

## On the Governance of Irregular Immigration in China: A Case Study of Guangzhou

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**Abstract:** The emergence of foreign irregular migrants in Guangzhou is a "by-product" of economic globalization and internationalization of Guangzhou in recent years. In response to this new problem, the Guangzhou municipal government has pooled the strengths of various parties and adopted a variety of ways to innovate the governance means, and achieved positive results. But meanwhile, they still face many difficulties. The government needs to learn from the relevant experience in Europe and the United States, combined with the actual situation of Guangzhou, and construct a long-term governance mechanism in the aspects of super city, city, sub-city and so on.

### 1. Introduction

The acceleration of the globalization process and technological progress have contributed to the cross-border migration of the population. "Population mobility" has become one of the most important features of the era of globalization. In the last twenty-five years of the twentieth century, immigrants brought the world to the "era of immigration" with its unprecedented scale and complex variability. [1]In recent years, due to the economic downturn in developed countries in Europe and America, the immigration policy has been tightening. the trend of international migration from developing countries flocking to emerging economies has accelerated. In particular, a large number of people from Africa, Southeast Asia, South Asia flow to China, Brazil and other countries. According to statistics, the number of foreigners living in China has increased at an average annual rate of 3.9% for more than a decade. China ranks third in the list of "countries or regions where most attract foreigners", second only to Switzerland and Singapore, and higher than the developed countries such as the United States, Japan, France and the United Kingdom. In the survey of the economic satisfaction of immigration destination countries, China ranks among the top five in the world. [2]As a major province of China's economy and a frontline for reforms and opening up, Guangdong has continuously improved its degree of internationalization in recent years. At the same time, its unique geographical conditions and immigration history have attracted more and more foreign immigrants. With the influx of large numbers of immigrants, irregular foreign immigrants and their illegal and criminal issues have also become prominent. They have brought many new challenges to Guangdong's urban development, international image, and social governance.

### 2. Research Status and Literature Review

Foreign immigrants in Guangzhou has always been the focus of domestic and foreign research with representative significance. Related research is mainly from the perspective of geography, sociology, ethnology to explore its geographical distribution, living space, population structure, business relations, social interaction, community organizations and other content (Lyons et al., 2014; Li Zhigang, Xue Desheng, 2008; , 2009; Liu Yungang, 2014; Niudong, 2015). Among them, Africans are the focus groups, and their gathering areas in Guangzhou are described as "chocolate cities" (Castillo, 2014; Pang & Yuan, 2013), "Africa city"(Han, 2013), "Ethnic Economic Zone / Enclave" (Li et al., 2009; Lyons et al., 2012; Li Zhigang et al., 2008), "Sino-African Relations Bridge" (Bodomo, 2010;Bo Duomo,Xiao Yuhua,2009), trade station (Bertoncelo & Bredeloup,

2007; Berdeloup, 2012, 2014), etc. In addition, with the growth of the number of foreigners, scholars explored issues related to immigration, employment, crime, etc., from the perspectives of political science, public administration and law, and also proposed some suggestions in policy and legal reform, institutional adjustment, financial security, judicial cooperation areas. (Liu Guofu, 2009; Yehuan, 2011; Yu Zhigang, 2012). In recent years, with the rapid increase in the number of population and the complexity of management, governance of immigration has become an important "urban issues", (Zhang Zhaoshu, 2010) which attracts great attention from all walks of life. In 2011, Deputy Minister of Public Security Yang Huaning proposed to strengthen the foreign service management policy junction, share the information and collaborate, intensify policy guidance of the "three illegal" (illegal immigration, illegal detention, illegal employment) problem management at the National People's Congress.

