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**Multi-Layered Chinese Citizenship:
Policy Analysis on the Educational Rights
of Internal Immigrants' Children**

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Abstract

Internal immigration in China has experienced a huge increase since the economic reform was launched in the late 1970s. The contemporary *Hukou* (household registration) system has contributed to stopping the immigrants from sharing local welfare benefits especially the public education resources. This research focuses on the children of all immigrants, and more precisely on the non-local *hukou* children. Combining approaches of structured, focused comparative study with document analysis and multiple case study, I have investigated the citizenship status of non-local *hukou* Chinese children in terms of educational rights in three study periods: compulsory education, high school study and higher education. Relevant public policy documents from the central government and three city governments have been examined carefully with a focus on who is excluded institutionally from educational rights. It has been found that the educational rights of non-local *hukou* children are better fulfilled in the compulsory education period, compared to the other two. Multi-layered citizenship status exists not only among urban and rural *hukou* citizens, local and non-local *hukou* citizens, but also among the non-local *hukou* children in terms of educational rights. Non-local *hukou* children's right to high school education and higher education depends on the socioeconomic status of their parents, instead of depending on the fact that they themselves are Chinese citizens. Equal citizenship is not yet a core value of policy making in China.

Key words: multi-layered citizenship, educational rights, *hukou*, migrant children, non-local *hukou* children

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1 Introduction

Citizenship studies is ultimately not about books and articles but about addressing injustices suffered by many peoples around the world, making these injustices appear in the public sphere, enabling these groups to articulate these injustices as claims for recognition and enacting them in national as well as transnational laws and practices, and thus bringing about fundamental changes.

— Engin F. Isin and Bryan S. Turner
(Handbook of Citizenship Studies, 2003)

This paper is a citizenship study focusing on the educational rights of non-local *hukou*(household registration) children in contemporary China. The *hukou* system and other institutional designs associated with the *hukou* system have been challenged by waves of large internal migrations since the economic reform began at the end of 1970s. The most obvious challenges happened in the area of education. *Hukou* has divided the whole population into local and non-local *hukou* groups. The migrant population has increased the power of non-local *hukou* groups, which makes them increasingly able to express their opinion on the inequality of social rights status between the local and the non-local. The social rights to compulsory education of the non-local *hukou* children have been discussed publicly and government policies have been adjusted to appease the public. This paper tries to reveal the status of educational rights of the non-local *hukou* children by examining the policies from the central government and the local governments of three case cities. Document analysis, together with structured and focused comparison is employed to investigate the policies of both central government and three cities on school enrollment requirements and entrance examinations. Multiple case study is also used, which aims to give a in-depth description and understanding of the cities focusing on relevant educational policies.

2 Background and Research Question

This chapter will briefly introduce *hukou* and *hukou* relocation, clarify some terminologies which will appear in later discussion, describe the internal migration situation within China as a background of the research, and finally clarify the purpose of this study, as well as that of the research question.

2.1 *Hukou*, a Brief Introduction

Hukou, formally called *huji*, refers to the official household registration record. It shows which administrative area a person is registered in as a permanent resident. When people meet for the first time they might typically begin a conversation with a question such as “where are you from?” The respondent would normally reply with his/her *hukou* place where he/she is registered as a permanent resident. A new born infant is supposed to be registered with a *hukou* within a month of its birth at either one of the parents’ *hukou* addresses. In contemporary China, limited welfare benefits such as public education and minimum guarantee allowances are dependent upon a person’s *hukou* registration. People with the *hukou* registered in big cities enjoy a higher level of welfare arrangements than people with the *hukou* of small cities or rural areas.

People can move freely in practice, but legally, the relocation of *hukou* is controlled by the government. When a person plans to settle down legally as a permanent resident of a place other than his/her *hukou* place, he/she is supposed to relocate the *hukou* to the new address through formal approval from both the original government of his/ her *hukou* address and the receiving government which the *hukou* is going to be registered with. Working, higher education and marriage are the top three reasons for legal relocation. Generally speaking, the bigger the city is, the more requirements are needed for *hukou* relocation to that city.

