-2006, 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. Mainland Chinese immigrants, like the Hong Kong Chinese, 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

<b>Birthplace</b>	<b>Immigrant population</b>	<b>Before 1991</b>	<b>1991-1995</b>	<b>1996-2000</b>	<b>2001-2006</b>
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

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. This term was later extended to analyses of Hong Kong immigrants in Canada (Waters, 2003; Preston et al, 2006). Likewise, the Mainland Chinese are prompted to immigrate to Canada for reasons similar to those expressed by their Hong Kong counterparts: Canadian citizenship provides a safeguard against geopolitical uncertainties, allows travel convenience, access to better educational opportunities (for their children) and other citizenship rights. However, the pursuit for another citizenship status is not an easy one. Teo’s (2007) research documents the difficulty Mainland Chinese immigrants face 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 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, such 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 Canadian citizens from Greater China comprise the second largest volume of outflows in Canada. The outmigration estimate of 292 000 in 2006 consists of a greater proportion from Hong Kong and Taiwan than Mainland China (Devoretz, 2009:15). But I argue that outmigration rates of the Mainland Chinese is anticipated to rise more sharply given their later immigration peak and an estimated three to five years incubation period (Devoretz, 2009) before they decide to move elsewhere, including returning to their birth country. Chinese news reports indicate that the demand for Chinese visas is growing as more Mainland Chinese migrants who have naturalised in the United States or Canada return to China (*Zhongguo Qiaowang*, 1 July 2008). 'Return', however is not a straightforward process (Aranda, 2006), particularly if 'return' entails entering the source country on a newly acquired passport even though Chinese law prohibits dual citizenship. The lack of Chinese citizenship status and identity cards create inconvenience in terms of applying for visas as well as over the duration of their stay in China.

The overall research project informing this paper is based on interviews with Mainland Chinese persons who immigrated to Canada through the skilled migrant category as applicants or dependents. 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 through two strategies. I advertised my research project on a website for new Chinese immigrants in Canada and asked interested individuals to come forward. I also contacted immigrant service and community associations in Canada, and Canadian associations in China. These

associations put me in touch with some members who helped me to recruit further participants. Additionally I attended selective social events organised by these associations so as to carry out participant observation.

The majority of the participants are in the thirties to forties age range. All of them had university qualifications and accrued substantive work experience in China before immigrating to Canada. The majority of those in Canada experienced work deskilling after immigration while a significant number of those interviewed in China claims that actual experiences or perceptions of deskilling prompted their decisions to return to China. The interviews sought to understand their motivations for immigrating to Canada, their experiences living in Canada and China, and their attitudes towards returning to China. More than half of those interviewed in China have naturalised as Canadian citizens; this paper focuses on this particular group and the implications of returning to China on a foreign citizenship. The interviews were conducted in Mandarin unless the respondent initiated conversation in English during an interview. The anecdotes presented here have been translated by the author and all names used are pseudonyms.

### **The citizenship regime in China**

The concept of citizenship was introduced into China along with the growing influence of the West beginning from the 18<sup>th</sup> 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*, identities 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, 10 June 2003). The hukou thus acts as a type of ‘domestic passport system’ in China (Chan and Zhang, 1999:830). Other studies also suggest that the 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.

What scholars have not sufficiently considered, however, is the way that hukou is also closely tied to the entry and exit administration in China. This administrative system 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 stipulated that Chinese citizens going abroad must 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 and they can reinstate this 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 in effect is 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 deal[ing] 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 like 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<sup>1</sup>. This is a landmark move for a country that previously enacted strict controls on not only entry but also exit from China. However, Liu (2009:324) observes that the new law is careful to consider the right to leave yet negligent towards the right to return. One of the reasons is because 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 that explicitly prohibits dual citizenship in the interests of diplomatic relations (*Zhongguo Zhengfu Wang*, 2008). Some Chinese scholars further argue that allowing dual citizenship would result in complications over which country should have the right of governance; they further claim that the overseas Chinese who support dual citizenship are acting out of selfish interests (Shi, 2005; Zhou, 2005).

