

Title: [REDACTED]		File number: [REDACTED]	
DATE: April 17, 2007	CONTROL OFFICE: GZH	TRANSFERRED TO	SPECIAL AGENT <i>Susanna Liu</i> (Type name) Susanna Liu
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Administrative Notations:

This investigation was predicated upon receipt of a request dated 1/5/2007 from Randa Zagzoug, the Deputy Chief Counsel of ICE/New York, asking this office to verify documents submitted by subject for a claim of benefits. The documents include an Administrative Decision on request For Directive From Fuzhou City Administration On Family Planning In Connection With Birth Of A second Child By [REDACTED] of Changle City Municipal Bureau of Construction and His Spouse In USA (Minjishengweipi [2003] No.2 and Q & A For Changle City Family-planning Information Handbook etc.

Reviewed and Approved

Date: 4/17/2007	Place: GZH	Signature: Jackie Wong
Name and Title: Jackie W. Wong, Officer-in-Charge, Guangzhou		
Date:	Place:	Signature:
Regional Review and Approval		
Date:	Name and Title:	Signature:



U.S. Citizenship
and Immigration
Services

REPORT OF INVESTIGATION

Title: [REDACTED]	File Number: A [REDACTED]	Date: April 17, 2007 Reporting Number: GZH-07-112
Special Agent: Susanna Liu FSN Investigator	Signature: 	Office: GZH
Approved by: (Name and Title) Jackie W. Wong Officer-in-Charge	Signature: 	Office: GZH

Details

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On January 10, 2007, this writer whited out the names on the Administrative Decision on request For Directive From Fuzhou City Administration On Family Planning In Connection With Birth Of A second Child By [REDACTED] of Changle City Municipal Bureau of Construction and His Spouse In USA(Minjishengweipi [2003] No.2 and sent a copy of it to the Population & Family Planning Commission in Fujian Province to verify.

This writer received a reply (see Exhibit I) dated January 17, 2007 from the Population & Family Planning Commission of Fujian Province. In the reply, the Population & Family Planning Commission certified that the Administration Decision was authentic. X

The Q & A For Changle City Family-planning Information Handbook was also an authentic document. A reply (see Exhibit II) dated September 2, 2004 from the Consular & Cultural +

File no: A [REDACTED]
File name: [REDACTED]

Form G-166 (Rev.9-1-85)N

Page: 1

Division of the Foreign Affairs Office of Fujian Provincial People's Government has already proved that.

File no:

File name:

Form G-166 (Rev.9-1-85)N

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Fujian Province
Department of Family-Planning Administration

[2003] No. [REDACTED]

ADMINISTRATIVE DECISION

ON REQUEST FOR DIRECTIVE FROM
FUZHOU CITY ADMINISTRATION ON FAMILY-PLANNING
IN CONNECTION WITH
BIRTH OF A SECOND CHILD BY [REDACTED]
OF CHANGLE CITY MUNICIPAL BUREAU OF CONSTRUCTION
AND HIS SPOUSE IN USA

To: Fuzhou City Administration on Family Planning
From: Fujian Province Department of Family-Planning Administration
Dated: * 8, 2003

Here below is our administrative decision in response to your request for directive on the matter of the reproductive behavior of giving birth to a second child by [REDACTED] and his spouse in the United States.

1. Pursuant to the Nationality Act of the People's Republic of China and pertinent regulations, whereby if either parent remains a Chinese national and citizen without permanent residence overseas any child of such a couple shall be treated as a Chinese national and citizen for the purpose of domestic administrative purposes regardless of the child's nationality conferred by his or her country of birth, the US-born child of [REDACTED] and his spouse is hereby deemed a Chinese national and citizen.
2. Pursuant to controlling administrative decisions rendered by the Department of Laws and Regulations of the National Family-Planning Commission in response to written inquiries on regulation of reproductive behavior by Chinese nationals and citizens while overseas, no exception or waiver shall be applicable to Chinese nationals and citizens who engage in reproductive behavior overseas in violation of family-planning regulations as enforced in his or her area of residence of household registration in China if such individuals have not already been granted permanent residence overseas or authorized for temporary visa stay for a period of no less than three years in a third country. Such Chinese nationals and citizens shall be subject to family-planning enforcement upon resettlement in China.

