

RESEARCH BRIEF

No. 4/2019

Facilitating Migration of “Talented Human Resources” (*Rencai*) along the Belt and Road Initiative

Eva Lena Richter, University of Cologne

July 12, 2019

Key Points:

- The “Belt and Road Initiative” (BRI) is affecting migration to and from China.
- The new Chinese National Immigration Administration leads to a more uniform migration management as well as more efficient introduction of skilled foreign workers.
- Academic cooperation between Chinese and BRI institutions is deepening through the establishment of joint forums and other institutions.
- Chinese immigration regulations are incorporating special provisions for foreign high-level personnel working on BRI-related projects.
- Through cooperation in law development as well as bilateral and multilateral agreements, China is in the position to

shape the migration regime along the BRI so that it can import the skilled labour resources of BRI countries.

Introduction

China has long been known as a migrant-sending country and, even with economic development in the past decades since “Reform and Opening” in 1978, up to date net emigration continues. These outbound migrants are increasingly skilled, resulting in a loss of talented human resources (*rencai*) that is felt on the national labour market. China has an estimated overseas population of 60 million, of which 6 million are overseas Chinese and 50 million are ethnic Chinese foreign nationals.¹ Since 1978, around 1.62 million scholars and students have left the country, with only approximately half a million of them having returned in the meantime.² Even given the overall

¹ Di shi san jie quanguo renmin daibiao dahui changwu weiyuanhui di'erci huiyi (第十三届全国人民代表大会常务委员会第二次会议) [Second meeting of the Standing Committee of the 13th National People's Congress of the PRC], Guowuyuan guanyu huaqiao quanyi baohu gongzuo qingkuang de baogao (国务院关于华侨权益保护工作情况的报告) [Report of the State Council on the Protection of

the Rights and Interests of Overseas Chinese] (Apr. 25, 2018), http://www.npc.gov.cn/npc/xinwen/2018-04/25/content_2053574.htm

² Huiyao Wang, *China's National Talent Plan: Key Measures and Objectives*, BROOKINGS (Nov. 23, 2010) <https://www.brookings.edu/research/chinas-national-talent-plan-key-measures-and-objectives>.

current return rate of 30%, it has been observed that the more qualified individuals are, the more likely it is that they do not return.³

Given the transition of the country's economy from manufacturing-based to service-based, a net outflow of talent and undersupply of skilled labour are serious problems endangering future economic growth, employment and hence political stability. The transition's effects are further intensified by the rapidly aging society. To counter the resulting shortages on the labour market, legal changes as well as national and regional policies have been implemented to attract overseas Chinese, ethnic foreign Chinese, and skilled foreigners, to work in China. Xi Jinping⁴ and Li Keqiang repeatedly mention in government working reports and at events that more high-level international talent shall be attracted and more positive, open, and effective “talent attraction policies” shall be implemented. So far, China's talent attraction policies and legal changes have yielded unsatisfactory results even though propagandistic efforts try to convince the population of the contrary.

Internationally, China has been increasing its efforts to play an active role in shaping global norms on migration. Since 2016 China has been a

member state of the International Organisation for Migration. The implementation of the United Nations' “Global Compact for Safe, Orderly and Regular Migration” in 2018, which saw China's active participation during the drafting process and welcoming stance, further emphasize this involvement.⁵ Given its non-binding nature, China has agreed to adopt the convention “according to its own laws and domestic conditions,” yet emphasised its importance as an international cooperation framework.⁶ Other suggestions to strengthen international collaboration on migration point to cooperation mechanisms along the BRI and the Shanghai Cooperation Organization, mainly to combat irregular immigration and terrorism, through bi- and multi-lateral cooperation with neighbouring countries.⁷ Furthermore, it is suggested that China actively participate in global immigration governance through the United Nations and Interpol and “demonstrate the role of a major global power by dispatching immigration officers overseas and organizing immigration training.”⁸ The establishment of the National Immigration Administration (NIA) of the PRC in 2018 was another milestone. The practical significance of the NIA can be summarized in three respects: its establishment is part of the “overall national security concept (*zongti guojia anquanguan*),” it

³ *Id.*

⁴ *Full text of Xi Jinping's report at the 19th CPC National Congress*, CHINA DAILY (November 4, 2017), http://www.chinadaily.com.cn/china/19thcpcnationalcongress/2017-11/04/content_34115212.htm.

⁵ Liu Guofu (刘国福) and Weng Li (翁里), *Quanqiu yimin qiyue" de zhongyao linian, zhuyao tedian ji qi dui zhongguo de qishi* (《全球移民契约》的重要理念、主要特点及其对中国的启示) [Global Compact on Migration: Key Concepts, Main Features and implications for China], 1, HUAQIAO HUAREN LISHI YANJIU (华侨华人历史研究) [J. OVERSEAS CHINESE HISTORY STUDIES] 1, 8 (2019).

⁶ EFE-EPA, *China to adopt UN's global migration pact according to its own conditions* (Dec. 11, 2018), <https://www.efe.com/efe/english/world/china-to-adopt-un-s-global-migration-pact-according-to-its-own-conditions/50000262-3838973> (last visited June 20, 2019).

⁷ Wang Qiang (王强) and Wang Zhenyu (王振宇), *Dangqian woguo yimin guanli zhong cunzai de wenti yu duice qian xi* (当前我国移民管理中存在的问题与对策浅析) [*Analysis on the problems and countermeasures in the current immigration management in China*], in DILIU JIE YIMIN FA LUNTAN (第六届移民法论坛) [THE 6TH MIGRATION LAW FORUM], 479, 483 (2018).

