

## Translation



*The following article is the text of the report that the director of the PRC Overseas Chinese Affairs Office delivered to the Chinese parliament in April 2018 regarding his office's performance. One of China's main priorities in engaging with Chinese people outside of the PRC is to recruit scientific and technical talent to serve China's economic development, according to the report. The report mentions a number of problems that foreign citizens of Chinese descent face in living and doing business in China, such as their foreign ID documents not being accepted, difficulties in securing education and health care for their families, and intellectual property theft.*

### Title

Report to the State Council on Work to Protect the Rights and Interests of Overseas Chinese  
国务院关于华侨权益保护工作情况的报告

### Author

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### Source

National People's Congress (NPC; 全国人民代表大会; 全国人大) website, April 25, 2018. Xu Yousheng delivered this report at the second meeting of the Standing Committee (常务委员会) of the 13th NPC on April 25, 2018. The NPC is China's parliament. The Overseas Chinese Affairs Office of the State Council is subordinate to the Communist Party of China (CPC) Central United Front Work Department (中央统战部).

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### Translator

Etcetera Language Group, Inc.

### Editor

Ben Murphy, CSET Translation Lead

To the Standing Committee of the National People's Congress (NPC):

On behalf of the State Council, I hereby report to the NPC Standing Committee, for its consideration, on the situation regarding work on protecting the rights and interests of overseas Chinese.

Article 50 of China's constitution states: "The People's Republic of China protects the legitimate rights and interests of overseas Chinese." Overseas Chinese (华侨) are Chinese citizens who have settled abroad. Chinese foreign nationals (外籍华人), in the usual sense, refers to former Chinese citizens who have acquired a foreign nationality, as well as their descendants. Overseas Chinese and Chinese foreign nationals are usually inseparably combined in overseas Chinese affairs work, and overseas Chinese and Chinese foreign nationals are collectively referred to as overseas Chinese compatriots (侨胞). In terms of overseas Chinese,

China is a resource-rich country. There are over 60 million overseas Chinese compatriots distributed among nearly 200 countries and regions, of whom somewhat over 6 million are overseas Chinese and more than 50 million are Chinese foreign nationals. They are an important component of the Chinese nation, and an important force to rely on for defending the interests of national sovereignty, security and development, and for promoting friendship between China and foreign countries. For China, it is an irreplaceable resource of great importance.

Since the 18th Party Congress [in 2012, when Xi Jinping became top party leader], the Party Central Committee with Comrade Xi Jinping as the core, giving comprehensive consideration to both the domestic and foreign situations, has made new deployments and put forward new requirements for doing overseas Chinese affairs work well, and for uniting the Chinese diaspora's hearts and strengths behind achieving the Chinese Dream. With a strategic mindset of achieving the great rejuvenation of the Chinese nation, General Secretary Xi Jinping has proposed the important exposition that "the unified Chinese nation is the common root of Chinese people at home and abroad; the vast and profound Chinese culture is the common soul of the Chinese people at home and abroad; and achieving the great rejuvenation of the Chinese nation is the common dream of the Chinese people at home and abroad." He emphasized that "overseas Chinese compatriots have an irreplaceable role of great importance to play in achieving the Chinese Dream", and that "an important task for the party and the state is to closely unite the vast numbers of overseas Chinese compatriots, returnees, and their families, and make full use of their active role in the great rejuvenation of the Chinese nation," and asked overseas Chinese affairs departments to be kind confederates to overseas Chinese, returned overseas Chinese, and their relatives, and be pragmatic practitioners in overseas Chinese affairs work. The *Decision of the CPC Central Committee on Major Issues Pertaining to Comprehensively Promoting the Rule of Law* speaks of "protecting the rights and interests of overseas Chinese compatriots in accordance with law." The 19th Party Congress Report proposes "broadly unifying and linking with overseas Chinese nationals, returned Chinese, and their relatives, so as to work together for the great rejuvenation of the Chinese nation." These important pronouncements and decisions fully reflect the high degree of emphasis placed on overseas Chinese affairs work by the Party Central Committee with Comrade Xi Jinping as the core, as well as its kind concern for overseas Chinese compatriots, providing us a basis to follow in doing the work of protecting the rights and interests of overseas Chinese. Li Keqiang and other central leaders have all attended major overseas Chinese-related events on multiple occasions, giving important instructions and strong guidance for overseas Chinese affairs work. In the following, I will report on four aspects of the situation regarding work to protect the rights and interests of overseas Chinese.