By naturalising into another country's citizenship, Chinese citizens are regarded to have given up their Chinese citizenship. While this is an automatic clause, Chinese immigration authorities periodically enforce this rule by checking that Chinese citizens who intend to migrate have given up their citizenship and hukou status in China. There is,

however, a moralising discourse attached to giving up Chinese citizenship. Recent Chinese media reports and website discussions reflect a sharply critical attitude towards internationally renowned Chinese celebrities, Jet Li and Gong Li, for taking up Singaporean citizenship thus automatically denaturalising them as Chinese citizens. One participant in my study also told me about her experience of being mocked by an immigration officer for giving up her Chinese citizenship when she remarked that she had been waiting in line for a long time to renew her Chinese visa.

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* (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 attracting those considered ‘talented’ enough to return to 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: the 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 decisions 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, the returnees from Canada 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 give 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 cultural-emotional claims to belonging and their access 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 is not be as enhancing as one might imagine. Instead, neoliberal subjects moving between two or more countries may fall though 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 they move to qualify for Canadian citizenship so as to improve the quality of life and educational opportunities for their children. However, Preston et al (2006) report 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 (2008:233-234) reports that China-born university educated immigrants (aged above 22 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<sup>ii</sup>. Teo (2007) argues in a separate study that these immigrants face difficulty qualifying for professional jobs in Canada and experience a decline in their living standards compared to life in China. Additionally, they face practical and emotional challenges maintaining familyhood as husbands commute to work in China while wives remain in Canada with the children. Hence decisions to return to China are increasingly common amongst the Mainland Chinese immigrant population in Canada (Zhu, 2005).

During my research with returnees in China, I similarly found that the abovementioned reasons, alongside the belief that there are better opportunities in China's fast-growing economy, prompt decisions to leave Canada and return to China. In fact, obtaining Canadian citizenship is regarded by some as a means for them to freely move between China and Canada. Jing, a female returnee in her forties with Canadian citizenship, explained 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 employment and settlement difficulties in a new country. In the case of Jing, her husband could not find suitable employment in Canada so he returned to China to start a company. After obtaining Canadian citizenship she relocated to join him in China so that they can have children and maintain familyhood there. During the interview Jing stressed that she naturalised because it gives them longer-term security and the right to return to Canada in the future. In comparison, permanent residency would eventually expire and they will need to return to live in Canada so as to renew their status, but the move could disrupt the company's operations in China. Jing's case demonstrates that the inadequacies of the Canadian citizenship regime to meet the needs of naturalised immigrants, both in terms of the right to appropriate economic opportunities (particularly for migrants entering through the skills category) and the right of a family to live together, puts the onus on individuals to resolve this themselves by moving back to China.

Due to China's restriction on dual citizenship and its stringent hukou regulations, many of those interviewed 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 as to 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 abroad, Yang remained a Chinese citizen in name and he could have reinstated his hukou status upon 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 remains 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, however, not a straightforward transition process because they are now regarded as 'foreigners' in their homeland. Both Yang and Cherry are designated as 'aliens' in China and can no longer access the rights and privileges they 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**

This section considers the strategies used by Mainland Chinese migrants (with foreign citizenship status) to obtain visas allowing them to return and live in China. Giving up Chinese citizenship and hukou status impact on, first, their right to enter China, and second, their other economic and social rights within the territory. Returnees who gave 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 have to register their residence with the local public security bureau (i.e. the police) within thirty days of arriving in China. As a result, several respondents expressed the dissonance between feeling cultural belonging and having to apply for permission to return to China. Chen, who returned to China on a work visa, 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 10 000RMB<sup>iii</sup>. The right of returnees to remain in China is tenuously tied to their employment or the sustainability of their businesses. Cherry expressed exasperation towards this arrangement, ‘I feel that I have migrated once again, even if it is to return to China so that I earn a living’. These Mainland Chinese immigrants are pressed into returning to China because of the economic barriers they faced in Canada. Yet their return to China only presents them with limited rights to domicile since they have already given up their Chinese citizenship and hukou status.

Another respondent, Bing, also a Canadian citizen, had applied for dependant visas together with her daughter so that they can be reunited with her husband who previously commuted between Canada and China. But the residency limits placed on her dependant 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 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 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 is difficult for my daughter and I because every three months we have to leave China for no 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.

The above anecdote illustrates that Bing claims insider status through her ethnic and cultural identification as well as familial ties in China. As Bing suggests, returnees with foreign citizenships are vulnerable to capricious changes in China's immigration policies. During the Olympics, 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.