⁸ *Id.*

serves the purposes of the BRI, and it facilitates the need for international talent attraction through international cooperation.⁹ While talent attraction is still a task fragmented across different departments and ministries, the NIA has the potential to unify national-level talent attraction efforts. Since it is also in charge of international cooperation it facilitates talent migration to China through centralised information, service, and management provision.¹⁰

The “Belt and Road Initiative” and Migration

“China will actively promote international cooperation through the Belt and Road Initiative. In doing so, we hope to achieve policy, infrastructure, trade, financial, and people-to-people connectivity and thus build a new platform for international cooperation to create new drivers of shared development.”¹¹

Since the BRI was proposed in 2015,¹² the total trade volume between involved countries and China has surpassed USD \$6 trillion¹³.

The BRI links - through the “Silk Road Economic Belt” and the “New Maritime Silk Road” - Pacific, Asian, European, and African countries. Part of

the initiative are major infrastructure development projects such as railways, harbours, airports, and road construction but also the creation of connections through political and cultural exchange. So far, 171 cooperation documents have been signed with 123 countries and 29 international organisations.¹⁴

As one of its five cooperation priorities, strengthening people-to-people ties is part of the BRI,¹⁵ which is to be realised, amongst others approaches, through academic exchanges and joint training as stated in the Joint Communiqué¹⁶ of the Second BRI Forum.

This connection is consequently established partly through student and academic migration. These migration patterns seem to have a largely circular nature, where students from BRI-countries are given special scholarships to come to China to study and are then expected to return to their home countries, further the engagement with China, and facilitate BRI-related matters. Up to now, only a fraction of the foreign student body is enrolled in science, technology, engineering, and math subjects for their degree studies in China. Yet, the proportion of foreign students from

⁹ Ye Qing (叶氢) and Song Hong (宋红), *Zhongguo guojia yimin guanli jigou shezhi yu yunxing wenti tantao* (中国移民管理机构设置与运行问题探讨) [Discussion of the establishment and operation of China's National Immigration Administration], in *DI LIU JIE YIMIN FA LUNTAN* (第六届移民法论坛) [THE 6TH MIGRATION LAW FORUM], 635, 637 (2018).

¹⁰ *Id.*

¹¹ CHINA DAILY, *supra* note 4.

¹² National Development and Reform Commission of the PRC, Ministry of Foreign Affairs of the PRC, Ministry of Commerce of the PRC (Mar. 28, 2015) *Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road*, http://en.ndrc.gov.cn/newsrelease/201503/t20150330_669367.html.

¹³ Zhu Wenqian, *China has signed 171 B&R cooperation documents*, CHINA DAILY (Mar. 7, 2019), <https://eng.yidaiyilu.gov.cn/qwyw/rdxw/81686.htm>.

¹⁴ *Id.*

¹⁵ National Development and Reform Commission of the PRC, Ministry of Foreign Affairs of the PRC, Ministry of Commerce of the PRC, *Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road* (Mar. 28, 2015), http://en.ndrc.gov.cn/newsrelease/201503/t20150330_669367.html.

¹⁶ Joint Communiqué of the Leaders' Roundtable of the 2nd Belt and Road Forum for International Cooperation, *Belt and Road Cooperation: Shaping a Brighter Shared Future* (Apr. 27, 2019), Beijing, China, 34-35.

countries along the BRI studying at Chinese universities was already 65% in 2018 and is rising, supported through targeted government grants and scholarships. The academic exchanges are more diverse, with a strong focus on inter-BRI research cooperation.

BRI countries collectively possess a huge labour force and through trends, such as increasing South-South migration as well as a circulation of migration, those possessing valuable skills for the Chinese labour market could soon become China's labour force reserve. The role of overseas Chinese in the BRI, and their potential as skilled migrants for the Chinese labour market and national interests, is gaining more recognition in recent publications as well, pointing to their large contributions and share in overall talent immigration¹⁷ and their close ties to and knowledge about China¹⁸. With around 40 million overseas Chinese in Southeast Asia alone,¹⁹ such members of the diaspora are a huge resource China can try to attract skilled migrants from. As early as 2017, there have been suggestions to use

the free movement of workforce within the European Union as an example and to facilitate increased labour mobility in the BRI region(s) through the relaxation of visa and work permit regulations, recognition of foreign credentials and skills, and the promotion of joint skill-building in business and academia.²⁰

China occupies a key role in regulating migration along the BRI. Whether China uses this role for “win-win” development or largely to draw in human resources to strengthen their own labour market remains to be seen.

Eva Lena Richter
PhD Candidate, Chair of Chinese Legal Culture
University of Cologne

eva.l.richter@web.de

This research was supported by the German Research Foundation (DFG, grant no. AH 210/1-1).

¹⁷ See, e.g., Liu and Weng, *supra* note 5, at 23-24 and LU MIAO AND HUIYAO WANG, INTERNATIONAL MIGRATION OF CHINA: STATUS, POLICY AND SOCIAL RESPONSES TO THE GLOBALIZATION OF MIGRATION, 126-127 (2017).

¹⁸ MIAO AND WANG, *supra* note 17, at 126-127.

¹⁹ *Id.*

²⁰ Hui Wang, *The Opportunities and Challenges of Migration in the Belt and Road Region*, DOC RESEARCH INSTITUTE (July 14, 2017), <https://doc-research.org/2017/07/opportunities-challenges-migration-belt-road/>.