Take relocation through working as an example. Legal, steady occupation and habitation are the two basic requirements for *hukou* relocation. The specific

requirements on duration of working and living in the receiving place, where the *hukou* is going to be registered, can differ depending on the regulations of the local government. According to the *Notice from the State Council on Boosting the Reform of Hukou Management System* released on February 26, 2011, the person and his/her spouse, unmarried children and parents living with him/her, can apply for *hukou* registration in a county if he/she has a legal steady job and lives in that county. However, if this person and his/her family would like to be registered as permanent residents of a city, which is a higher level of administration area and which is usually middle sized in population and territory, three years of working in that city is required. In metropolises such as Beijing and Shanghai, it is quite often the case that a person who has worked and lived steadily for ten years or longer still cannot be registered as a permanent resident there.

One thing that needs to be mentioned here is that *hukou* relocation through higher education enrollment is easy but only temporarily. If college students choose to relocate their *hukou* to their school, their *hukou* are registered under the name of their school, called collective *hukou* which enjoys some extent of social welfare benefits depending on the regulations of the local government. After their graduation, if the students cannot find a job and relocate their *hukou* to the employer's collective address, they are required to either relocate their *hukou* back to the original address or transfer their *hukou* to a third government agency. This agency would then provide another temporary collective *hukou* accommodation of that city with certain fees charged per year.

2.2 Migrant Population and Non-local *hukou* Population

A further discussion on the impact of *hukou* will be presented later in Chapter 4.2. In this section, I will clarify terminologies commonly used in statistical reports. Terms such as *hukou* population, migrant population and resident population are used in different statistical reports to describe the population of a given place. Some of these terms overlap with each other, which may lead to confusion. To clarify the three terms,

it is helpful to divide the total population of a given place into— A, B, C, D and E— five categories that indicate where a person is registered as a permanent resident and where he/she lives.

A	B	C	D	E
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A= those who live and are registered as permanent resident in the given place;

B= those who are registered as permanent resident in the given place while live outside their *hukou* registration place for less than six months;

C= those who live in the given place while registered in another place for more than six months;

D= those who live in the given place while registered in another place for less than six months;

E= those live temporarily in a given place but are not officially registered, such as travelers, people visiting relatives/friends or illegal immigrants.

$A+B$ = local *hukou* population

$C+D+E$ = non-local *hukou* population

$A+B+C$ = resident population

$A+C+D+E$ = the actual total population of a given place

In China, the social welfare benefits a person receives have been strongly tied to where one's *hukou* is registered. Internal migration and the *hukou* system make the total population of a given place divided into local *hukou* population and non-local *hukou* population. As is described above, A and B together compose the local *hukou* population; C refers to the migrant population. According to the Economic and Social Development Statistical Report of 2011 from the National Bureau of Statistics (NBS), migrant population refers to those who have left the county, where their *hukou* are registered, for six months. C together with D and E make up of the non-local *hukou* population of a given place. A, B and C together are calculated as the resident population of a given place. Non-local *hukou* population is a more meaningful concept than migrant population when examining Chinese citizenship because of two

reasons: 1) it contains all the people who do not have a local *hukou* no matter how long people have migrated to that place; 2) despite being statistically counted as migrant population, some people have settled down in a place for many years and are not in migration at all, which makes it more proper to call them non-local *hukou* population than migrant population.

2.3 Internal Migration

Due to the process of industrialization and urbanization, internal migration in China has experienced rapid increases during the last decade. The migration is characterized by a one-direction move either from rural to urban or from small cities to big cities, especially to economically developed metropolises. The latest national census conducted at the end of 2010 reported that, in 2010, 221 million people migrated within China, making up 16.5% of the whole population which is 1.339 billion (NBS, 2011). A decade ago, the migrant population comprised only 6.22% of the total 1.265 billion. The internal migrant population has increased hugely to reach 221 million in 2010, which is almost three times of what it was ten years ago.

The Scale of Internal Migration in Mainland China (2000~2010)

Year	Total Population (million)	Migrant population (million)	Migrant population Percentage
2010	1339	221	16.5%
2000	1265	78.7	6.22%

Source: data from the National Bureau of Statistics of People's Republic of China

The population flow of internal migration is characterized by a rural to urban direction. This can be seen by the 13.59% increase in the urban population proportion of total population. It increased from 36.09% in 2000 to 49.68% in 2010 (NBS, 2011, 2001). In 2011, for the first time, the urban population, with the proportion of 51.27% of the total population, had exceeded the rural (NBS, 2012).

