

BRIEFING: “Another Form of Control”: Complications in obtaining documents from China impacts immigration processes and livelihoods for Uyghurs in the United States

Fear of contacting relatives in China and imposition of arbitrary conditions to obtain documents prevents Uyghurs from beginning new lives in the United States

For immediate release

July 10, 2018 12:30 pm EST

Contact: Uyghur Human Rights Project +1 (202) 478 1920

Despite leaving repressive conditions in China, Uyghurs in the United States often face insurmountable obstacles in beginning new lives due to difficulty in securing official documents from China evidencing life events. UHRP conducted interviews with U.S.-based Uyghurs in May and June 2018 who told researchers about complications in obtaining documents, such as college transcripts and divorce decrees.

The Uyghur Human Rights Project (UHRP) learned Uyghurs were unable to get documents from Chinese government entities because of Chinese officials’ imposition of arbitrary conditions or because relatives in East Turkestan (also known as the Xinjiang Uyghur Autonomous Region) who are in a position to assist in procuring certifications feared any contact with overseas Uyghurs. In the latter case, contact with loved ones in the United States could land individuals in one of China’s internment camps in East Turkestan. Obtaining documents from China became difficult for Uyghurs beginning 2014 and since 2016 it has become near impossible.

Interviewees told UHRP that the challenge in obtaining documents from China is a result of intensified repression targeting Uyghurs with overseas connections. Since 2017, China has detained possibly over a million Uyghurs in internment camps.¹ Authorities have interned some Uyghurs for having overseas connections either through relatives living abroad or having themselves resided outside of China.² Prior to the establishment of the internment camps, interviewees said getting documents through the help of relatives was possible, even though in some cases bribes were necessary. It should be stressed that obtaining documents from China became difficult after 2014 and after 2016 it became absolutely impossible. Before 2014 it was difficult but still it was possible to get documents from China regarding education, marriage and birth.

The individuals UHRP interviewed believed official obstruction in obtaining documents through the placement of difficult-to-meet conditions was an expression of China’s racialized discrimination against Uyghurs.

UHRP recommends immigration officials in the United States and other institutions, such as universities and colleges, consider the difficulty currently faced by Uyghurs in getting relevant documents from China.

“The mass-incarceration of Uyghurs in internment camps has implications that extend beyond East Turkestan. China is locking up Uyghurs because they have family members overseas. As a result, Uyghurs fear to contact their loved ones overseas just for a brief conversation let alone attempt to help them obtain documents to start new lives,” said UHRP Director Omer Kanat in a statement from Washington, DC.

Mr. Kanat added: “The long arm of Chinese control crosses borders and Uyghurs are particularly susceptible. As Uyghurs attempt to rebuild their lives overseas in the belief they are free of China’s repression, the Chinese state finds ways to limit their opportunities. I urge immigration authorities outside of China to consider the difficulties Uyghurs have in procuring documentation from China in comparison to Han Chinese.”

Interviewee One

Interviewee One left China with his daughter after the 2009 unrest in Urumchi. The violent suppression of the July 5 protests in People’s Square and the arbitrary detentions of Uyghur youth in the following days convinced Interviewee One to make plans to send his daughter to school in the United States. Interviewee One used up a large proportion of his life savings to send his daughter overseas and once Interviewee One’s daughter was safely settled in the United States with his assistance, he returned to China. As political repression intensified, Interviewee One decided to join his daughter in the United States in the mid-2010s. Interviewee One told UHRP researchers: “If my son and I were still in our homeland today, I would probably be in a detention center while my son might have been detained, killed or disappeared. We were lucky to have reached safety in the United States before it became too late for us.”

To process his daughter’s immigration case, Interviewee One needed to obtain birth certificates for himself and his son, as well as a document describing his marital status. A relative in East Turkestan served as power of attorney to secure these papers; however, this task was completed before reports surfaced of mass-detentions of Uyghurs in the spring of 2017. Interviewee One said: “Right now it is impossible to get any documents from China. Every Uyghur is fearing for his or her own life.”