### **I. Main Achievements in China's Work to Protect the Rights and Interests of Overseas Chinese**

Since the 18th Party Congress, relevant regions and agencies have carried out the decisions of the CPC Central Committee and the State Council in depth, and conscientiously implemented the provisions of the constitution on protecting the rights and interests of overseas Chinese. With "uniting the hearts and strengths of overseas Chinese to share the Chinese Dream" as the main theme, and "comprehensive, coordinated, and sustainable development of overseas Chinese affairs work" as the main line, it has firmly carried out various

tasks for protecting the rights and interests of overseas Chinese, and has achieved positive results.

**(I) Strengthening the rule of law in overseas Chinese affairs, and constantly pushing to improve the legal system for protecting overseas Chinese according to law.** We have deeply implemented deployments for the comprehensive rule of law strategy, and taken building the rule of law in overseas Chinese affairs as a fundamental and long-term task in carrying out work to protect the rights and interests of overseas Chinese. 1. Improving the system of laws and regulations. The *Law on the Protection of the Rights and Interests of Returned Overseas Chinese and Relatives of Overseas Chinese* is a law specially for safeguarding the rights and interests of returned Chinese and their relatives, and it also regulates some aspects of protecting the rights and interests of overseas Chinese. The *Exit and Entry Administration Law* clarifies such matters as the handling of repatriation and settlement by overseas Chinese, and handling of affairs in China using a passport as proof of identity. Laws such as the *Charity Law* and the *Law on the Administration of Activities of Foreign Non-Governmental Organizations within the Borders of the PRC* provide safeguards in order to protect the rights and interests of overseas Chinese. The *Exit and Entry Administration Law* and the *Regulation on the Administration of the Entry and Exit of Foreign Nationals* have provided systematic facilitation for Chinese foreign nationals to enter, exit, and reside in China. The State Council has issued the *Outline for the Development of National Overseas Chinese Affairs Work (2016-2020)*, which puts forward clear requirements for strengthening the establishment of the rule of law in overseas Chinese affairs, and for protecting the rights and interests of overseas compatriots, and of returnees and their family members, according to law. Provinces and municipalities, including Guangdong, Fujian, Shanghai, and Hubei, have formulated local regulations protecting the rights and interests of overseas Chinese. 2. Establishing mechanisms for protecting the rights and interests of overseas Chinese. In accordance with the requirements of establishing government based on the rule of law, the Overseas Chinese Affairs Office has established a legal advisor system and formed teams of legal advisors to serve overseas Chinese, and promotes the establishment of legal service platforms for overseas Chinese in local governments and related departments or in government service centers (办事大厅), so as to take full advantage of lawyers' professional strengths in providing legal services to overseas Chinese compatriots, returned Chinese, and their relatives. Currently, close to 300 legal services windows, sites, advisor teams, and other service platforms for overseas Chinese have been established nationwide. Some local governments have established overseas Chinese affairs work coordination mechanisms, with the comrade in charge taking the lead and relevant departments participating, for centralized coordination in resolving difficult issues and major disputes involving overseas Chinese. 3. Carrying out law popularization propaganda related to overseas Chinese. A wide range of propaganda and education activities on the rule of law involving overseas Chinese have been carried out aimed at the entire society, with laws and regulations involving overseas Chinese as important content of law popularization propaganda under the Seventh Five-Year Plan for Launching Rule of Law Propaganda and Education among Citizens,<sup>1</sup> using multiple methods

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<sup>1</sup> Translator's note: The Communist Party of China (CPC) Central Propaganda Department and the PRC Ministry of Justice promulgated the Seventh Five-Year Plan for Launching Rule of Law Propaganda and Education among Citizens (在公民中开展法治宣传教育的第七五年规划; 七五普法) on April 17, 2016. The Five-Year Plan encompasses the years 2016 to 2020.

such as holding knowledge contests, distributing propaganda materials, and on-site Q&A consulting sessions, as well as by means of media, websites, WeChat, and other platforms.

