

[Translation]

Population and Procreation Planning Committee of Fujian Province
http://www.fjjsw.gov.cn:8080/html/5/383/9626_200856322.html

Answer to Robert Lin's Inquiry: "Family Planning Policy with Respect to People Returning to China from Overseas"

May 6, 2008 Source: <<Beautiful Family>> Website {Text: Big Medium Small}

Family Planning Policy for People Returning to China from Overseas
Robert Lin lin14351@yahoo.com

How are you! I have a friend [*sic*], they are both from Fuzhou. Over ten years ago, they illegally emigrated to the U.S. While in America, they gave birth to a boy and a girl, who are both U.S. citizens. Now, they want to bring their children back to China to live permanently. Because they are illegal immigrants in the U.S., they are still Chinese citizens. If they return to China, they will register their two U.S.- citizen children in a household (*hukou*). Because they like children very much, they want to give birth to another child. If they do that, will they be in violation of China's family planning policy? What sanctions will be applied? E.g. how much fine? Or sterilization in a hospital? They are very worried that this situation will happen and are anxious to receive a response from you. Thank you sincerely!

Comrade Robert Lin:

The answer to your mail received on April 29 is as follows:

- 1) If a person returns to China to live permanently, s/he must obey the local family planning laws and regulations.
- 2) According the situation that you described, giving birth to two children (a boy and a girl) is already a violation of the provisions under the <<Fujian Province Population and Family Planning Laws>>.
- 3) According to Chapter 6, Article 39 of the <<Fujian Province Population and Family Planning Laws>>, a person who procreates in violation of this section of the law is subject to a social compensation fee in the amount of the annual disposable income for a city (city, district) resident or net income for an agricultural resident based on the figures for the year prior to the discovery of the violation:
 - (1) For early births, a fine from 60 to 100 percent of this figure;
 - (2) For the birth of one additional child, a fine from two to three times this figure. For the birth of the second additional child, a fine from four to six times this figure. For the birth of the third or subsequent additional child (children), a higher fine will be levied;

(3) For the birth of a child outside wedlock, a fine from four to six times this figure. For the birth of a second or subsequent child outside of wedlock, a higher fine will be levied.

For persons with an annual income higher than the average disposable income for a city resident or the average net income for a farmer, the violator's actual annual income may be used as a basis for calculating fines when levying the social maintenance fees in the foregoing article.

- 4) According to the relevant documents, for couples who have decided not to have more children, we must guide them to choose fallopian tubes/vas deferens sterilization operations. For the following six kinds of subject, we will permit them to choose an appropriate and scientific contraceptive measures according to their situation, relevant policy, regulation. But they must receive scientific management. These six kinds of subject: the first pregnancy is a pair of twins or multiple births; suffering from contraindication related to the family-planning operation; the child, born in accordance with the family-planning policy, is diagnosed as disable; suffering from infertility; couple who remarry and are eligible to procreate under the policy (and if it is the wife's first marriage); one of the spouses suffer from serious illness which affect his or her ability to take care of him/herself.

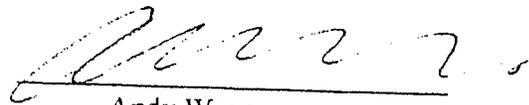
Beside the above-mentioned categories, there is no exception, and sterilization is mandatory.

<<Beautiful Family>> Website

CERTIFICATE OF TRANSLATION

I, Andy Wong, am competent to translate from Chinese into English, and certify that the translation of the above document is true and accurate to the best of my abilities.

12/8/08
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罗伯特林咨询“海外回国计生政策”的答复

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海外回国人员计划生育政策 罗伯特林 lln14351@yahoo.com

你好！我有个朋友，他们夫妻俩都是福州人，十几年前他们偷渡去了美国，并且在美生了一男一女的美国公民小孩。现在他们想带两个小孩回中国定居，因为他们在美国为非法移民，但仍然是中国公民，如果他们回国，他们将在中国为自己的两个美国公民小孩注册中国户口，因为他们非常喜欢小孩子，想在中国再生一个小孩子，那么他们是否违反中国计划生育政策，会有何种的制裁？比如说罚款多少？或者上医院结扎？他们很担心这种情况会发生，期待等到你们的答复，衷心感谢阁下！

罗伯特林同志：

您 4月29日邮件收悉，答复如下：

一、回国定居，就要遵守当地的计划生育法律法规。

二、按您提供的情况看，生育了一男一女两个孩子，已经违反了《福建省人口和计划生育条例》的规定。

三、《福建省人口和计划生育条例》第六章第三十九条 违反本条例规定生育的，按当事人违法行为被查出的上一年县（市、区）城镇居民人均可支配收入或者农民人均纯收入的以下倍数征收社会抚养费：

（一）提前生育的，按百分之六十至一倍征收；

（二）多生有一个子女的，按二倍至三倍征收；多生第二个子女的，按四倍至六倍征收；多生有第三个以上子女的，从重征收；

（三）婚外生育一个子女的，按四倍至六倍征收；婚外生育第二个以上子女的，从重征收。

个人年实际收入高于当地城镇居民人均可支配收入或者农民人均纯收入的，可以以个人年实际收入为基数，按照前款规定征收社会抚养费。

四、依据有关文件，对于已决定不再生育子女的夫妻，我们要指导其育送输卵（精）管绝育手术。对于以下六种对象，我们允许其依据自身情况和相关政策、规定，选择科学、适宜的避孕措施，但要接受科学管理。这六种对象：对生育第一胎为双胞胎、多胞胎；生育后患有计划生育手术禁忌症的；政策内生育的子女被诊断为病残儿的；患不孕（育）症的；再婚夫妻符合政策生育的（女方为初婚）；夫妻一方患有严重疾病，影响生活自理的。

上述这种对象，没有例外情况，必须接受结扎绝育手术。