



Policy Analysis on the Reform of “Green Card Institution” in China from the Perspective of Multiple-Streams Theory

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Abstract. Although there is a “green card” system, it has some defects such as the approval threshold being high, and the approval time being long. The research question is the reasons the 2020 draft was proposed. This paper analyzes the policy-making process of the 2020 draft opinion from the perspective of multiple-streams theory and constructs a multi-source analysis framework of China’s gradually improving green card system.

Keywords: Green card · Multiple-Streams Theory · Permanent Residence · Foreigners

1 Introduction

The prototype of China’s “green card” can be traced back more than 50 years to 1964, when the State Council issued the Regulations on the Entry, Exit, Transit, Residence and Travel of Foreigners, which solved the problem of the status of foreigners settling in China. In 1985, the Standing Committee of the National People’s Congress passed the Law of the People’s Republic of China on the Administration of the Entry and Exit of Foreigners, which for the first time clarified the classification of foreigners as “permanent residents” in China. In 2004, China issued the Measures for the Approval and Administration of Foreigners’ Permanent Residence in China, adopting the international practice of implementing a permanent residence permit system for the first time, and finally the implementation details of China’s “green card” system. Although there is a “green card” system, the approval threshold is high, the approval time is long, the supervision system is not perfect, the relevant regulations are not sound. Therefore, it is urgent for the improvement of the green card system. Through the joint efforts of policy makers, experts and scholars and people from all walks of life, the 2020 version of the Regulations (Draft for Comments) has been finalized.

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This article will use multiple streams theory. Kingdon, a leading American public policy scientist, developed multiple streams theory, which first appeared in Kingdon's book *Agendas, Alternatives, and Public Policies*. He suggested that the three main streams—the problem stream, the policy stream and the political stream—exist in the policy system, and that when these three streams intersect, the policy window opens, and related social issues can rise to the top of the policy agenda. The problem stream focuses on the identification and definition of the issue, with changes in indicators, focal events and feedback from the operation of existing mechanisms drawing the government's attention to an issue. The policy stream refers to the various responses, recommendations and ideas that have been put forward to address a problem, and whether these policy recommendations and responses are trusted and adopted by policy makers is related to their technical feasibility and public acceptance. Political streams are related to the influence of politics on the solution to a problem, and cover popular sentiment, competition between interest groups, and changes in personnel in the executive or legislature [1].

According to Kingdon, the problem stream, the policy stream and the political stream are normally independent of each other and do not interfere with each other. But at a critical time when all three streams are gradually evolving to maturity, and when the “policy window” is opened, these three streams Only then do they converge, bringing the issue to the policy agenda.

Multiple streams theory has strong explanatory power in analysing policies of high public concern, and its systematic and dynamic nature is in line with the logic of social change in China today—increasing diversity and public participation also fits the process of change in the green card system. The multiple streams theory framework provides an explanatory perspective on the policy agenda of China's green card system, which extends the application of the multiple streams theory framework in the field of public policy in China and provides a new research perspective for the formulation of public policy in China.

After the promulgation of the 2004 regulations on the administration of permanent residence of foreigners in China, the new opinion draft is to propose solutions to the problems identified in the administration process as well as to supplement the unspecified issues, and to fill in the loopholes of certain regulations, making the regulations more perfect and systematic. This paper analyzes the policy making process of the 2020 draft opinion from the perspective of multiple sources and streams theory, and constructs a multi-source analysis framework of China's gradually improving green card system.

In “On the Improvement of Foreigners' Permanent Residence System in China”, Hua Jialu pointed out that there are three main problems in the foreigners' permanent residence system in China: 1. lack of perfect legal support, 2. unbalanced application categories and unreasonable application conditions, and 3. ineffective permanent residence permits and inadequate implementation of treatment. The reasons for this phenomenon include: unclear connotation of permanent residence, conflicting management concepts, and inadequate government-led and market-regulated coordination mechanism [2].

Huang Zicheng and Liu Hongbin in “Research on China's Permanent Residence System in the Perspective of Attracting Talents and Wisdom” pointed out that the 2004 Interim Measures for the Administration of Foreigners' Permanent Residence in China

had the problems that the application requirements were general and not professional enough, and the approval criteria were not clear enough to quantify [3].