Mabel, on the other hand, deployed a different strategy to return to China. She decided to apply for a long-term social visit visa on the pretext of visiting her aunt who lives in Beijing. However, the social visit 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

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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 can make it harder for returnees to find work. Despite their overseas credentials ('I would be better qualified for some jobs than my friends from China'), the majority of returnees from Canada do not belong to the coveted elite stratum. Thus many employers are unwilling to bear the additional costs of sponsoring work visas. Moreover, some jobs in the government and government-linked firms are reserved only for those with local hukou status, a privilege to which the returnees are no longer entitled. Several respondents also told me that their stay abroad has reduced the effectiveness of their social connections (*guanxi*) that would help them find desirable employment in China. Hence hukou status and the right to work, along with the extent and type of social connections one has, influences the employability and resettlement experience of returnees.

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 other practical issues that returnees have to negotiate. 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 allowance 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, including Steve, 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 thus 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*) like them.

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

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 et al, 2004; Brodie, 2008). Returnees living in China as foreigners find the lack of state-subsidised education jarring because they compare it with the free education their children could have 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 on foreign citizenships fall through the social security provisions in both China and Canada. This situation puts the burden on them to bear these social security needs as a matter of individual and personal responsibility.

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 like 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. Their expectations of the Chinese state, despite the 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 believe that they still belong to China as ethnic Chinese who were born and bred in China and should still be eligible for rights and entitlements. Meanwhile, they are reluctant to relinquish Canadian citizenship because they intend to live in Canada again in the future. Alongside their affiliation with China they also regard themselves as Canadian citizens because of their legal status, the time they had lived in Canada and their endorsement of Canadian identity. At the heart of the issue is a desire for recognition as simultaneously members of the Chinese and Canadian states, yet they have become caught between two citizenship regimes instead.

### **Dual citizenship on the quiet: anxiety, fear and uncertainty**

This section focuses on a category of returnees who covertly retain their hukou status even after naturalising in Canada. The discussion demonstrates that although they continue to enjoy Chinese citizenship rights, they also experience anxiety and fear of being found out by the Chinese immigration authorities. These returnees had left China without reporting their intention to emigrate thus they were able to reinstate their hukou

status as long as they did not declare their Canadian citizenship to the Chinese immigration authorities. During fieldwork, I was told that some of them capitalised on loopholes in China's entry and exit administration to hide their dual citizenship status. Liu has naturalised as a Canadian citizen and given up his Chinese citizenship but he told me about the strategy used by his friends to retain their 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 obtaining and using a Chinese entry-exit permit (akin to a passport) to enter and leave China through Hong Kong or Macau, these dual citizenship holders do not leave records of their Canadian passports with the Mainland Chinese immigration authorities. This strategy 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 that has to be renewed every five years, the identity cards are valid for ten or twenty years thus prolonging their 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 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 on 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 have both naturalised in Canada and would have wanted to remain in Canada if he had been able to find suitable work after completing postgraduate studies there. They eventually decided to return to China where he started his own company. She told me that she returned to China with a visa for her Canadian passport but 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 the next generation's lack of right to Chinese citizenship that leads her to choose 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 Guo 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 barriers between people. But I must consider my family in China so that's the main reason why I returned.

Guo 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 status, he also had a special status and rights in the city compared to those without hukou status. 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 its exact form left unknown. However, Guo 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 while discussing his dual citizenship status, Guo 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 is they might be prohibited from returning to China again, which

means that they will not be able to see their family members. Yet at the same time, Canadian citizenship continues to be important to them because of their plans to move back to Canada in the future. However, their clutch on Canadian citizenship can be likened to holding a 'hot potato' that is difficult to keep in grasp if there are important family or economic reasons for remaining in China.

### **Conclusion**

Citizenship theorists studying immigration contexts frequently argue that citizens require an affinity to the political community in order 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. These returnees share in the ancestry, culture 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 results in practical difficulties such as the precariousness of their residency and work status, or the lack of social rights despite their economic contributions in China. Although these migrants are not necessarily stateless, they are caught between territories. They have limited rights in the place they are compelled to return to because of disappointing job prospects in Canada and/or familial commitments in China. Though they are rights-bearing citizens in Canada, the challenges of finding work and maintaining long distance familyhood make it impractical for them to remain in Canada. This paper further argues that those who secretly continue to enact their rights in China by not reporting their foreign citizenship status actually inhabit a state of perpetual fear and anxiety about being found out by the Chinese immigration authorities. This paper thus prompts further reflection about the right to have rights for those who initially chose to leave but have to return as non-citizens because of circumstantial reasons; this is a group that has hitherto received limited attention in citizenship debates both in the scholarly and policy realms.