The Population of Urban and Rural Area within Mainland China (2000~2010)

Year	Urban		Rural	
	Population (million)	Percentage of the total population	Population (million)	Percentage of the total population
2010	665.5	49.68%	674.1	50.32%
2000	455.9	36.09%	807.3	63.91%

Source: data from the National Bureau of Statistics of People's Republic of China

Economically developed cities and coastal provinces have been most attractive to the migrant population. Shanghai and Beijing are among the top four provincial administrative districts showing an increase in the total population during last decade. According to the statistics from NBS, the population of Shanghai has increased from 16.4 million in 2000 to 23.01 million in 2010. Beijing has increased from 13.56 million to 19.61 million.

Top Four Provincial Administrative Districts in terms of Population Increase (2010)

	2010		2000	
	Population (million)	Percentage in total population	Population (million)	Percentage in total population
Guangdong Province	104.3	7.79%	85.22	6.83%
Shanghai	23.01	1.72%	16.4	1.32%
Zhejiang Province	54.42	4.06%	45.93	3.69%
<i>Beijing</i>	19.61	1.46%	13.56	1.09%

Source: data from the National Bureau of Statistics of People's Republic of China

Together with the benefit of human resource supply, the huge migrant population also brings challenges to the receiving cities, where the migrant population moved in, especially those metropolises with a strict population control policy like Beijing and Shanghai. There were 8.97 million migrant workers in Shanghai in 2010 (China

POPIN¹, 2011). In the same year, the migrant population counted for 39% of Shanghai's total population. 7.04 million migrants in Beijing counted for 35.9% of its total population (Yangts.com, 2012).

Migration Scale in Shanghai and Beijing (2010)

	Total (million)	Migration (million)	Percentage
Shanghai	23.01	8.97	39%
Beijing	19.61	7.04	35.9%

Source: the data of total population for both cities came from the National Bureau of Statistics of People's Republic of China; the data of the migrant population in Shanghai came from China POPIN; the data of the migrant population in Beijing came from Yangtse.com.

A study shows that two trends of internal migration have come to be obvious (China POPIN², 2011):

1) The migrant population tends to settle down in the receiving cities as long term residents. Half of the migrant population has lived for at least three years in the receiving cities.

2) Family migration is increasing. 66% of the migrant population has migrated with their spouse, parents or dependents; almost 60% of the children of the migrant population move with their parents, and they are usually referred to as "migrant children" (see further discussion in Chapter 3).

2.4 Study Purpose and Research Question

With the increase in migration population, the conflict has sharpened between the educational needs of immigrants and the limited access to public education in big cities. From kindergarten to high school, non-local *hukou* children face different kinds

¹ China POPIN, "Shanghai Population Broke 23 million", 2011, http://www.cpdrc.org.cn/news/rkxw_gn_detail.asp?id=15496 [2012-2-12]

² China POIN, "Migrant population has reached 221 million", 2011, http://www.cpdrc.org.cn/tjsj/tjsj_cy_detail.asp?id=15485 [2012-3-16]

of obstacles in order to obtain educational opportunities. This paper will focus on access to education in three periods: compulsory education, high school study as well as higher education.

Statistics show that the population of migrant children aged for compulsory education has reached 11.67 million (China POPIN³, 2012). Article 4 from the Compulsory Education Law of People's Republic of China states "the state, the community, schools and families shall, in accordance with the law, safeguard the right to compulsory education of school-age children and adolescents". However, cities with large migration population such as Beijing, Shanghai and Shenzhen, have not yet ensured the educational rights for all non-local *hukou* children. Not all aged children are enjoying free compulsory education, not all non-local *hukou* children can go to the high schools in their current resident place, nor can all of them attend the entrance examination for higher education in their current resident place. In other words, the equal citizenship rights of non-local *hukou* children have not been satisfied.