In East Turkestan, Interviewee One was a qualified professional with over twenty years of work experience. Interviewee One said he would like to continue in his profession in the United States to provide for himself and his daughter. However, the licensing authority in the United States requires college transcripts and notarized certificates of program completion to verify

Interviewee One's credentials. Interviewee One told UHRP that because of the nature of his immigration status in the United States contacting Chinese officials directly would have implications for his relatives in East Turkestan. Furthermore, contact with his loved ones has been impossible since China cast suspicion on Uyghurs with overseas connections. Interviewee One added:

The reason for my difficulty is my Uyghur identity. They [the Chinese government] see the Uyghur diaspora as separatists and a threat to the integrity of China. Anyone who has traveled overseas or who has an overseas connection is questioned, detained, and taken to a so-called “re-education camp.” The authorities may even have ordered offices not to provide documents for Uyghur overseas. It has always been hard for Uyghurs dealing with government officials.

Interviewee One indicated the inability to prove his academic and professional credentials would have a detrimental impact on his and his daughter's livelihoods in the United States. Since he has been unable to retrieve his remaining savings from China and he is powerless to continue his career in the U.S., Interviewee One fears he will be unable to provide his daughter with tuition for college.

Interviewee Two

Interviewee Two is a Uyghur originally from Hotan who settled in the United States in the early 2010s. Prior to his arrival in the U.S., Interviewee Two spent several years outside China attempting resettlement as a political refugee. He divorced his wife in China and remarried in the United States, where he lives with his step-son and biological daughter. He is now a naturalized citizen of the United States.

To secure a green card for his second wife and step-son, Interviewee Two needed to provide a divorce decree notarized in China. Interviewee Two attempted to secure the notarized degree directly from China; however, court officers placed numerous conditions on his request. At first, he was told he had to provide a copy of his U.S. passport, a condition he was unwilling to meet because he was not given any reasonable cause for the demand. After several appeals, Interviewee Two was informed he must travel to Urumchi to make the request in person. Interviewee Two refused the request given a pattern of harassment and interrogation Uyghurs with overseas passports face in China.³ Officials in China then denied any further petitions from Interviewee Two.

Due to the distance between Hotan and Urumchi, as well as severe restrictions on freedom of movement, Interviewee Two's relatives were unable to help him secure the notarized document. Interviewee Two added the officials' demands were a deliberate attempt to cause him

unnecessary delay and stress. He said his request was neither unreasonable, nor contrary to any regulation. Interviewee Two told UHRP that as a Uyghur dealing with China had become impossible in the last two years due to the political situation and that “even bribes do not work anymore.” He concluded: “Han Chinese do not face these kinds of systemic barriers. We are second class citizens in our own land.”

Interviewee Three

Interviewee Three lives in the United States with her husband, who is also a Uyghur born in East Turkestan. They left China in the late 2000s because of political difficulties. To leave the country she had to bribe Chinese officials to obtain a passport.

Interviewee Three was an established professional in China with several years of experience. She told UHRP she would like to continue in her profession in the United States, which requires securing a license to practice. However, to confirm her expertise, she must provide her academic transcripts and certificates from a college in East Turkestan.

Interviewee Three decided not to contact anyone in China to help her out of fear those individuals would be sent to internment camps. Instead, she contacted her former institution directly and was told her request would be considered if she provided a copy of her Chinese passport. As her passport has expired, any copy of the document would indicate she had applied for a form of permanent status in the United States. The fact that she has decided to apply for protection in the U.S. would place her and her family under intensified surveillance from police in her hometown.

Interviewee Three told UHRP her husband is also facing a similar dilemma in that his application for a place at college is on hold until he can produce high school transcripts from China. He is prevented from doing this because it would reveal a change in his U.S. immigration status to Chinese authorities. She concluded the inability to produce documents will have a lasting impact on her livelihood as she attempts to rebuild her career.

Impossible Choices

International human rights standards outline certain rights such as birth registration and “the right of everyone to recognition everywhere as a person before the law.”⁴ However, the right to obtain copies or notarized copies of life event documents, such as birth, marriage, and death certificates, divorce decrees, and college transcripts and diplomas remain unrealized. From interviews with Uyghurs in the United States, UHRP believes Uyghurs have been denied the opportunity to start new lives overseas because China has either placed unreasonable conditions on obtaining documents or engineered pressure on Uyghurs with relatives abroad to such an extent that communication is impossible. In the words of one immigration specialist UHRP spoke to about the interviewees’ cases, “this is another form of control.”