**(II) Improving policy safeguards, and strongly promoting efforts to protect key rights and interests in China of concern to overseas Chinese compatriots.** In order to meet the practical needs of overseas Chinese compatriots to work and live in China, we have focused efforts on the key rights and interests of immediate concern to overseas Chinese compatriots, and have constantly formulated and improved policy safeguards. 1. Safeguarding the rights and interests of overseas Chinese returning to settle in China. The *Provisions on Handling the Work Regarding the Return of Overseas Chinese to China for Permanent Residency* issued by the Overseas Chinese Affairs Office, the Ministry of Public Security, and the Ministry of Foreign Affairs regulate work handling procedures for returning overseas Chinese; and from implementation of the *Exit and Entry Administration Law* in July 2013 to the end of December 2017, the overseas Chinese affairs offices of local governments handled a total of 68,772 overseas Chinese returning to settle in China. 2. Safeguarding educational rights and interests. The Overseas Chinese Affairs Office, the Ministry of Education, and other agencies have issued policy documents on children of overseas Chinese receiving compulsory education, overseas Chinese students receiving high school education, and standards for admission of overseas Chinese students and collection of fees by ordinary colleges and universities, etc. Jinan University and Huaqiao University are two higher education institutions where admissions of overseas Chinese compatriots and students from Hong Kong, Macau, and Taiwan predominate. At present, they have some 17,000 such students enrolled, accounting for over 50% of all such students admitted to higher education institutions nationwide. 3. Safeguarding social insurance rights and interests. The Ministry of Human Resources and Social Security has conscientiously carried out policies concerning participation in social security by overseas Chinese. It has included within the scope of social security coverage those overseas Chinese eligible to participate in social security, and it has clarified rules regarding enjoyment of social security benefits by those who settle abroad or acquire foreign nationality after handling retirement procedures. 4. Safeguarding marriage and adoption rights and interests. Civil affairs departments have handled marriage registrations and adoption registrations for overseas Chinese in accordance with law. In 2017, they handled 4,616 overseas Chinese marriage registrations, and between 2009 and 2017, they handled 342 overseas Chinese adoption registrations. 5. Safeguarding donation rights and interests. Since the start of reform and opening up [in 1978], overseas Chinese compatriots and compatriots in Hong Kong and Macau have donated over RMB 100 billion, making an important contribution to China's economic and social development. In order to protect this charitable giving on the part of overseas Chinese compatriots, the Overseas Chinese Affairs Office and other departments have released opinions on strengthening the administration of donations by overseas Chinese compatriots, administrative measures for foundations involving overseas Chinese, etc., and the Ministry of Finance, the State Administration of Taxation, and other agencies have issued preferential tax policies for enterprises making charitable donations in the form of equity, giving preferential treatment in order to encourage overseas Chinese compatriots to make such donations. 6. Implementing policies to facilitate entry and exit by Chinese foreign nationals. The Ministry of Public Security has supported innovative entry- and exit-related policy measures developed by Beijing, Shanghai, Guangdong, and other localities, including pilot implementation of policies to facilitate Chinese foreign nationals applying for permanent residence, long-term residence, and

multiple-entry visas. Beginning February 1 this year, policies to facilitate 5-year multiple-entry visas and residence permits have been implemented on a nationwide scale for Chinese foreign nationals working, studying, or living in China.

**(III) Intensifying recruitment efforts, and encouraging and supporting overseas Chinese compatriots to repatriate (come to China) for innovation and entrepreneurship.** Satisfying the career development needs of overseas Chinese compatriots has been closely tied to serving the national innovation-driven development strategy, with the focus of work on recruiting overseas Chinese with intellectual and investment resources. 1. Establishment of a pilot zone with "overseas Chinese" characteristics. In 2014, the State Council approved the establishment of the Overseas Chinese Economic and Cultural Cooperation Pilot Zone in the Shantou Special Economic Zone. In the last four years, the pilot zone has made positive progress in areas such as deepening institutional and mechanism innovation, expanding opening up to the outside, and advancing overseas Chinese cultural cooperation. 2. Taking full advantage of overseas Chinese affairs channels, and continuing to gather overseas Chinese intellectual and investment resources. The "Innovation of Thousands of Overseas Chinese" initiative and the "Action Plan for Overseas Talents Serving the Nation" have been deeply implemented. In a significant national strategic deployment in 15 provinces and municipalities, 17 "Dream Incubators of Overseas Chinese" ("侨梦苑") have been established, as well as the "Beijing Work Base for Overseas Academicians and Experts." In the 3 years since they started operation, they have brought in 14,000 overseas Chinese-funded firms and introduced tens of thousands of S&T professionals. They have become industrial gathering places for overseas Chinese businesspeople and demonstration bases for innovation and entrepreneurship by overseas Chinese compatriots, creating an integrated, full-process system for serving overseas Chinese. Joint meetings of the presidents of world overseas Chinese entrepreneur conferences and S&T professional associations have been held, and 20 institutional activities involving recruitment of overseas Chinese intellectual and investment resources have been conducted in cooperation with local governments. There has been continuous organization of "Overseas Talents Serving the Nation Doctoral Teams" ("海外人才为国服务博士团"), "Overseas Chinese-Funded Firms Going Local" ("侨资企业地方行") and various other training, inspection, and linkage activities for investment and entrepreneurship, attracting large numbers of overseas Chinese investors, especially in high-tech projects and talent, giving effective support to national and local socioeconomic development. 3. Actively creating an environment for innovation and entrepreneurship. The *Opinions on Enhancing Implementation of the Innovation-Driven Development Strategy and Further Advancing In-Depth Development of Entrepreneurship and Innovation among All the People* issued by the State Council, encourage and support innovation and entrepreneurship carried out by overseas Chinese compatriots. The State Administration of Foreign Experts Affairs (SAFEA) has organized and implemented a permit system for foreigners coming to work in China. It has formulated, issued, and carried out the "one common card" service policy, providing high-end talents access to high-quality services such as housing support, children's school enrollment, and medical coverage. The State Administration of Foreign Experts Affairs, the Ministry of Foreign Affairs and the Ministry of Public Security have issued the *Implementation Measures for Foreign Talent Visas*, under which the Ministry of Foreign Affairs guides embassies and consulates abroad on issuing multiple-entry visas, with a validity period of 10 years and stays of 180 days, to foreign talents who have been confirmed by administrative departments for foreigners working in China; and