Related studies have been conducted from the perspective of governance measures and subjects. They explore foreigners in immigration, residence, employment, social services, cultural adaptation and other aspects of governance services innovation from the view of intelligence-led police concept and the relative sovereignty of the state (Zhang Huide,2012), isolated community (He Yanling,2011), national character (Chen Guoliang,2010), social management (Tian Yanzhen,2010), community management (Zheng Jie,2009), foreign affairs management of police station (Zhu Jian ,2011). The governance service innovation includes establishment of foreigners management service stations, purchase of public services, introduction of volunteers, community registration system, etc. It is proposed to build a foreigner management information system, to manage the service in accordance with the law ,and bring the informal organization of foreign in Guangzhou into the government management system, strengthen the basic protection of foreign management and other aspects of innovative ideas, mechanisms, striving to achieve humanity, legalization, and informationization of foreigners' management and services(Qiu Xinxin, 2011). However, in the process of governance, the government also faces the tendency of "defragmentation" of power arising from decentralization, and it is difficult to achieve a balance of centralization and decentralization, resulting in a non-synchrony of authority and financial power, division of sectoral interests, cross-functionality, management conflicts, and coordination difficulties problems. For example, entry and exit multi-headed management, lack of foreign affairs police, poor information between departments, public security management employment,responsibility prevarication and so on. Based on these problems, most local governments have also formulated the foreigners administrative management and coordination mechanism under the "Great Foreign Management" and "Small Foreign Management" , and achieved certain success, but there are still weaknesses in supervision and evaluation and emergency consultations(Zhang Huide, Liu Hongbin (1984), and the negative effects of governance may aggravate the seriousness of the problem of irregular immigration issues (Haugen, 2012).

In general, studies on the governance of local government immigration in both the United States and European countries have demonstrated clear empirical evidence and policy guidance.The effectiveness of local government governance in China is affected by multiple factors such as governance subject, object, system, society, and cultural environment.While the governance of foreign immigration is a complex issue involving cross-cultural, cross-language, trans-regional, and inter-political problem. Therefore, based on China's unique political system and social environment, taking Guangzhou as a case study of local government's irregular immigration governance has a strong theoretical value and practical significance.

### **3. Current Situation and Characteristics of Irregular Immigration in Guangzhou**

The types of irregular immigrants can be divided from both behavioral and subjective aspects. According to the behavioral perspective, they can be divided into two types: illegal entry and exit, legal entry but illegal stay; according to the subject of view, illegal immigrants can be divided into illegal stay immigration and illegal smuggling immigration. [4]In the EU document, illegal immigrants include the following forms: the use of forged documents, the entry by smuggling, trafficking and other criminal organizations, legally entry but overstay, the change of stay purpose

without the consent of the regulatory agency during the legal stay period, and the unsuccessful application for refugees. etc. [5] Since the end of the last century, irregular immigrants developed rapidly in Guangzhou, mainly showing the following characteristics: (1) The numbers of people is rapidly increased, and the absolute quantity is hiddened. According to statistics, permanent residents (more than 6 months) in Guangzhou had a population of 24,200 in 2008 and an increase of 118,000 in 2014. In 2011, there were 3179 "three illegal" immigrants were investigated and dealt by the public security organs of Guangzhou, an increase of 12.5% over 2010; in 2014, 2788 "three illegal" foreign immigrants were investigated. [6] According to the relevant research data, there are about 20 million foreign immigrants in Guangzhou, of which nearly half for the irregular immigrants, the real data can't be counted. (2) Source concentration, nepotism migration. African in Guangzhou mainly come from Nigeria, Ghana, Cameroon, Mali and other countries. They are accustomed to taking the traditional residence of ethnic groups in foreign countries, the first have the responsibility and obligation to help the latecomers. In addition, "three illegal" problem begin to highlight in the foreigners who are from Vietnam, Myanmar, the Philippines, India and other countries in China. (3) Large concentration and small dispersion of residence. A large number of foreign immigrants are geographically assembling into four major "tribal groups" for the Huangshi small Northeast road, Tianhebei, Panyu real estate, Sanyuanli. Regional concentration, but the concentration point is widely distributed. In Guangzhou, foreigners are living in more concentrated areas like Yuexiu District, Tongxin Road the discovery rate of "three illegal" foreigners is correspondingly higher. In remote areas like Conghua and Zengcheng, there are fewer. [7] (4) They chose their jobs focusing on survival but living environment. African immigrants in Guangzhou can be divided into five types: traders, white-collar workers, intercontinental porter, trade city porters, and small vendors. in the latter two kinds are popular with most irregular immigrants. " we do not live here, only business." Due to the lack of legal status, they can only pass through the detours, never go out, or only go out at night, try their best to hide to avoid law enforcement. They do their work at night, but their monthly income is not high.