Attachment 4
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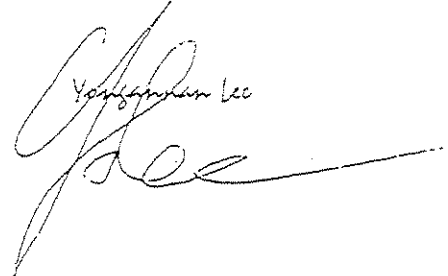
3. That [REDACTED] and his spouse as state / government employees reproduced a second child while on a family visit in the United States is in violation of family-planning regulations and does not fall into any waiver exception to family-planning enforcement granted under regulations jointly decreed and issued by the National Family-Planning Commission and the National Education Commission to students of Chinese nationality studying overseas for giving birth to a second child. Such a violation is therefore subject to sanctions and penalties applied under the Fujian Province Family-Planning Regulations to returnees from overseas in other categories.

Fujian Province Department
Of Family-Planning Administration
(seal affixed)

"*" indicates that characters / digits are illegible.

Certificate of Translation

I, who am competent in Chinese and English, hereby certify that the above translation is complete and accurate to the best of my ability.

Yanfengyan Lee


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福建省计划生育委员会

闽计生委批[2003] 号

关于对福州市计生委请示长乐市 建设局 [] 夫妇在美国生育一孩问题的批复

福州市计生委:

收到你们《关于 [] 夫妇在美国期间生育一孩问题的请示》, 现将我委意见批复如下:

1、根据《中华人民共和国国籍法》的有关规定, 父母双方或一方为中国公民, 未在国外定居, 本人出生在国外, 具有外国国籍, 原则上不予承认, 对其仍按中国公民管理。郑玉和夫妻在美国期间所生子女仍为中国公民。

2、国家计生委政策法规司在关于出国人员生育政策问题的信访答复口径中, 对其他出国人员的生育及回国后的处理问题的规定是: 未取得国外永久或长期居留权, 或三年以上居留签证的中国公民, 在国外期间违反国内户籍所在地计划生育规定的生育行为, 回国后按照计划生育有关规定处理。

3、 [] 夫妇作为国家公务员与国家企事业单位职工, 前往美国探亲期间再生育一孩, 不符合国家计生委和国家教委关于出国留学人员在国外生育第二个子女的, 回中国内地后不予处理的规定, 应按其他出国人员的要求, 依照《福建省人口与计划生育条例》的有关规定处理。

福建省计划生育委员会

2003年8月8日

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Q & A for Propagating the Change City General Family Planning Knowledge

1. The legal aspect of Family Planning Policies and Regulations

1. What is the minimum age requirement under our country's Marital Act for males and females?

A: Males must be at least 22 years old, and females must be at least 20 years old.

2. What is considered early marriage and early childbirth?

A: Early marriage occurs before 22 years of age for males and 20 for females. Early childbirth is any birth during an early marriage.

3. What is considered late marriage and late childbirth?

A: Late marriage occurs when a male and a female get married three years after the legal marriage ages (25 years old for males, and 23 years old for females.) Late childbirth means a woman gets pregnant and gives birth to her first child (nine months after she turns 23 years old) after the late marriage.

4. What procedure is required to get married? Why?

A: A marriage must be registered to be considered legal and to be protected by law.

5. What birth rule does the "Fujian Province Family Planning Regulations" stipulate for a rural couple of childbearing age?

A: In rural areas, a couple who already has a child may get authorization to have a second child if exceptional circumstances are established such as a birth deformity in first child or the birth of a female as the first child. However, where a second birth is authorized, the couple must meet the four year interval requirement and the wife must be at least 25 years of age. A second child is prohibited if the first child is a boy. A second child may be authorized four years after the birth of a girl and the wife must be at least 25 years of age.

6. Is early marriage or early childbirth illegal? If so, what penalties may be imposed?

A: It is illegal. Those who have incurred early childbirth are subject to a surcharge for the social cost associated with such birth.

7. What is a birth beyond family-planning quota? What are the penalties for such violations?

A: Any birth without prior authorization by family planning authorities is deemed as a birth beyond family-planning quota. A fine is to be imposed for such a violation.

8. From what government agency must permission be obtained for childbirth? What is the procedure?

A: Where the requirements are otherwise met, one must apply for a birth permit for the first child from the family planning authority at the township level. When requesting a birth permit for the

second child, the requester must first file an application with the family planning authority affiliated with one's work unit or his/her residential village or neighborhood for a preliminary determination and the application must then be forwarded to county-level family planning authorities for final approval.

9. When and what proof/documents are needed to register the newborn into the Household Registry?

A: A birth certificate must be presented for the newborn to be registered into the Household Registry at a local precinct within one month of the birth.

10. What is the birth policy for a remarried couple?

A: If this is a remarriage for the husband and/or wife, and if there is a total of one child from prior marriage(s), one additional child may be authorized.

11. Is it appropriate to undertake an abortion of one's own initiative upon determination of the gender of the unborn child?

A: No. It is illegal.