Equal opportunity in free compulsory education has been studied by many researchers from different perspectives. These include social inclusion and exclusion, educational psychology and policy analysis. Much of the research has focused on the migrant children or children of peasant workers (see further discussion in Chapter 3), which ignored that non-local *hukou* population is a larger group than the previous two. The public debate has moved from the equal right of free compulsory education to the right of participating in higher education entrance examination. Does this shift mean that the equal right of migrant children to free compulsory education has been realized? To what extent it is realized? Studying the policies of the compulsory education right of non-local *hukou* children contribute to answer these questions.

Martin Seeleib-Kaiser (2008) suggests three levels of social policy discussion, namely institution, discourse and outcome. Using the framework of citizenship with a focus on educational rights, the analysis of this research will be conducted in the institutional level. To find out how non-local *hukou* children are treated institutionally

³ China POIN, 'Six Obstacles Faced by the Peasant Workers to Get Included into the City', 2012, http://www.cpdrc.org.cn/news/rkxw_gn_detail.asp?id=15958 [2012-3-16]

on their educational rights, the research question is:

To what extent have the central and local governments ensured the educational rights of non-local *hukou* children at the institutional level?

3 Previous Research

The social problem of non-local *hukou* children's education has been studied from many perspectives over the decades. Most of the research focuses on the children of peasant workers. An important reason for this focus could be that the peasant worker is one of the most disadvantaged social groups in contemporary China. This group receives less education overall, compared with other groups in China. This is mainly caused by the unbalanced educational opportunities between rural and urban areas (see further discussion in Chapter 4.2). Peasant workers usually work at the lowest level of each field, such as construction workers for men, house servants and restaurant waitresses for women. They often work for long hours or the whole week which leaves them less free time. All these disadvantages add up to make the peasant workers less capable of having a voice in public policy concerning the equal educational rights of their non-local *hukou* dependents. Researchers and journalists take on the responsibility to appeal for the equal rights of this marginalized group. This section will present the previous studies which focused on the peasant workers' children or migrant children, which sometimes are used as the alternative of peasant workers' children.

3.1 Migrant Children

The term "migrant worker" literally refers to all the workers who migrate from their registered permanent resident address and stay in the working city for at least six months. Those who migrate from a rural area to an urban area are usually called "peasant workers" which is discriminatory in Chinese culture. Peasants have been devalued in Chinese society and labeled as untidy, poor and low quality people. Urban

parents usually do not want to marry their daughters to men from peasant families. To avoid using this term “peasant workers”, some researchers use “migrant workers” instead.

The term “migrant children” is often used in two ways by researchers. 1) In a broader sense, it refers to the children in the migrant population aged under 14 or 15. Duan Cheng-rong and Liang Hong (2004) defined the migrant children as “children of the migrant population, who are under the age of 14.” 2) It only refers to the peasant workers’ children who migrate with their parents and live in the place other than their *hukou* place. Yuan Lian-sheng(2009) used the migrant children and the peasant workers’ children alternatively in his paper, “*Theories, Practices and Reforms on the Financial Policy of Compulsory Education for Peasant Workers’ Children*”. Yuan gave two reasons for doing so: 1) the migrant children are mainly composed of the children who have the rural *hukou*; and 2) the problem faced by the peasant workers’ children on compulsory education is also faced by the migrant children, and vice versus.

Obviously, “migrant children” is a larger concept than “peasant workers’ children”. It also contains children with urban *hukou* registered in another city other than their current address. For different purpose, researchers or policy makers define the term “migrant children” differently to meet their own needs. The fundamental characteristic is the same: the children live with their parents in a place other than their *hukou* place. It means they are non-local *hukou* population and their equal educational rights are challenged by various factors, which will be discussed in the following section.

3.2 Reasons behind the Inequality in Educational Rights

3.2.1 Government

Financial pressure of the local government is thought to be the first reason behind the poor status of migrant children’s educational rights. According to Yuan

Lian-sheng(2009), the compulsory education in China is mainly financed by the county-level government; while the taxes generated by the migrant population are shared by among all levels of government. This makes the county-level government unwilling to increase the governmental expenditure for the migrant children, which would include building new public schools for the increased migrant population. Han Jia-ling (2007) also thinks the financial pressure of the local government comes from the old fashioned institutional financial design on the compulsory education. The local government make educational budget based on how many students they have in the administrative area. According to the old-fashioned financial design, it is mainly the county-level government who pays for the compulsory education. This makes the county government tend to only pay for the students with local *hukou*.