Lobbying for dual citizenship in China has gained pace amongst the overseas Chinese 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 she conceded that the Chinese government would instead consider allowing former Chinese citizens to apply for Chinese permanent residency status. But 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 like those in my study. There is also no discussion on whether they can regain their rights to the city (Isin, 2008) through the hukou status or whether they would be privy to social rights in China at all.

More broadly, the findings presented here direct us towards a deeper consideration of the ‘citizenship dilemma’ when migrants become caught between two citizenship regimes. How should we consider the relationship of return migrants with, first, the country of origin (to which they have returned) and, second the country they have left (but in which they have naturalised)? In the first scenario, I argue that the rights of former citizens returning to their country of origin should not be sidelined when there is reason for special recognition such as ancestral and family ties alongside territorial presence and economic or social contributions. In the case of China, given the state’s intransigent stance against dual citizenship, other means to accommodate the legal status and rights of former citizens returning from abroad can be considered. China has historically claimed special ethnic and cultural ties with the overseas Chinese; this premise makes it possible to argue for the legal status and rights of returnees even though they no longer have Chinese citizenship. Schemes such as the British ancestry visa and the Overseas Citizenship of India (dual nationality rather than citizenship in reality) recognise the ancestral ties of migrants and can be modified in the Chinese context to allow for longer-term residency, working and selected social rights while limiting political rights to citizens.

The issues raised in this paper also bring into focus questions over whether the Canadian state should look into long-term social provisions for citizens abroad, particularly a group like the Mainland Chinese immigrants in this study who were compelled to leave because of systemic barriers to their economic and social integration

but who still plan to live in Canada in the future. Countries with significant emigrant populations, such as Mexico, have already started to enact policies extending membership and rights to citizens living abroad (R. Smith, 2003; M. Smith, 2003). In this case, Canada can consider negotiating bilateral agreements to enable citizens to transfer healthcare, pension rights and other contributions between countries. Extraterritorial citizenship practices like this can help augment social and political inclusion beyond the national territory as well as protect the longer-term social security of migrants shuttling between countries.

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**Bibliography**

- Aranda, E.M., 2006. *Emotional bridges to Puerto Rico*, Lanham: Rowman and Little Publishers.
- Baubock, R., 1994. *Transnational citizenship: membership and rights in international migration*, Aldershot, England: Edward Elgar.
- Baubock, R., 2009. The rights and duties of external citizenship. *Citizenship studies*, 13(5), 475-499.
- 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 [online]. Available from: <http://www.compas.ox.ac.uk/publications/reports/diaspora-networks-china/> [Accessed on 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: E.F. Isin, ed. *Recasting the social in citizenship*. Toronto, Buffalo and London: University of Toronto Press, 20-43.
- Chan, K.W., 2009. The Chinese hukou system at 50. *Eurasian geography and economics*, 50(2), 197-221.
- Chan, K.W. and Zhang, L. 1999. The hukou system and rural-urban migration in China: processes and changes. *The China quarterly*, 160, 818-855.
- Chen, F. 2009. A reflection on the present Chinese nationality administration system. In G. Liu, ed. *Migration law: theory and practice*. Beijing: Law Press China, pp. 388-397.
- Cheng, X. 2005. *Zhongguo fangqi 'shuangchong guoji' de huigu yu fansi*, Beijing: Zhongguo Huaqiao Chuban She.
- Cheng, T. & Selden, M., 1994. The origins and social consequences of China's hukou system. *The China quarterly*, 139, 644-668.