Through the interviews, UHRP learned that U.S. immigration officials and institutional representatives often do not make a distinction between Han Chinese and Uyghurs regarding the status each holds in Chinese society. Uyghurs frequently face discrimination in China based on their ethnicity. As scholar Rian Thum notes: “Xinjiang has become a police state to rival North Korea, with a formalized racism on the order of South African apartheid.”⁵ As such, Uyghur cases are markedly different from those of Han Chinese.

UHRP also discovered some Uyghurs had been directed to Chinese consulates or embassies to help facilitate the process of obtaining life event documents. Many Uyghurs overseas are not only intensely suspicious of Chinese government officials given long-standing patterns of abuse and unfair treatment, but also unable to go Chinese consulates and embassies if they have pending asylum claims.

Furthermore, in cases not highlighted in this briefing, individuals informed UHRP that some Uyghurs, generally those who had left China many years ago or when they were small children, either had no record of their being in China or no remaining relatives in East Turkestan to facilitate the procurement of documents. Therefore, this older generation of Uyghurs cannot get birth certificates for immigration purposes.

The Uyghurs UHRP interviewed described the undue stress placed on them because of a lack of contact with loved ones in East Turkestan or the deliberate obstruction from Chinese officials. These Uyghurs faced impossible choices in trying to rebuild their lives in the United States: call relatives to ask for help, risking their loved ones’ detention in an internment camp or embark on a lengthy and expensive process to start from scratch on reestablishing themselves in their profession. A second impossible choice to is to reveal their immigration status in the U.S. to the Chinese authorities with implications for their families in East Turkestan or face lengthy delays in immigration processes.

Recommendations

UHRP recommends China close all internment camps immediately and seek to compensate the individuals and families detained and impacted. China must end all punitive measures placed on Uyghurs with relatives overseas, including detention in internment camps. The Chinese government should investigate reports that officials are deliberately obstructing Uyghurs, either in China or overseas, from procuring documents. Those officials found to be discriminating against Uyghurs should be reprimanded.

UHRP recommends immigration officials and institutional representatives in the United States and outside of China seeking documents from Uyghurs to consider these cases differently to those of Han Chinese. As noted in this briefing, Uyghurs face specific challenges in obtaining these documents that often leave individuals with impossible dilemmas. Alternate ways in proving life events, such as dropping the need for notarization from China, should be explored in each individual case.

Note

Identifying details of the Uyghurs interviewed for this briefing have been changed to protect the individuals and their families.

Endnotes

¹ Zenz, A. (2018). *New Evidence for China's Political Re-Education Campaign in Xinjiang*. [online] The Jamestown Foundation. Available at: <https://jamestown.org/program/evidence-for-chinas-political-re-education-campaign-in-xinjiang/> [Accessed 27 Jun. 2018].

² Sulaiman, E. and Eckert, P. (2017). *China Runs Region-wide Re-education Camps in Xinjiang for Uyghurs And Other Muslims*. [online] Radio Free Asia. Available at: <https://www.rfa.org/english/news/uyghur/training-camps-09112017154343.html> [Accessed 27 Jun. 2018].

³ Hoshur, S., Mudie, L. and Jackson-Han, S. (2009). *Uyghur Pressed to Spy*. [online] Radio Free Asia. Available at: <https://www.rfa.org/english/news/uyghur/spy-for-china-12022009093045.html> [Accessed 27 Jun. 2018] and Juma, M. and Lipes, J. (2015). *Uyghur-Canadian Interrogated, Pressured to Spy For Chinese Authorities*. [online] Radio Free Asia. Available at: [https://www.rfa.org/english/news/uyghur\(canadian\)-04242015121248.html](https://www.rfa.org/english/news/uyghur(canadian)-04242015121248.html) [Accessed 27 Jun. 2018].

⁴ Office of the United Nations High Commissioner for Human Rights. (2014). Birth registration and the right of everyone to recognition everywhere as a person before the law. [online] United Nations. Available at: <https://www.ohchr.org/Documents/Issues/Children/BirthRegistration/ReportBirthRegistration.pdf> [Accessed 27 Jun. 2018].

⁵ Thum, R. (2018). *What Really Happens in China's 'Re-education' Camps*. [online] New York Times. Available at: <https://www.nytimes.com/2018/05/15/opinion/china-re-education-camps.html> [Accessed 28 Jun. 2018].