12. What family planning procedures must be complied with before joining the adult floating population?

A: Such adults must obtain a "Certificate of Marriage/Childbirth for Floating Population" with their ID card from the family planning authorities with the county people's government or the township/neighborhood administrative office.

13. After arriving at the temporary residence, what family planning procedures must the adult floating population comply with?

A: Upon arrival at his/her temporary residence, a member of an adult floating population must submit for examination his/her "Certificate of Marriage/Childbirth for Floating Population" to the local township People's Government or the neighborhood administrative authorities.

14. Where and what procedures are required of an adult floating population where any member thereof intends to apply for a birth permit?

A: In order to qualify for a birth permit, a member of an adult floating population must have obtained in advance a "Family Planning Permit" from the family planning authorities with jurisdiction over his or her original residence. Such a permit must then be submitted to the family planning authorities with jurisdiction over his/her temporary residence for examination and approval.

15. How many times a year does the town (village) conduct the "Double Check" on you?

A: Three times a year.

16. What birth-control measures are to be imposed upon the birth of a first child/a second child pursuant to the provincial family-planning regulations?

A: An IUD insertion is mandatory upon the birth of a first child; sterilization upon the birth of a second child.

II. The knowledge of Contraception and Birth Control

17. What is the best contraceptive measure for a woman after the birth of a first child?

A: To wear an Intrauterine Device (IUD Insertion).

18. What is the best contraceptive measure for a newly-wed couple?

A: Condoms, or short-term contraceptive pills/devices.

19. What is the best contraceptive measure for a couple under 40 years of age after having two or more children?

A: Either husband or wife must be sterilized.

20. What can be done for an unauthorized pregnancy?

A: A remedial measure must be taken immediately.

21. What precaution should be taken after an induced abortion?

A: 1. Maintain sufficient rest and good hygiene; 2. No intercourse for one month; no tub baths for two weeks or as long as bleeding lasts; 3. In case of fever, abdominal pain, excessive vaginal bleeding, or bleeding that lasts for more than two weeks after the abortion, one must go to the hospital for an examination.

22. Should women adopt contraceptive measures during the breast-feeding period? And what is the best measure?

A: Yes. Contraceptive measures must be taken, and it is best to use condoms or IUDs.

23. What is the best time for an IUD insertion?

A: Forty-two days to three months after giving birth, and three to seven days after menstruation ends.

24. Will contraception or sterilization affect one's health?

A: No.

25. When should a woman stop using contraception?

A: Until menopause.

26. What precautions should be taken after sterilization?

A: 1. After the surgical procedure, one may move around after resting for six hours. 2. Maintain sufficient rest, and avoid heavy lifting within the first three weeks. 3. Keep the cut clean. 4. No intercourse for one month.

III. The Knowledge of Healthy Pregnancy and Scientific Nurture

27. How to achieve a healthy pregnancy?

A: Five factors that contribute to a healthy pregnancy: 1. Choose a spouse carefully. Close relative marriage is prohibited. 2. Undergo a pre-marital physical exam and a healthy pregnancy consultation. 3. Choose the best childbearing age. 4. Choose the best conception time. 5. Pay attention to prenatal health. 6. Safe labor. 7. Conduct antenatal education and scientific nurture.

28. From the perspective of a healthy pregnancy, what is the best childbearing age?

A: The best childbearing age is between 25 and 29.

29. Is it good to get pregnant during a honeymoon?

A: No, Germ cells deteriorate due to the large consumption of alcohol, physical and mental energy during wedding preparation and banquet. Sperm quality declines due to frequent intercourse during the newlywed period. The lack of a healthy daily diet and opportunity to maintain personal hygiene during honeymoon travel all contribute to an unhealthy pregnancy. In addition, as far as job, career, and finance are concerned, it is not suitable for the newlywed to get pregnant right away.

30. What are the dangers/harms caused by early marriage/early childbirth?

A: Early marriage/early childbirth affects health. Gestational hypertension syndrome may develop during pregnancy, resulting in fetus malformation and an underweight infant. Miscarriage, premature birth and difficult labor may also occur. The incidence of disease may increase for both mother and infant. Infant mortality rate will be higher.

31. Do contraceptive pills affect health?

A: Contraceptive pills do not affect health.

32. Should you drink, smoke and take medication carelessly during pregnancy? Why?

A: No. It will cause fetal malformation and intellectual defect.

33. Is it better to feed the infant breast milk or formula? Why?

A: Breast milk is better; it contains more nutrition and is easier for an infant to digest.