Huang Zicheng and Liu Hongbin in “Research on China’s Permanent Residence System in the Perspective of Attracting Wisdom and Talents” point out that the current permanent residence system for foreigners in China mainly has problems in the following aspects: 1. the legal system 2. the application conditions and approval procedures 3. the system of permanent residence system 4. the management capacity of permanent residence foreigners 5. the potential risks of the permanent residence system and public understanding, and propose to Improve the relevant legal system, optimize the application conditions and acceptance procedures, rationalize the system of permanent residency system, and strengthen the management capacity of permanent residency foreigners [3].

The past literature systematically explains the shortcomings of the past regulations and the problems of our immigration system under the 2004 regulations and the 2013 immigration management-related regulations, and proposes corresponding improvement measures. The national strategic needs and social needs for the issuance of the 2020 guidelines are also discussed from the perspective of necessity and importance. However, there is a lack of comparison between the specific provisions of the ‘04 and ‘20 regulations, and a lack of analysis of the policy process to analyze the reasons for the formation of the 20-year article consultation draft and the interpretation of the potential problems behind 2020 regulations.

2 Political Stream of Chinese Green Card Institution

2.1 Political Stream of Chinese Green Card Institution

2.1.1 The Pressure of Public Opinion

From one perspective, the demand for talents in China continues to grow. According to Planning Guide for Talent Development in Manufacturing Industry (2016), by 2020, the total demand for talents in the top ten key fields will reach 51.191 million, and the talent gap in the top ten industries is expected to be around 19.13 million; By 2025, the total demand for talents in the top ten key fields will reach 61.91 million, and the talent gap in the top ten key fields will further expand to about 30 million [4]. However, from other perspective, China’s public has expressed concern about the large-scale introduction of foreign talents through news reports and daily communication. Judging from the huge disturbance caused by the draft of the 2020 Regulations on Permanent Residence of Foreigners on the Internet, Chinese people still have great concerns about the large-scale naturalization of foreigners. First, concerns about super-national treatment. People think that the “green card” reform should be aimed at attracting international talents, but it can’t be at the expense of the civil rights and civic awareness of the country, and it can’t form the “super-national treatment” for foreigners with permanent residence. Second, they are worried about social security, fearing that the influx of a large number of foreigners may cause cases against their own population. Third, people’s traditional rejection of foreigners. China’s semi-colonial history of nearly a century has led to a resistance to naturalisation of foreigners, most of them are worried about the super national treatment.

2.1.2 Concern of the Party and the State

The Communist Party of China (CPC)’s aim is to serve the people wholeheartedly. The Communist Party of China (CPC) prioritizes the interests of the people. The ultimate objective, whether it is the party’s guiding ideology or significant policy, is to achieve happiness for all people. This people-oriented rule concept invariably necessitates policymakers paying more attention to social fairness and justice, defending the rights and interests of vulnerable groups, and the ideal of managing the country in accordance with the law while developing public policies. For the green card policy, if too many rights are granted and guaranteed, it will cause dissatisfaction and conflict among the native people, and even xenophobia and racism will break out. Too few rights granted and guaranteed will violate human rights and legal norms, which is not conducive to the harmonious coexistence between immigrants and their own people. It is necessary to balance the opinions of both sides.

2.1.3 Legalization Construction

China’s legalisation in the past has been more inadequate and uneven. Today, as China’s society develops and its economy grows, the degree of demand for legalisation is increasing. For instance, we have seen that the regulation of the legal responsibilities of foreigners for permanent residence in China was very vague in the 2004 administrative measures (Article 6: Foreigners applying for permanent residence in China shall abide by Chinese law, be in good health and have no criminal record). The 2020 Call for Opinions, on the other hand, specifies the corresponding administrative penalties and legal liability for violations committed by staff performing duties in the administration of foreigners’ permanent residence (relevant units) and foreign people applying for permanent residence rights. In contrast to the 2004 Provisional Measures for the Administration of Foreigners’ Permanent Residence in China, the publishing of the 2020 consultation draft indicates China’s efforts to obey the law and to construct a legal society.

