

## Path of Improving Residence and Management System for Foreign Residents in China

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**Abstract.** China has gradually become a very attractive destination country for immigrants. According to incomplete statistics, in 2017, China ranked fifth among the world's remittance exporters, ranked second in the world in remittances, and is the fourth largest source of immigrants in the world. These data show that with the deepening of the globalization process and the enhancement of China's overall national strength, China's characteristics as an immigrant importing country are increasingly prominent. In the future, more and more foreigners will come to China to stay and live here. The issue of the residence and management of foreigners in China has become a major issue that the Chinese government needs to solve urgently.

### 1. Overview of Management System for Foreign Residence in China

The permanent residence system for foreigners in China refers to a foreigner who can stay permanently in China and has no restrictions on the duration of stay. It is also known as the "China Green Card System." The implementation of the Law of the People's Republic of China on the Administration of Exit and Entry of Foreigners (hereinafter referred to as the "emigration and immigration administration law") marks the initial establishment of the permanent residency system in China. On February 18, 2016, the Central Committee of the Communist Party of China and the State Council issued the "Opinions on Strengthening the Management of Permanent Residency Services for Foreigners", requiring comprehensive improvement of the service level of permanent residence in China. At the 32nd meeting of the Leading Group for Comprehensive Deepening Reform held on February 6, 2017, the goal of developing international talent development services was established. By promoting the informatization of the foreigner management system, the foreigner's documents are facilitated, identifiable, and verifiable. Since the establishment of the permanent residency system, it has played an important role in attracting talents, optimizing talent structure and promoting social development in China[1-5].

However, there are still many problems in the permanent residence and management system of foreigners in China. In terms of management system operation, although China established the National Immigration Bureau in April 2018, this new institution has not established close ties with other foreign management agencies in China, and the awareness of sharing intelligence and cooperation needs to be strengthened. In the view of permanent residence system, there are many problems such as backward legislative thinking, scattered legal system, vague legal language, lack of quantitative standards, unreasonable application conditions, lack of refugee protection content, and imperfect rights relief. There are also many problems in the management system, mainly in the following: firstly, the National Immigration Service is difficult to coordinate with other departments to jointly manage foreign affairs. The establishment of the National Immigration Bureau has changed the embarrassing situation in which foreign authorities have to connect with both the Ministry of Public Security and the Ministry of Foreign Affairs. However, the Immigration Bureau and relevant departments have not established an interconnected platform for foreign affairs management and cannot share with other departments, which caused the information exchange between the Immigration Bureau and other departments to be poor, and it is difficult to manage foreign affairs in a scientific and efficient manner. Second, the Ministry of Public Security's foreigner management system is not smooth and restricts the enforcement of central affairs. When accepting the guidance of the higher level, China's entry and exit administration departments must not only accept the leadership of the local government, but also accept the leadership of the public security organs at the same level. This contradicts the attributes of the central affairs of foreigners' permanent residence, which leads to the inability of the entry and exit administration to enforce the central authority smoothly. Third, it is difficult for foreigners in China to integrate into society. China is not a traditional immigrant country. In addition to the differences in language and cultural background, even if foreigners are in China, they rarely accept Chinese culture, nor do they integrate smoothly into Chinese society. Therefore, the value of the permanent residency system for foreigners cannot be ignored. It is necessary to reform and improve the permanent residency system for foreigners and provide intellectual support and labor support for China's economic and cultural development.

### 2. Investigation and Enlightenment of Permanent Residence and Management System of Foreigners outside the Territory

#### 2.1 Permanent residence and management system in the United States

The Immigration and Nationality Law occupies a dominant position in the legal system of the foreign resident system in the United States. The United States not only has a complete immigration law, but also a series of administrative regulations, judicial interpretations, and normative documents that specify the permanent residence of foreigners to guide the specific work of the central and local governments. For example, the Immigration Reform and Control Act, the Law on Immigration Reform and Immigration Responsibility, both of which are important laws to combat illegal immigration. Therefore, the US laws, regulations and documents concerning the residence of foreigners form a complete legal system, from the immigration and nationality law at the legal level, to various refinements and explanations at the judicial interpretation level, to the federal government to ensure the various regulations formulated by the Immigration and Nationality Law are finalized at the normative document level. This providing a complete legal basis for the final implementation[6-8].

In terms of foreigner management, the main administrative body of the United States is the US Department of Homeland Security. The three departments under the Department of Homeland Security are responsible for different immigration matters. Among them, the Citizenship and Immigration Bureau is mainly responsible for the administrative services and management of foreigners who have obtained permanent residency. Because the bureau can share information with other administrative agencies and employers, it greatly facilitates other departments and employers to check the immigration status of foreigners, reduce illegal immigration and employ illegal immigrants. The Customs and Border Protection Bureau is primarily responsible for protecting the security of the US border. The Bureau has set up border patrols to strictly examine the personnel and vehicles at borders and ports of entry and exit, and has severely cracked down on illegal immigrants. The Immigration and Customs Enforcement Bureau is mainly responsible for the management of domestic immigrants living in the United States. When a foreign resident is illegally employed or committed a crime in the United States, the bureau will detain or arrest the person and enforce the law according to the law. Therefore, the three bureaus under the US Department of Homeland Security each have their own functions, each with a division of labor, and manages immigration affairs with the Department of Homeland Security. The vertical leadership model also simplifies the process and improves work efficiency. When managing immigration affairs, local governments are prone to problems of excessive discretion and arbitrary treatment. In order to solve this problem, the United States has established foreign affairs management as a central authority, and the Ministry of Homeland Security and its three departments directly enforce the law. In this way, the contradiction between central power and local power can be effectively alleviated. Considering that foreigners' management affairs are inefficient if only the central government participates, the central government usually promotes local governments in managing foreign affairs by authorizing local governments or signing agreements with local governments.