Although the central government has stated that the local government and public schools should take the main responsibility to provide free compulsory education for migrant children, it does not assign any new financial resources to the local governments. Providing free compulsive education for migrant children becomes an extra financial pressure for the local governments of those cities with large number of migrants. Ge Xin-bin concluded that “the central government should take into account the interests of local governments when making policy, instead of only emphasizing the social value of equality. Good policy should be accompanied with resources, or the policy cannot be implemented by the local governments. (Ma, 21cbh.com, 2009)”

The conflict between rising migration population and population control is another reason for the unequal status of educational rights of migrant children frequently mentioned by researchers. Han Jia-ling (2007) found that “many people believe that the large rush-in of migrant population will snatch the educational resources of the local *hukou* people, decrease the average educational quality of the city dwellers and slow down the process of achieving nine years’ of free compulsory education.” Big cities usually have strict population control policies in place. In 2010, migrant population counts for 35.9% of the total population in Beijing. The municipal government is worried that more people would enter if the policy facilitates the

compulsory education of migrant children.

The contemporary *hukou* system is criticized by some scholars as being the critical contributor to the unequal status of the educational rights of migrant children (Han Jia-ling, 2007). Local *hukou* is required for welfare benefits, especially in the area of education. Students with the *hukou* of metropolises usually enjoy a higher chance of receiving a university education. They can be accepted by the universities, especially those local universities, with a much lower score on the entrance examination compared with that of students with a *hukou* of small cities or rural areas. Moreover, migrant children in metropolises are usually excluded from taking the entrance examination for high schools and higher education solely because they do not have the local *hukou*. Reforms of the *hukou* system are thought to be necessary for empowering the migrant children with equal educational rights.

3.2.2 Migration Family

The reason, for the unequal status of educational rights of migrant children, from the families and students are mainly focused on the poor economic status of migrant families. As is mentioned in the beginning of this chapter, migrant workers usually work and live in the bottom of the society. Most migration workers usually work in low-paying jobs and live far away from the location of public schools. When the costs of attending public schools are too high, the parents prefer to send their children to private schools or NGO schools nearby.

3.2.3 Public and Private Schools

Based on the ownership of schools providing standard curriculum, three kinds of schools for migrant children exist: public schools, private schools and NGO schools. Public schools usually set entrance requirements for non-local *hukou* children, which works to exclude a part of the migrant children population. A detailed discussion on the school entrance requirements will be conducted in Chapter 6.

According to the article “*Benefit Analysis of the Difficulties in Educational Policy Implementation* (Ban Jian-wu and Yu Hai-ying, 2006)”, the financial pressure and the educational quality are viewed as important to the public schools of Beijing.

Because of the limited local government input on the subject of education of migrant children, public schools are reluctant to provide free compulsory education for the migrant children. The educational quality of a school is mainly measured by the outcome, namely the students' performance on high school entrance examinations. The fierce competition in the outcome among public schools makes them reluctant to receive migrant children. Generally speaking, due to the relatively poor educational conditions in rural areas, the average examination scores of students in rural areas is not as good as that of urban students. Even though there are policies from the central government that the public schools should take the main responsibility of providing compulsory education for migrant children, schools can easily refuse the applications from migrant children with various excuses, such as a lack of available spots.