- China Daily, 2003. Sun Zhigang's brutal killers sentenced. China Daily. 10 June.  
Available from: [http://www.chinadaily.com.cn/en/doc/2003-06/10/content\\_168514.htm](http://www.chinadaily.com.cn/en/doc/2003-06/10/content_168514.htm) [Accessed on 2 January 2010].
- DeVoretz, D., 2009. Canada's secret province: 2.8 million Canadians abroad, Canadians abroad working paper series, 09-05, Canada: Asia Pacific Foundation. Available from: <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., Gerdes, J. & Rieple, B., 2004. Dual citizenship as a path-dependent process. *International migration review*, 38(3), 913-944.
- 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), 145-175.
- Insin, E., 2008. The city as the site of the social. In E.F. Insin, ed. Recasting the social in citizenship. Toronto, Buffalo and London: University of Toronto Press, pp. 261-280.
- Jing, C., 2009. On the construction of China's new administrative system of exit and entry. In G. Liu, ed. *Migration law: theory and practice*. Beijing: Law Press China, pp. 145-157
- 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, 331-345.
- Levitt, P. and Glick Schiller, N., 2004. Conceptualising simultaneity: a transnational social field perspective on society. *International Migration Review*, 38(3), pp. 1002-1039.

- Ley, D., 2010. *Millionaire migrants*. London: Routledge.
- Ley, D. & Kobayashi, A., 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), 217-239.
- Liu, G., 2009. The right to leave and return and Chinese migration law. *International migration and integration*, 10, 311-333.
- Man, G., 2004. Gender, work and migration: Deskillling Chinese immigrant women in Canada. *Women's studies international forum*, 27(2), 135-148.
- Ong, A., 1999. *Flexible citizenship: the cultural logics of transnationality*, London: Duke University Press.
- Peter, A, and Chan, A., 2004. Does China have an apartheid pass system?. *Journal of Ethnic and Migration Studies*, 30(4), 609-629.
- Preston, V., Kobayashi, A. & Man, G., 2006. Transnationalism, gender, and civic participation: Canadian case studies of Hong Kong immigrants. *Environment and planning A*, 38, 1633-1651.
- Shi, H. 2005. Lun guoji fa. In N. Zhou, ed. *Jingwai huaren: guoji wenti taolun ji*. Hong Kong: Hongkong Press for Social Sciences Ltd, pp. 372-394.
- Smith, M. 2003. Transnationalism, the state and the extraterritorial citizen. *Politics and society*, 31, 467-502.
- Smith, R. 2003. Migrant membership as an instituted process: transnationalisation, the state and the extra-territorial conduct of Mexican politics. *International migration review*, 37(2), 297-343.
- 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 E.F. Isin, ed. *Recasting the social in citizenship*. Toronto, Buffalo and London: University of Toronto Press, pp. 134-161.
- Statistics Canada. 2006. Immigrant population by place of birth and period of immigration [Online] Available from:  
<http://www40.statcan.gc.ca/l01/cst01/demo24a-eng.htm> [Accessed on 28

November 2009]

Statistics Canada. 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 [Online] Available from:

<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), 211-222.

Waters, J., 2003. Flexible citizens: transnationalism and citizenship amongst economic immigrants in Vancouver. *The Canadian geographer*, 47(3), 219-234.

Waters, J., 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), 635-645.

Zhang, L., 2002. Spatiality and urban citizenship in late socialist China. *Public culture*, 14(2), 311-334.

Zhang, B. 2009. On the basic track of China's exit-entry legal system construction. In G. Liu, ed. *Migration law: theory and practice*. Beijing: Law Press China, pp. 127-144.

Zhongguo Qiaowang. 2008. Ruji waiguo fanhua buyi. *Waikan Kuaixun*, No. 20-28. 1 July, unpaginated.

Zhongguo Zhengfu Wang. 2008. Zhongguo Renmin Gongheguo Guojifa [Online] Available from: [http://www.gov.cn/banshi/2005-05/25/content\\_843.htm](http://www.gov.cn/banshi/2005-05/25/content_843.htm) [Accessed on 2 January 2010].

Zhou, N. 2005. Jingwai huaren guoji wenti zongheng tan. In N. Zhou, ed. *Jingwai huaren: guoji wenti taolun ji*. Hong Kong: Hongkong Press for Social Sciences Ltd, pp. 426-443.

Zhu, H. 2005. *Transformation, integration: highly educated Chinese immigrants in Canada*, China: Social Sciences Academic Press.

Zweig, D., 2006. Competing for talent: China's strategies to reverse the brain drain.

*International labour review*, 145(1-2), 65-89.

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<sup>i</sup> This law also limits the validity of Chinese passports from ten years to only five years.

<sup>ii</sup> In his study, Li accounts for variations in language capacity and this estimated income is independent of the influence of language.

<sup>iii</sup> 10 000 RMB is approximately equivalent to CAD1500.