#### **4. The Impact of Irregular Immigration on the Development of Guangzhou**

Immigration is the inevitable phenomenon of social and economic development. To a certain extent, the emergence of international migration meet the needs of world economic development, and promote the development of economic globalization. irregular immigration also has its own social environment and inevitability, but on the other hand, it has also brought many negative effects on social governance. First of all, irregular immigrants pose challenges to the public security management in Guangzhou. According to statistics, the illegal immigrants have a higher rate of crimes and crimes, mainly in terms of: drug-related, fraudulent, AIDS, illegitimate children, robbery, theft, false forged documents, etc. In addition, the conflict between irregular immigrants and local residents and management may lead to mass incidents and become a major hidden social security risks in public security. Second, irregular immigrants increase the difficulty to Guangzhou immigration and residence management. Most of the irregular immigrants enter Guangzhou by the way of tourism, business, labor visa. Some of them even enter China from other ports before returning to Guangzhou. After that they stay and not return, destruct the visa, or sold them to others. Most irregular migrants are not used to taking the initiative to register at the police station, nor actively coordinate with the management of relevant departments. They flow frequently and stay indefinitely. Third, irregular immigrants have an impact on the image of Guangzhou and the development of Sino-foreign relations. The transnational behavior of irregular immigrants affects the relationship between the emigration countries and the emigration countries and even the transit countries. The "three illegal" incidents that occurred in the past show that the issue of irregular immigration is both a problem of immigration and a problem of international relations. It has become an influential factor that cannot be ignored in Guangzhou's international image construction and even the development of Sino-foreign relations.

## **5. Measures and Effects of Irregular Immigration Governance in Guangzhou**

The United Nations Global Governance Council points out that governance is the sum of many ways in which various public or private individuals and institutions manage their common affairs. It includes both formal institutions and rules that force people to obey, as well as all kinds of people who agree or think that they are compliant. Informal institutional arrangements for benefits. [5] In response to the increasingly severe problem of irregular immigration, the Guangzhou Municipal Government has endeavored to coordinate the strengths of various parties in recent years and adopted various methods to actively carry out governance. (1) Established a "big foreign management" working mechanism with multi-pronged approaches. A three-level joint conference system for the management of foreign personnel has been initially established in Guangzhou. The municipal government has taken the lead in coordinating the multi-sectoral departments of the district party committees and governments, which cover the cities, districts and streets of the Guangzhou foreigners-gathering regions and build a comprehensive foreign-related information platform. Meanwhile, the two cascade meetings under the leadership of the Bureau of Management were established in the municipality and district to supervise and guide the foreign-related work of public security law enforcement agencies. (2) Improved the level of management services and reduced the occurrence of irregular immigration. Guangzhou has gradually established many foreigner management service stations in the street or town where gathered many foreigners (more than 200 foreign immigrants under its jurisdiction), and facilitated the appointment of extension visas, temporary registrations, business consultations, and currency exchanges and other aspects of the convenience Services which further strengthened the management services to foreigners in China. (3) Increased external management power, strengthened cooperation in multiple types of police division to combat irregular immigrants. Since 2007, the Public Security Department of Guangdong Province has established an foreign affairs management leading group composed of leaders of various departments and many types of police, and an foreign affairs management mechanism with clear-cut responsibilities for each department. At the same time, it also streamline the civilian police of the immigration department's certification business and deployed personnel to the frontline of foreigner management. The Municipal Public Security Bureau has also set up a special mobile team to deal with "three illegal" foreigners, and all the districts under its jurisdiction have also set up special teams to investigate and deal with "three illegal" foreigners. (4) Comply with the development situation of international immigration, and strengthen the construction of immigration legal system. In accordance with relevant laws and regulations of the higher authorities, the Guangzhou Municipal Department of Immigration and Immigration also formulated and revised some policy measures, including the "*Guangzhou Public Security Bureau Reporting Illegal Foreigner Awards Trial Procedures*", *Guangzhou Municipal Public Security Bureau reporting violations Management Law of the People's Republic of China on Exit-Entry foreigners incentive Measures*, and actively mobilize the citizens and social organizations to participate in the management of irregular immigration and discuss countermeasures and suggestions.