the Ministry of Public Security guides local public security agencies and entry and exit administration departments on issuing residence permits, with a validity period of up to 5 years, to eligible foreigners. The Ministry of Science and Technology has supported participation by overseas Chinese compatriot experts in national S&T plans, etc., and has improved policies on mechanisms for the transfer and conversion of S&T achievements into commercial products, S&T financing, intellectual property protection, and so on. The Ministry of Finance and the State Administration of Taxation have formulated and improved a series of tax preference policies for encouraging S&T innovation and promoting the transfer and conversion of S&T achievements into commercial products, providing support to overseas Chinese compatriot scientific researchers looking to commercialize S&T achievements. Relevant local governments have formulated and improved complementary policies, which support repatriation of overseas Chinese compatriots for innovation and entrepreneurship in China by means of project linkage (matching projects with investors), financial support, etc. 4. Guiding and supporting second-act entrepreneurship and collaborative innovation by high-tech teams of "returnees from overseas" ("海归") who have already successfully started businesses. science and technology innovation commissions (科技创新委员会) have been established, with key support given to over 400 overseas Chinese compatriot-run tech firms; also, we have established S&T innovation centers, actively created a good environment, and ensured that overseas Chinese intellectual and investment resources are recruited well, retained well, and used well.

**(IV) Enhancing public services at home and abroad for overseas Chinese, and effectively promoting solutions to livelihood issues among overseas Chinese.** With the full cooperation of relevant departments of the State Council, governments (and their local institutions) at all levels have established a "four-in-one" domestic public service system for overseas Chinese comprising policy and legal services, overseas Chinese affairs services, overseas Chinese livelihood services, and career development services. By establishing overseas Chinese affairs service windows, building "Overseas Chinese Home" activity platforms, and improving overseas Chinese affairs coordination mechanisms, they have established an integrated information services network for overseas Chinese relying on chinaqw.com, the "Qiaobao" ("侨宝") app, the "Overseas Chinese Home" ("侨之家") WeChat public account, websites for specialized work, etc., providing efficient, convenient, and attentive services for the work, livelihood, and innovation and entrepreneurship of overseas Chinese compatriots, returned Chinese, and their relatives. For returned Chinese and their relatives facing hardships, efforts to combat poverty have intensified, caring initiatives such as "Kindness for Overseas Chinese and Respect for the Elderly" and "Left-Behind Children" have been carried out, and assistance has been provided, such as skills training, industrial poverty alleviation, and educational assistance for poverty alleviation. The number of returned Chinese and their relatives in poverty has declined from 1.17 million in 2015 to 99,000 at the end of 2017. Nationwide, some 84 overseas Chinese farms have completed restructuring and local integration, industrial development has been clearly accelerated, and production and living conditions have improved significantly. Funds donated by overseas Chinese compatriots have been used to implement projects such as the "OC Love Project" ("侨爱工程"), the "Lighting up New Life for Tibetan Herdsmen Project," and the "Affection for Yan'an" project, for poverty alleviation, teaching awards, student financial aid, post-disaster reconstruction, healthcare, etc.