2.2 Problem Stream of Chinese Green Card Institution

2.2.1 China is in the Midst of Fierce International Competition

In today’s world, the information age, the space of competition between major powers also natural space is gradually shifting to cyberspace, the power of international rule-making is also gradually approaching communication and information technology, the power of cyberspace depends on the ability of digital technology innovation and the ability to collect, analysis and process data. Based on the three laws of the digital economy: Metcalfe’s Law, Davidoff’s Law and Moore’s Law, the competition among great powers in cyberspace is a competition of transcendent technological innovation, a competition of technological monopoly, and a trend of technological under-ageing. At this point, the competition between major powers has gradually shifted from one based on the comparison of military power to one based on comprehensive national power based on education. The core of the education-based competition for comprehensive national power is the competition for talent, the competition for talent resources. In the international competition for talent, it is imperative for China to retain our local talent

and attract the foreign senior talent needed for our own development. In contrast to the developed countries in the West, the United States, Britain and France have more complete immigration systems, and the United States has captured a large number of Jewish, German and Asian talents with what is collectively known as the “open immigration policy and cultural pluralism” model. Therefore, in the context of fierce international competition, it is necessary for China to reform its immigration policy to attract senior foreign talent.

2.2.2 The Original Immigration System was Outdated

The 2004 Measures for the Approval and Administration of Permanent Residence of Foreigners in China marked the formation of China’s permanent residence system, and documents such as the *Measures on Entry and Exit Administration* in 2013 and the *Opinions on Strengthening the Management and Services of Permanent Residence of Foreigners* in 2016 have all improved the system to a certain extent. However, with the changes in the external environment and China’s own development needs, the original policy does have loopholes and imperfections. The original policy was vague in its definition of the specific scope, thresholds, and threshold for accompanying relatives and friends for the introduction of senior foreign talents, and did not provide specific legal regulation of the rights and obligations of foreigners permanently residing in China, and the competent authorities had great room for interpretation of the system. The system has also lost its relevance to a certain extent. At the same time, the original system lacked legal safeguards, and documents such as the “measures” and “opinions” were merely administrative orders without the support of specific legal provisions behind the system, leading to potential arbitrariness in policy implementation and the possibility of “double standards”.

2.3 Policy Stream of Chinese Green Card Institution

2.3.1 Bringing in Talent from the Policy Stream

With economic development, it is imperative to bring in foreign talent. During this period, the issue of the management of foreigners’ permanent residence (Green card institution) in China has been brought to the attention of researchers, experts, scholars and government officials, who have put forward their ideas and suggestions on this issue. These proponents are known as the “policy community”. In Multiple-Streams theory, policy streams refer to the ideas and suggestions of them. Although these proponents work in different fields and represent different interest groups, they all put forward their views around one theme: the management of permanent residence in China for foreigners (see Table 1).

As can be seen from the table, the starting point of this issue is to attract international talents for “policy community”, but the emphasis on this issue is slightly different. Firstly, from the perspective of those involved in the government, the establishment of a specific and clear department in charge, the improvement of the relevant channels and the institutional mechanism, which provides both a set of systematic management order and protection of the rights for foreign talents in China. On the one hand, this is conducive to foreign talents staying in China and making their contributions, and on the

Table 1. Community Description of Regulations on the Administration of Permanent Residence of Foreigners in Talent

Representatives	Name	Ideas and Suggestions	Notes
Government department staff	Wang Yaohui (2017)	He suggested that the establishment of an immigration bureau be accelerated to improve the introduction of talent and immigration management services. He suggested that the restrictions on work and residence permits for foreign talents in China be further relaxed and the processing procedures simplified. He suggested that channels for the immigration and naturalization of foreign talents be established and improved, so as to further improve the institutional mechanism for the management and service of international talents [5].	Chairman of China and Globalization think tank (CCG), Counsellor of the State Council
Experts and Scholars	Weng Li Pei Lu (2015)	They thought that some of the application requirements under the 2004 Regulations on “the Approval of Permanent Residence of Foreigners in China” are harsh, resulting in many foreigners not being able to apply for permanent residence permits in China, which not only causes inconvenience to foreigners and their families who need to stay in China for a long time, but also causes some foreigners who wish to stay in China permanently to give up their original intention. Then China will lose the capital and talent needed for the construction of the Free Trade Zone. They suggested that consideration could be given to expand early and pilot implementation of further liberalisation of legal, financial and other service industries in accordance with national treatment in the Shanghai FTZ. They also suggested that the threshold for applying for a “Chinese green card” should be lowered, etc. [6].	Weng Li: Deputy Director of the Institute of International Law, Zhejiang University, M.A., Visiting American Scholar Pei Lu: Master’s student, Zhejiang University