## 2.2 Australian permanent residence and management system

The Department of Immigration and Citizenship is the Australian immigration authority responsible for implementing the Australian Immigration Law. The Department of Immigration and Citizenship is primarily responsible to the Governor and has several offices, including overseas offices scattered around the world. Beginning in the late 1970s, the scoring system began to be implemented in Australia. In the late 1980s, the floating scoring system was introduced. According to the domestic demand for immigrants and the actual situation of immigrant applicants, the government will adjust the auditing standards and scores from time to time. Any factors that will affect the immigration review may become the review criteria and reference. In order to popularize and implement immigration policies, Australia will focus on immigration law. The purpose of its legislation is to reinforce Australia's national interests. Applicants who immigrate to Australia cannot be the burden of Australia and their society, and need to bring benefits to the country and society. In immigration law, Australia's immigration policy is characterized by the premise of not burdening the public and society.

Australia has fixed immigration affairs as a central authority, and has used the offices set up by the Ministry of Immigration and Citizenship throughout the country to strengthen central authorities. Along with giving local powers, they centralize local control to weaken local powers over immigration and avoid local powers. This will not only strengthen the central government's power, but also deepen the central government's control over immigration affairs and effectively implement various immigration policies.

## 2.3 Reflection and Enlightenment

From the above materials, we can easily find that there are indeed many references in foreign permanent residence and management systems for foreigners. 1) Unified immigration legislation. A comprehensive legal system can systematically serve the government's foreigners. For example, the Immigration and Nationality Law of the United States and the Immigration and Refugee Protection Law of Canada. 2) Scientific legislative Thought. When formulating laws, regulations and documents to govern foreigners, China should take the interests of safeguarding the national interests as the starting point, face up to the benefits and values that foreign talents bring to China. Establishing the purpose of introducing foreign talents to serve China's economy and society. 3) Pay attention to the management of foreigners and identify it as central authorities. Both the United States and Australia have a dominant department to manage foreigners' residences and other matters related to foreigners. The central government led local government but does not interfere with the localities. The localities cooperate with the central government without violating the central government's will and coordinate with other departments. 4) Establish a complete immigration selection mechanism. China's current talent assessment system is relatively backward. In terms of talent introduction, all local government have their own talent introduction programs and standards for introduction. There is currently no uniform standard. Moreover, China's current evaluation standards for foreign high-level talents still have problems. The government and enterprises are the main force

for recruiting and introducing talents. Due to the lack of market participation, they will inevitably ignore market demand and social development when introducing talents. In the end, the talents introduced will not match the market demand. Different standards and single standards will result in excessive discretion, which will undermine the implementation of the permanent residence system for foreigners. Based on the mechanism of attracting talents from developed countries, China can establish a scoring evaluation model and a career list system suitable for China's economic and social development[9, 10].

### **3. The Path of Improving Residence and Management System for Foreign Resident in China**

#### **3.1 The improving method of foreign resident system in China**

Through comparative analysis, reform and improvement of China's permanent residency system can start from the following aspects:

1) Internationalization of legislative Thoughts. The advanced legislative concept of foreign countries can be used as a reference for the legal system of permanent residence of foreigners in China. When China is in the process of legislation, it should refer to and learn from foreign advanced experience, and properly balance the maintenance of China's national interests and respect for foreigners and attract foreign talents. China should proceed from the national interests of China and aim at attracting foreign talents to serve China's economic and social development, and establish a scientific legislative concept. In addition, China currently adopts an audit system to evaluate foreigners' residence and immigration applications. Under this system, the relevant departments have greater selectivity and greater discretion, which is not conducive to the implementation of the permanent residency system. We can learn from the counting system adopted by many countries. The counting point system is a widely used evaluation system in immigration countries. It is advanced and mature. China can put age, work experience, Chinese proficiency and spouse ability, family situation as the benchmark for the score system, set the point counting method with Chinese characteristics.