**(V) Innovating new work methods and approaches, and establishing overseas service platforms for overseas Chinese that have long-term effectiveness and broad coverage.**

Targeting the over 60 million overseas Chinese compatriots, we have strengthened construction of overseas Chinese affairs work organizational systems, platform carriers, and network mechanisms that are global and fundamental, and offer long-term effectiveness. Using institutionalized world conferences (the Conference for Friendship of Overseas Chinese Associations,<sup>2</sup> Discovery Trip to China For Eminent Young Overseas Chinese (华裔杰出青年华夏行), etc.) as engines, we have continued to promote comprehensive construction of harmonious overseas Chinese communities, and deeply implemented the "Overseas Huiqiao Project" ("海外惠侨工程"), organizing over 300 missions each year to serve overseas Chinese. We have implemented such plans as those for overseas Chinese association construction, overseas Chinese service centers, Chinese language education, cultural exchanges, Chinese food prosperity (中餐繁荣), traditional Chinese medicine caring (中医关怀), and career support, and expanded the coverage of services for overseas Chinese. We have: guided overseas Chinese associations to strengthen their role in serving overseas Chinese, and established 60 "Overseas Compatriot Mutual Aid Centers" relying on cities with a high concentration of overseas Chinese compatriots; targeted core cadre training for overseas Chinese service centers and Chinese service institutions, and guided them in strengthening establishment of volunteer and legal aid teams, focusing closely on the needs of overseas compatriots, especially vulnerable groups, and providing care, assistance, emergency rescue, and rights protection services. Making full use of the institutional roles played by national joint conferences on overseas Chinese language education, we have implemented medium- and long-term plans for overseas Chinese language education development, signed cooperation agreements with the education ministries of several countries and regions, and led the development of 20,000 overseas Chinese language schools, with millions of students and hundreds of thousands of teachers among them, toward greater standardization, formalization, and professionalism. Each year, an average of 4 million copies of Chinese language teaching materials, from kindergarten to high school, have been compiled and distributed, over 10,000 Chinese teachers and administrators have been trained, over 350 cultural activities such as "China Roots Tour" summer (winter) camps and "Chinese Culture Park" have been organized, with the number of participating overseas Chinese youths having reached 130,000, and financial assistance has been given to help over 1,000 important but struggling Chinese language schools and Chinese language education organizations. At the same time, we are developing and promoting multimedia distance training in Chinese language education, and supporting Chinese international schools and other new models of school operation. We are gathering together artistic elites among overseas Chinese compatriots, having supported establishment of the "Global Chinese Orchestra" and 42 overseas "Huaxing Art Troupes" ("华星艺术团"), and mobilized over 1,560 Chinese culture associations. By training event organizers and planners and a core cadre for culture and the arts in overseas Chinese communities, and providing cultural products, book and video materials, etc., we have cultivated a growing strength in Chinese culture dissemination that is taking root overseas. We have implemented the "Traditional Chinese Medicine Caring" and "Chinese Food Prosperity" plans, organized

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<sup>2</sup> Translator's note: The Chinese text here is 世界海外侨胞社团联谊大会 (the Conference for Friendship of World Overseas Chinese Compatriot Associations). This is probably a typo for 世界华侨华人社团联谊大会 (the Conference for Friendship of Overseas Chinese Associations).

groups of traditional Chinese medicine (TCM) practitioners and chefs to go abroad for exchanges and training, conducted online chef training classes, and promoted establishment of a network of overseas TCM and Chinese food industry associations, thereby enhancing industry mutual aid, self-discipline, and interaction. In terms of promoting construction of worldwide networks of overseas Chinese business organizations, we have: established the "Belt and Road"<sup>3</sup> collaborative network of overseas Chinese business organizations, with 229 founding member groups; supported the establishment of a cooperation committee for overseas Chinese business associations in countries along "Belt and Road" routes and a cross-border e-commerce federation for overseas Chinese compatriots; and opened an "Overseas Chinese Compatriots and Belt and Road" information dissemination platform, creating the right conditions and providing services for overseas Chinese businesspeople to participate in "Belt and Road" construction.