34. Is it true that the gender of the infant is determined by the female side?

A: No, the gender is determined by the X or Y chromosome that the sperm gamete carries, not the ovum. (If the ovum meets the sperm with a Y chromosome, the fertilized egg will develop into a boy; if the ovum meets an X chromosome, the fertilized egg will develop into a girl.)

35. Can cousins get married? Why?

A: No. The marriage between close relatives may cause the birth of a deformed child.

36. What are the main contents of reproductive health?

A: 1. Ensure the well-being of women during different physiological cycle; 2. Women have the right to give birth and use contraception; 3. Ensure the safety of the mother and infant during labor; 4. Healthy upbringing for the child. 5. Harmonious and safe sex. 6. Providing good birth control/contraceptive services. 7. Men must take responsibilities. 8. Must establish quality service institution(s).

37. How to prevent gynecological diseases?

A: 1. Regular gynecological examination (once every two years for married women under age 40; and once a year for married women over 40). 2. Breast self-exam once a month. 3. Avoid infectious sources; do not use someone else's washcloths, bath towels and washbasins, etc. In addition, do not mix laundry with people who have an infectious disease. 4. Maintain

good sanitary habits, pay attention to genital hygiene.

38. What precaution should be taken during a menstrual cycle?

A: 1. Maintain menstrual hygiene; no intercourse, tub bath and swimming; genital cleaning with warm water once a day. 2. Avoid strenuous physical activities. 3. Maintain a good state of mind. 4. Keep warm to prevent catching a cold.

Changle City Family Planning Committee
July, 1999

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长乐市计划生育基本常识 进万家宣传访视问答题

政策法规知识

1. 我国婚姻法规定的男女青年最低结婚年龄多大?

答：男不早于22周岁，女不早于20周岁。

2. 什么是早婚早育?

答：男早于22周岁，女早于20周岁结婚的为早婚，早婚后即生育为早育。

3. 什么是晚婚?

答：男年满25周岁，女年满23周岁，超过法定婚龄三年以上，初次结婚者为晚婚。

4. 为什么要办结婚登记手续?

答：只有这样才能合法结婚，才能受到法律保护。

5. 《计划生育条例》对实行计划生育的夫妇有什么规定?

答：一对夫妇生育一个孩子，符合法律规定的特殊情况（如独生子女女孩等）的，经批准可以生育第二个孩子，接着生育第二个孩子。

6. 一对夫妇生育两个孩子，符合法律规定的特殊情况（如独生子女女孩等）的，经批准可以生育第二个孩子，接着生育第二个孩子。

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21. 人工流产应注意什么?

答：①注意休息、卫生。②一个月内禁止同房，两周内禁止禁止盆浴。③术后如有发热、腹痛、阴道出血多或白带异常等应及时到医院治疗。

22. 哺乳期(喂奶期间)妇女是否要避孕?用什么措施避孕?

答：要避孕，最好用避孕套或上环。

23. 什么时间适宜上环?

答：月经干净3-9天内，月经前3-7天，月经后3-7天。

24. 避孕环放好后会影响身体健康吗?

答：不会。

25. 妇女要避孕到什么程度?

答：应坚持避孕到底。

26. 结扎后应注意什么?

答：①术后卧床休息6小时后可起床活动。②3周内不能干重活。③刀口要保持清洁。④一个月内不能同房。

三、优生优育知识

27. 怎样才能实现优生?

答：(1)选择最佳婚配。(2)选择最佳受孕时间。(3)选择最佳受孕地点。(4)选择最佳受孕季节。(5)注意孕期保健。(6)做好分娩监护。(7)做好新生儿护理。

28. 从优生学观点讲，妇女生育的最佳年龄是多大?

答：最佳生育年龄25-29岁。

29. 妊娠期期间怀孕好不好?

答：不好。因为这时胎儿非正常发育，容易导致流产、早产、死胎、畸形儿等。

30. 早婚早育有什么危害?

答：早婚早育不仅影响自己的身体健康，而且容易导致流产、早产、死胎、畸形儿等。

31. 避孕对健康有影响吗?

答：避孕对健康不会产生影响。

32. 怀孕初期能吃药吗?有什么禁忌?

答：不能。因为孕早期是胎儿发育的关键时期，用药容易导致流产、畸形儿等。

33. 母乳喂养有什么好处?

答：母乳好。因为母乳含有丰富的营养物质，且易于消化，是婴儿最好的食品。

34. 生男生女取决于男方还是女方?

答：不对。因为生男生女是由男方的精子所决定的。

35. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

36. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

37. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

38. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

39. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

40. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

41. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

42. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

43. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

44. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

45. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

46. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

47. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

48. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

49. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

50. 生男生女与遗传有关吗?

答：是X染色体Y，而与精子无关。

长乐市计划生育委
一九九九年七月

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