2) Systematization of the law. The United States, Canada and other countries have adopted the Immigration Law as the basis and core of the entire legal system. The Immigration Law is an independent law. Other judicial interpretations, administrative regulations and other documents are specific and detailed in the Immigration Law. China has not yet formed a complete legal system. Although in addition to the Exit and Entry Administration Law, China has introduced many methods and opinions. However, the Exit and Entry Administration Law is an administrative law with immigration as the core. The legal level is low and cannot meet the needs of China to improve the permanent residency system to attract talents. Secondly, these methods, opinions and other documents and regulations are promulgated by different government departments. There is no unified legislative purpose, which leads to many difficulties in the implementation of the permanent residency system. Therefore, China should separate legislation, on the one hand to formulate the entry and exit management law, on the other hand, take safeguard the national interests of China as the core, formulate a special immigration law, use the immigration law as the basis of the immigration legal system, and adopt the immigration law as the core to formulate other Laws, regulations and other regulatory documents form a complete legal system.

3) Adjust the conditions for applying for permanent residency in China. The evaluation criteria should be adjusted according to China's national conditions, and the evaluation criteria based on "positions" and "titles" should be replaced by occupation-based evaluation criteria. Positions are more versatile than occupations. The specific content of the profession is relatively uniform in different regions and industries, which is conducive to the objective evaluation of the applicant's ability by the competent government departments. On the application conditions, quantified and embodied the fuzzy words. China can adjust the application conditions for permanent residency for the long-term development of China, attract foreign talents to the country to provide space and conditions for foreign talents to develop.

4) Fulfilling international obligations to protect refugee rights. In September 1982, China signed the two conventions on the Convention Relating to the Status of Refugees (1951) and the Protocol on the Status of Refugees (1967). However, China has lagged behind in the issue of refugee treatment. On the one hand, there is no institution in China that specifically identifies refugees. Currently, only the office of the United Nations High Commissioner for Refugees (UNHCR) in China has the right to identify refugees. On the other hand, China does not legally regulate refugee rights and obligations and refugee protection issues, resulting in unsustainable refugee rights and lack of legal means of relief. Therefore, China should carry out special legislation on refugee issues, guarantee the basic rights of refugees.

#### **3.2 The improving method of foreigner management system in China**

1) Establish a foreigner management platform with full coverage and resource sharing. Establish a fully covered foreigner management platform so that departments can share information in a timely manner. The system can also open a personal user inquiry function, and foreigners can use this function to query their own details in China. At the same time, the system can also provide multi-language self-service information services (such as legal norms, policy systems, latest information, etc.) and social services, such as: booking hotels, ordering air tickets, nearest fixed-point medical care, etc., to reduce language barriers through the network.

2) Improve the ability of foreigners to manage services. With the development of society and the advancement of science and technology, the traditional working mode has gradually been replaced by an increasingly intelligent office system. In order to strengthen the service capabilities of foreigners, the working model also needs to develop with the development of society and technology. We can rely on the development of science and technology, using advanced instruments and technologies to improve the efficiency of foreign management affairs. It can also rely on the big data

system to record the identity information, residence information, work information, school information, etc. of foreigners into the system, and screen specific groups of people to improve service capabilities.

3) Follow the principle of central authority to ensure the dominant position of the National Immigration Service. The most important aspect of immigration management is the various visa policies. Therefore, the National Immigration Bureau should lead the formulation, implementation and implementation of various visa policies. In addition, the National Immigration Service should also lead other immigration policies, such as refugee management, permanent residence management, repatriation of illegal immigrants, and investigation of illegal immigration cases, foreigner stay and residence management, illegal immigration, illegal residence, illegal employment of foreign countries. In addition, in order to meet the needs of China's economy and society and development and opening up, the National Immigration Bureau needs to coordinate with various ministries and commissions to promote the institutionalization of China's immigration policy and further optimize and improve China's immigration management system. Finally, when the immigration management department implements the immigration policy, the National Immigration Bureau should play a leading and supervisory role to ensure that the immigration policy is unified from formulation, implementation to implementation, and that policy benefits are maximized.

4) Gradually integrate the immigration management functions into the National Immigration Bureau to achieve professional and comprehensive integration. In the management of foreigners, the National Immigration Bureau must integrate, unify and lead the immigration management affairs. The Immigration Bureau must accurately grasp the various aspects of foreigners' life in China, such as work, life and travel. In addition, the duties of the local immigration management agency and the responsibilities of the public security organs should be clearly divided, and there should be no unclear division of powers and responsibilities.

5) Establish a social integration model for foreign residents based on the grassroots. Mobilize the enthusiasm of college students and community volunteers, organize community activities with Chinese characteristics, provide opportunities for foreigners to understand Chinese culture, and help foreigners exercise and improve their Chinese skills. Enforce the role of grassroots organizations such as community neighborhood committees and offices, actively provide living services and legal consultations for foreign residents, and promote exchanges between foreign residents and local residents. Make full use of the community as a grassroots unit, regularly hold cultural exchange activities between China and foreign countries, let foreign residents feel the enthusiasm of the country, speed up the integration of foreign residents into the domestic society, and enhance the sense of belonging.

Due to lack of experience, there requires improvement in the permanent residence and management system of foreigners in China. It is believed that by drawing on the advanced and mature management experience of traditional immigrant countries such as the United States and Australia, China can proceed from the perspective of safeguarding national interests and attracting foreign talents, and embarking on a road of immigration governance in line with China's national conditions.

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