Generally speaking, the above-mentioned significant results in the work of protecting the rights and interests of overseas Chinese are mainly due to three reasons: The first is that the party's leadership has been adhered to. The Party Central Committee, with Comrade Xi Jinping as the core, attaches great importance to overseas Chinese affairs work, and has made a series of decisions and deployments from a strategically high-level and comprehensive perspective, and the strong leadership of the CPC Central Committee has provided fundamental guarantees for properly doing the work of safeguarding the rights and interests of overseas Chinese. The second is our insistence on serving the overall situation, on one hand, self-consciously integrating protection of overseas Chinese people's rights and interests into the overall situation of the party's and the state's internal and external work, for better planning and promotion, and on the other hand, identifying points of connection between serving the overall national situation and serving the career development of overseas Chinese compatriots, as well as points to focus on. The third is insistence on reform and innovation, adapting to changing circumstances in global, national, and overseas Chinese development, constantly innovating new work methods and approaches, and achieving overall integration and fused development in work to protect the rights and interests of overseas Chinese. The fourth reason is insistence on serving overseas Chinese, having firmly established the basic aim of "being people-centered, serving overseas Chinese," never forgetting our original dedication to the welfare of the Chinese community (侨界群体), including overseas Chinese, and constantly realizing, protecting, and developing the rights and interests of the Chinese community.

## **II. Existing Difficulties and Issues**

The work of protecting the rights and interests of overseas Chinese involves a wide range of aspects and particular points. It is a holistic, comprehensive, and systematic endeavor. In particular, as the circumstances of overseas Chinese have developed, the number of overseas Chinese compatriots has continued to increase. Profound structural changes have occurred, and as ties and exchanges with China have grown closer, expectations of sharing in the benefits of China's development have multiplied. The demands of overseas Chinese for their own rights and interests have also become increasingly diverse. All of this has placed higher demands on

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<sup>3</sup> Translator's note: The "Belt and Road" ("一带一路") refers to the Silk Road Economic Belt and the 21st Century Maritime Silk Road.



further improving protection of the rights and interests of overseas Chinese. The main difficulties and issues are as follows:

**(I) Specialized legal support for protecting the rights and interests of overseas Chinese is lacking.** The constitution lays out clear provisions on protecting the rights and interests of overseas Chinese, but at the national level, there is still no specialized law on the subject. Instead, relevant content is scattered among the "Law on the Protection of the Rights and Interests of Returned Overseas Chinese and Relatives of Overseas Chinese," the "Nationality Law," the "Exit and Entry Administration Law," the "Adoption Law," the "Law on Donations for Public Welfare" and other laws, along with relevant administrative regulations. This absence of a specialized law has made some rights and interests of overseas Chinese difficult to implement in practice. The legal system for protecting the rights and interests of overseas Chinese thus needs further improvement.

**(II) Awareness of the importance of protecting the rights and interests of overseas Chinese needs to be raised.** The overseas Chinese compatriot community is China's unique resource and important treasure trove, but there is insufficient awareness in some places and departments of the special nature and importance of overseas Chinese compatriots. Opinions differ as to whether it is necessary to protect and care for overseas Chinese compatriots as a special group. Implementation of some policy measures affecting the vital interests of overseas Chinese compatriots is still not in place. The study of and propaganda on overseas Chinese-related laws and regulations have yet to penetrate deeply in the hearts and minds of the society as a whole, and some leading cadres have a limited understanding of laws, regulations, and policies involving overseas Chinese.

**(III) Use of documents by overseas Chinese to handle social affairs in China is still inconvenient.** According to the provisions of the *Exit and Entry Administration Law*, overseas Chinese dealing with paperwork within China can use a passport as proof of identity. Because passport numbers are not unique, overseas Chinese using passports to handle affairs feel it is inconvenient. This has become a prominent issue on which the overseas Chinese are relatively focused.

**(IV) Problems reflecting the investment rights and interests of overseas Chinese remain pronounced.** Most overseas Chinese-invested firms are concentrated in labor-intensive industries. Their capacity for innovation-driven development is inadequate, and they face greater transformation and upgrading pressures. Among some local governments, there are still problems with not honoring commitments made to attract business and investment, arbitrarily altering plans, etc., and to this is added a weak conception of the rule of law on the part of some overseas Chinese compatriots themselves. The result is that rights infringement issues are more prominently reflected among overseas Chinese-invested firms.