## **6. Problems and Dilemmas of Irregular Immigrants Governance in Guangzhou**

In general, Guangzhou has made great efforts in system construction, institutional staff, funding, technical equipment and other areas, and achieved certain results in irregular immigration governance. However, in the implementation of policies and laws and the practical operations, particularly in foreign management, there are still many problems and which could become a chronic disease. (1) irregular migration issues involve more departments and it is difficult to coordinate and cooperate effectively. Although "big foreign affair management " mechanism foreign management and service center have established, the governance of irregular migration problems is still complex. the relevant departments are cooperated inefficiently and sense of responsibility is also seriously insufficient. (2) irregular immigrant groups are diverse, the interests are very complex, the law enforcement efficiency is limited. The irregular immigrants are diverse in origin, Most African do not understand Chinese, and most of them can not communicate in English.

They speak French, Arabic or their own national language, making the foreign police sometimes unable to communicate with them, and thus difficult to enforce the laws. (3) The concept of governance is doubtful and human rights awareness is not strong. When dealing with irregular immigration issues, China has been pursuing the principle of "heavy management and light service", ignoring the protection of the rights of irregular migrants and the lack of balance between the pursuit of law enforcement and respect for human rights. The basic legislation on rights of irregular migrants protection is even more blank, and it is easy to trigger conflict. (4) The governance system and the institutional structure of immigration restrict the effectiveness of governance. As China does not have a specific immigration law and management systems for foreign immigrants, the information platform construction is still at the primary level and lacks the immigration management system, which stipulates the contents of irregular immigrants, refugees and skilled migrants as a whole. Local government lack superior department leadership coordination and rigidly enforce the law. It is difficult to play the central and local mutual uniqueness and complement. Meanwhile, the participation of civil society forces is also seriously inadequate.

## 7. Countermeasures

Governance is a comprehensive solutions model based on multi-level, multi-agent, and multi-center. Guangzhou need to learn from Europe and the United States combined its objective reality. In super-urban governance, it is necessary to assist and promote the improvement of laws and regulations at the national level and introduce immigration law at an appropriate time; To strengthen the cooperation with international organizations such as international organizations, the International Organization for Migration, the International Labor Organization, International Organization for Human Rights and Interpol, and other main source countries of irregular migrants, promoting "outside the domain of governance cooperation". For urban governance, it is necessary to strengthen institutional development, integrate related forces, establish professional management teams, and improve the overall quality of the team; strengthen multilingual legal system propaganda, build a dialogue and exchange platform; promote and enhance the management of foreign communities, and introduce outstanding immigrants to participate governance and set up some autonomy projects for immigration or autonomous institutions; update technical inspection equipment and raise the level of informatization; set up an immigration governance fund to increase the flexibility of governance needs. In the case of sub-urban governance, it is necessary to rely on the support of intellectual resources of universities, research institutions and private think tanks, especially the role playing of foreign groups and individuals in the governance. Only with the participation of all social forces and multi-level supervision can the problem of irregular immigration be more effectively managed.

## 8. Conclusion

The irregular immigration in Guangzhou has become an objective realistic problem that urgently requires governance innovation. Although various levels of government have taken various measures to deal with it and achieved certain results, the root causes of irregular immigration issues have not been truly eliminated. The relaxation of certain "symptoms" is only a temporary resolution or transfer of the problem, and once the relaxation of the action or other causes occurred, the severity of the problem is likely to be further exacerbated. Based on this, local governments need to learn from the experiences of Europe, America and other immigrant countries, actively construct a comprehensive long-term governance mechanism. It is worth looking forward to that the Chinese government has realized the importance of governance of foreign immigration. In 2018, a new National Immigration Bureau was established, and immigration governance will be raised to a higher level.

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