(continued)

Table 1. (continued)

Representatives	Name	Ideas and Suggestions	Notes
	Liu Guofu (2016)	<p>“The Opinions on Strengthening the Management of Permanent Residence Services for Foreigners” introduces comprehensive reforms and innovations to the management system of permanent residence services for foreigners. This means that China’s permanent residence policy is getting better and better. He pointed that the permanent residence policy is not only to regulate the administration of permanent residence applications, but also to attract foreign talents and foreign investment, promote the country’s economic development and facilitate the reunion of relatives of its citizens and permanent residents [7].</p>	Consultant to the Overseas Chinese Affairs Office of the State Council, Renowned immigration law scholar.
Researchers	Zhang Zhanxin (2019)	<p>He thought that “the Green Card” reform aims to attract international talent, but not at the expense of citizens’ rights and citizenship, and not to create “super-national treatment” for permanent resident foreigners. The reform of population management in the direction of equalisation of basic public services and the reform of the permanent residence system for foreigners need to be coordinated [8].</p>	Researcher, Director of Social Security Research Department, Institute of Population and Labour Economics, Chinese Academy of Social Sciences

other hand, it is conducive to foreigners protect their rights and enjoy welfare benefits. Thus a win-win situation will be achieved for both sides. Secondly, from the perspective of experts and scholars, the focus is more on the foreign talents. They explore the current difficulties and problems of foreign talents staying permanently in China. In this regard, they put forward suggestions such as “lowering the application threshold” and “reunification of relatives” in order to maximize the protection of foreigners’ rights and interests for permanent residence in China. From the perspective of China’s social security researchers, they focus on maintaining a balance between the rights and consciousness of our nationals and the treatment of foreign talents. They represent the views of China’s talents on the permanent residence of foreigners in China. The concerns of this group are that “Population management reform in the general direction of equalisation of basic public services and reform of the permanent residence system for foreigners need to be coordinated”, which is conducive to achieving relative equity and promoting the absorption of talent in China as a whole. These ideas and suggestions collided and considered, providing the source stream for the introduction of the 2020 draft opinion.

2.3.2 Rights and Obligations from the Policy Stream

With the emergence and improvement of China’s green card system, the definition of the boundary of the rights of foreign permanent residents has always been the core issue of the policy makers during the nearly 20 years from the 2004 Measures for the Approval and Administration of Foreigners’ Permanent Residence in China to the 2020 Regulations (Draft for Public Comments). Relevant government departments, experts and scholars, as well as deputies to the National People’s Congress, have focused on this issue, and have made suggestions and proposals to form a “policy community” with reasonable solutions and ideas. Representing different interest groups to which they belong, they explore the balance between the rights and obligations of foreign permanent residents from multiple dimensions and explore the boundaries of the rights of foreign permanent residents (see Table 2).

As can be seen from the table above, although the interest groups are different, each interest group is committed to exploring the definition of the boundaries of the rights of the foreign permanent residents and finding the balance of their rights and obligations. These studies and opinions, with a view to maintaining the legal authority/social stability of China and the gold standard of the green card system, have contributed to the legalization and standardization of the restrictions on the rights of the immigrant population in the 20th edition of the Regulations. Under the general trend of broadening the talent attraction channel of China’s green card system, “supranational treatment” has always been the red line of the permanent residence system, and the government and the public have been skeptical about it during the formation of the regulations. Therefore, first of all, in terms of the application threshold, it is necessary to expand the application channels and introduce foreign talents; at the same time, it is more important to strengthen the inspection and repatriation of illegal immigrants and illegal stayers. On the other hand, for foreigners who have obtained permanent residence status, while establishing a sound system to ensure their legitimate national rights and interests, it is more important to close the loopholes in relevant laws and regulations, strengthen

Table 2. Community Description of Regulations on the Administration of Permanent Residence of Foreigners about Rights and Obligations