**(V) The problems in protecting the rights and interests of overseas Chinese abroad must be further emphasized.**

### **III. Next Steps**

Protecting the rights and interests of overseas Chinese is an important task within the authority granted to the State Council under the constitution. For next steps, the State Council and relevant departments will thoroughly implement the spirit of the 19th Party Congress and

its Second and Third Plenums. Guided by Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, and adhering closely to coordinated implementation of the "Five in One"<sup>4</sup> overall arrangement and the "Four Comprehensivelys,"<sup>5</sup> we will take uniting the Chinese diaspora's hearts and strengths and sharing the Chinese Dream as the main theme, and comprehensive, coordinated, and sustainable development of overseas Chinese affairs work as the main line. In compliance with implementation of the constitution and overseas Chinese-related laws, we will strive to be kind confederates to overseas Chinese, returned overseas Chinese, and their relatives, and be pragmatic practitioners in overseas Chinese affairs work. We will continue doing a good job to protect the rights and interests of overseas Chinese and unite the boundless strength of China's people at home and abroad for the great rejuvenation of the Chinese nation. Doing a good job in the following aspects of our work will be key:

**(I) Strengthening organizational leadership, and promoting the formation of a legal services system that protects the rights and interests of overseas Chinese.** Laws and regulations involving overseas Chinese should be conscientiously executed, with governments and relevant departments effectively performing their statutory duties. We will: strengthen organizational coordination and supervision and inspection of the implementation of overseas Chinese-related policies; resolve, in accordance with law, the salient problems overseas Chinese compatriots encounter in living and working in China, and in innovation and entrepreneurship, such as infringement of rights and interests, intellectual property protection, and economic disputes; and encourage and guide them to exercise their rights, express their demands, and resolve their disputes in accordance with law. To fully leverage society's legal service platforms and resources, we will establish overseas Chinese legal services windows or contact points in administrative service building lobbies and in the communities, development zones, and higher education institutions with concentrations of overseas Chinese compatriots, returned Chinese, and their relatives; relying on professional legal services such as bar associations and law firms, we will increase the supply of legal services for overseas Chinese by means of government purchasing of services, and gradually refine the legal services system for overseas Chinese.

**(II) Strengthening overseas Chinese-related legislative work, pushing to perfect the system of policies involving overseas Chinese, and providing improved institutional safeguards for protecting the rights and interests of overseas Chinese.** We will study drawing up an "Law on Protecting the Rights and Interests of Overseas Chinese," and amending the "Law on the Protection of the Rights and Interests of Returned Overseas Chinese and Relatives of Overseas Chinese" and its implementation measures. We will properly carry out coordination and linkage with other relevant laws, safeguard the rights and interests of overseas Chinese communities, and further improve and refine the system of laws and regulations involving overseas Chinese. We will improve and perfect policy provisions for overseas Chinese in terms of access to education, finding employment and settling down, investment and entrepreneurship, charitable donations, etc. We will: implement the responsibility system for

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<sup>4</sup> Translator's note: The "Five in One" ("五位一体") refers to the development of economic, political, cultural, social, and ecological civilization.

<sup>5</sup> Translator's note: The "Four Comprehensivelys" ("四个全面") are: Comprehensively build a well-off society in an all-round way, comprehensively deepen reform, comprehensively govern the country according to law, and comprehensively govern the party strictly.

law popularization wherein "those who enforce a law should popularize the law;" for laws and policies involving overseas Chinese compatriots, returned Chinese, and their relatives, carry out propaganda and education directed at leading cadres as well as overseas Chinese compatriots; and incorporate propaganda and education on overseas Chinese-related laws in national law popularization plans, thereby strengthening awareness and capacity with respect to protecting overseas Chinese defending their rights and interests in accordance with the law.

**(III) Vigorously carry out work to attract overseas Chinese intellectual and investment resources, attract overseas Chinese compatriots for innovation and entrepreneurship, and promote service to the overall situation of the nation and service for the career development of overseas Chinese compatriots.** Concentrating on the strategies of making China an innovation-oriented country and a talent superpower (人才强国), we will deeply implement plans for overseas Chinese compatriots to (come to China and) serve the nation, fully exploit the role of various platforms and channels for overseas affairs and attracting intellectual resources, and establish a batch of demonstration bases for innovation and entrepreneurship by overseas Chinese compatriots. We will promote carrying out "Innovation of Ten Thousand Overseas Chinese" ("万侨创新") and other such initiatives, guide the cluster-type development of overseas Chinese intellectual and investment resources, build a full-chain, comprehensive service system, and promote the deep integration of overseas Chinese intellectual and investment resources. By means of pilot programs, we will gradually promote policy measures to facilitate high-level talents among overseas Chinese compatriots in (coming to China and) starting companies; form effective recruitment, utilization, management and service mechanisms; do a good job in different services such as policy support, career assistance, and livelihood security; create a good environment for attracting talent and intellectual resources and for innovation and entrepreneurship; and ensure that talent can be recruited, retained, moved flexibly, and used well.