Interest Groups	Name/Organization Name	Recommendations and Proposals
Experts and Scholars	Ding Luhua	Focusing on the lack of effective supervision of the management system, unreasonable evaluation standards and the lack of a rights relief system [9].
	Hua Jialu	Promote the legalization of the permanent residence system, improve the application criteria, and improve the permanent residence disqualification system [2].
	Mo Jianjian	A complete legal system is the basis, and the lack of laws and regulations regulating international migration should be solved, and the problem of confusion in the migration management system should be solved [10].
Government Departments	The 16th meeting of the former Central Leading Group for Comprehensively Deepening Reform	Improve and optimize the design of the relevant system, taking into account China's national conditions and international beneficial practices, so that the qualifications, conditions and procedures for applying for permanent residence are more thorough and rigorous.

the monitoring mechanism, and keep an eye on issues such as whether the employment space of nationals is being squeezed or whether the public welfare resources are tilted in an imbalance, so as to avoid the creation of “super national treatment”. The Draft 2020 incorporates these reasonable suggestions and ideas, takes into account the rights constraints, and maximizes the balance between the rights and obligations of foreign permanent residents, thus avoiding to a large extent the imbalance of rights of foreign permanent residents.

3 Policy Implications

Under the perspective of the multiple streams theory, the need for the enactment and effective implementation of the Regulations on the Permanent Residence of Foreigners and the improvement of China's green card system emerges from three streams: the issue stream explains the external necessity of improving the system from a macro perspective, the policy stream explains the orientation of policy making from a micro perspective, and the political stream points out the considerations in the social sphere. The publication of the Regulations does not represent the end of the Chinese green card system, and the future of the system can be adjusted and improved from three main perspectives:

3.1 Continuing to Clarify the Source of the Problem

It needs to clarify the source of the problem and develop a green card system with Chinese characteristics. China is in the midst of fierce international competition, so it is crucial

to build a system that directly serves the country’s development and reduces internal conflict. The strategic position of the country in international competition should be clarified. And the introduction of needed foreign senior talents should be done through institutional construction. So that the introduction of talents can play a role that is directly beneficial to development, and the fruits of institutional reform could be shared directly by the people. Secondly, we should look at the advanced permanent residence system of the West in two different ways, taking into account the basic national conditions of China at the primary stage of socialism, taking the best of it and taking the worst of it, and building a green card system with Chinese characteristics that is truly suitable for the development of China.

3.2 Pay More Attention to the Source Stream of Problems

The source stream of problems directly serves the specific formulation of policies and the specific construction of the system. It is necessary to extensively enhance the institutional absorption of opinions from all sectors of society, build democratic channels for the expression of opinions and establish adequate mechanisms for the expression of interests. The immigration system is a double-edged sword, as it can, to a certain extent, promote national development, but on the other hand it can also have a great political impact on the introducing party. Therefore, it is important to take into account the views of all sectors of society and to find a balance between increasing the efforts to bring in talents and harmonising the rights and obligations of bringing in senior foreign talents, and to take both into account.

3.3 Reasonable Concern for the Political Stream

China is a socialist country in which the people are the masters of the country, and the people are the masters of the country, so we should promote the organization and substantive participation of the subjects expressing their interests. For example, the draft for consultation was released in 2020, and opinions were widely collected on the entire Internet. It is necessary to broaden the channels for the people to make reasonable demands and listen to their opinions extensively. On the issue of the permanent residence system, importance should be attached to the degree of acceptance of immigrants by the general Chinese people, the degree of heterogeneity between the background of imported foreign senior talents and Chinese society and culture. Besides, the ability of Chinese society to assimilate immigrants as well as the potential social impact of immigrants on the people of our society should be faced squarely. At the same time, it is necessary to continue to promote the legal system and to make the policy more institutionalized so that the Chinese permanent residence system is backed up by more complete laws.

4 Conclusion

Applying the multiple streams theory, this article analyses the process of the origins of the Regulation on the Administration of Permanent Residence of Foreigners (Draft for Public Comments) of 2020 from the perspective of multiple streams of problematic,

policy and political sources, and explores the necessity of the continuous development and improvement of China's green card system. At the same time, when developing and improving the green card system, it is necessary to continuously clarify the source streams of problems, pay more attention to the source streams of problems and pay reasonable attention to the political source streams. The Multiple-streams theory promotes the reform results of China's green card system to be shared by the people.

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