**(IV) Strengthening construction of the public services system for overseas Chinese, and continuing to improve the domestic livelihoods of overseas Chinese.** In relevant government agencies, we will establish and improve platforms for public services involving overseas Chinese, open service windows for handling the affairs of overseas Chinese, simplify and optimize handling procedures, and provide convenient, efficient, and attentive services for the work, livelihood, and innovation and entrepreneurship of overseas Chinese. In communities, development zones, overseas Chinese-run farms, and other places with concentrations of overseas Chinese, we will establish overseas Chinese service platforms, which will be responsible for grassroots overseas Chinese service matters, providing venues for friendship exchanges, and guiding overseas Chinese communities in strengthening self-service and self-management. We will establish mechanisms for coordination between government overseas Chinese affairs offices and relevant departments, promote resolution of problems related to public services involving overseas Chinese, and carry out, in a coordinated fashion, work on conducting overseas Chinese-involved business and official matters, protecting rights and interests, giving care and support, benefiting and strengthening overseas Chinese, and friendship exchanges.

**(V) Reinforcing protection abroad of the rights and interests of overseas Chinese, and creating for overseas Chinese a more relaxed and friendly overseas environment in which to live and develop.**

#### **IV. Suggestions on Developing a Law on Protecting the Rights and Interests of Overseas Chinese**

The NPC and its Standing Committee attach great importance to work to protect the rights and interests of overseas Chinese. The NPC has specially set up an Overseas Chinese Committee responsible for overseas Chinese-related legislative work. The NPC Standing Committee, which formulated the "Law on the Protection of the Rights and Interests of Returned Overseas Chinese and Relatives of Overseas Chinese," carried out enforcement inspection of the law in 2006, and has played an active role in protecting the rights and interests of the overseas Chinese community in accordance with law, and in promoting basing overseas Chinese affairs on the rule of law. However, there is still no specialized law aimed at protecting the rights and interests of overseas Chinese, and this has, to a certain extent, constrained work on protecting overseas Chinese rights and interests from being carried out fully and in-depth. In 2015 and 2016, the State Council's legislative work plans listed formulation of a "Law on Protecting the Rights and Interests of Overseas Chinese" as a project for study, and the Overseas Chinese Affairs Office and other departments have carried out basic work such as investigation and research. Some localities have formulated local regulations protecting overseas Chinese rights and interests, and have accumulated a certain amount of practical experience on formulating laws to protect the rights and interests of overseas Chinese. Enactment of a "Law on Protecting the Rights and Interests of Overseas Chinese" would be conducive to the formation of an overall system and institutional safeguards for the protection of overseas Chinese rights and interests, and it would systematically integrate content on protection of the rights and interests of overseas Chinese that is scattered among relevant laws, and institutional design would be carried out under the socialist legal system with Chinese characteristics. Enactment of such a law would be conducive to enhancing the cohesion and identification of overseas Chinese compatriots with their motherland (country of nationality), and give further play to their unique advantages and important roles in promoting China's economic and social development, defending and promoting national unity, and encouraging friendly exchanges between China and other countries around the world. And enactment of such a law would be conducive in terms of adapting to the current trend in which the numbers of Chinese citizens immigrating is steadily increasing, enhancing post-immigration standardized management, and further promoting the modernization of the national governance system and governance capabilities. In recent years, countries such as South Korea, India, Israel, the Philippines, and Russia have actively carried out legislative work for their expatriates, which has played an active role in promoting the socioeconomic development of those countries by drawing on the resources of expatriates, recruiting overseas talent, and maintaining their national cultural heritage, and it has provided useful references for China's legislative work on protecting the rights and interests of overseas Chinese. In view of this, we recommend that a "Law on Protecting the Rights and Interests of Overseas Chinese" be studied and formulated, that this should be included in the legislative planning of the NPC Standing Committee at the

appropriate time, and that the State Council and relevant departments should actively carry out the relevant work.

The fact that you, the chairman, vice-chairmen, secretary-general, and members of the NPC Standing Committee, have listened to this report on the work of protecting the rights and interests of overseas Chinese, is a demonstration of the high degree of emphasis and strong support the NPC Standing Committee gives to overseas Chinese affairs work. In accordance with your deliberations and opinions, we will continue to improve our work, fully grasp its implementation, and strive to obtain new accomplishments in our work to protect the rights and interests of overseas Chinese.