Private schools in this paper only refer to those established to provide education for migrant children. Private schools are usually located in the areas between urban and rural areas, where many migrant workers live due to inexpensive rent and proximity to the workplace. The earliest private school can be traced back to the beginning of 1990s. Han Jia-ling (2001) investigated the migrant children in Beijing and found that the earliest private school in Beijing was established in 1993 by migrant workers who could not afford the expensive *Jie du fei*. *Jie du fei* was an additional fee imposed on the non-local *hukou* children who study in the public schools of Beijing. It was canceled in Beijing since January 1st of 2009 for the compulsory education period of study, since September 1st of 2009 for the high school period of study. With the large increase in the migrant population in the late 1990s and early 2000s, the number of private schools has also risen sharply. Compared with public schools, the majority of the private schools are poorly equipped in both facilities and teacher teams because they are mainly financed by the tuition fees from the students. According to the Compulsory Education Law, free compulsory education should be provided to all children by the government. The reality is that some of the migrant children have no choice but to pay for poor education in private schools. The influence of private schools on the equal educational rights of migrant children is quite controversial. On one hand, those private schools help to ensure the right to

compulsory education by providing the migrant children with educational opportunities. On the other hand, the existence itself of poorly equipped and fee-charging schools has implied that the equal educational rights of access to public compulsory education have not been fulfilled yet.

The NGO schools normally were established in order to try to close the gap between public and private schools by providing a good quality of education with affordable prices for migrant children. The most famous NGO school is the “New Citizen School”. It is part of the “New Citizen Program” which aims to improve the living environment for the children of “peasant workers” sponsored by the Narada Foundation.

The New Citizen School charged an education fee of 500 CNY per semester for primary school and 800 CNY for secondary school in 2009⁴, which is almost the same amount as private schools. Compared with most private schools, NGO schools like New Citizen School provides better facilities to students and higher salaries to teachers. Like private schools, the existence of NGO schools also implies that the equal compulsory educational rights of their students are not ensured by the local government.

3.3 Beijing, Shanghai and Guangzhou Models

Yuan Lian-sheng(2009) has compared the financial policies of several Chinese cities and has found that the government policies on migrant children’s educational rights are different. He categorized four different models on the government policy towards migrant children’s educational rights: the Shanghai, Beijing, Guangzhou and Guizhou models. As is pointed out in his research that the situation in Shenzhen, which is one of the three case cities in this research, can be represented by Guangzhou model, here I will only present his findings in three cities, namely Shanghai, Beijing and Guangzhou.

In 2009, 69% of the peasant workers’ children were studying in public schools in

⁴ Zhang Mulan, ‘The development problems of New Citizen School’,

Shanghai. The municipal government of Shanghai has regulated 146 private schools by providing financial support which covers the operating cost of the schools. In return, those regulated private schools provide peasant workers' children with free compulsory education. The government has asked the schools to gradually increase the educational standards, in order to meet governmental demands. In the end of 2009, 90% of the peasant workers' children enjoyed free compulsory education. The private schools in Shanghai work as a positive supplement for the shortage of public education resources.

In 2009, 67% of the non-local *hukou* children were studying in public schools in Beijing. 140,000 of the 418,000 non-local *hukou* children were studying at around 200 private schools, among which about 60 private schools were regulated and formally recognized by the Beijing municipal government. The county governments of Beijing have provided a small amount of financial support to the formally recognized private schools. Peasant workers' children studying in public school receive a certain mean-tested subsidy from the government; students in formally recognized private schools get small amount of government subsidy. Compared with Shanghai, Beijing's government did not put much effort into ensuring the equal educational rights of migrant children.

In 2008, only 30% of 400,000 migrant children were studying in the public schools of Guangzhou. The government provided almost no financial support to the private schools. No subsidies from the government went to the students in private schools. Migrant children studying in public schools are obligated to pay for all the fees and an additional *Jie du fei*. Compared with Shanghai and Beijing, Guangzhou government is criticized by Yuan to be the most inactive in ensuring the equal educational rights of migrant children. According to Yuan, Shenzhen shared the same policy model as Guangzhou.

Discussion above makes it clear that the local government is the key to ensure equal the educational rights of migrant children. Financial pressure is not a big problem as other researchers have analyzed. What Shanghai's government has done proves that the local governments of metropolises have the money to provide free

compulsory education for migrant children. It is also important to take notes that the research conducted by Yuan was focused on the peasant workers' children instead of all the non-local *hukou* children. Does Shanghai's government make the same effort for other non-local *hukou* children? Can the right to equal education be guaranteed for them? Besides, Yuan's research only studied the policies on the study period of compulsory education. What are the government policies on the educational rights of non-local children for the further study periods? This research will take the non-local *hukou* children into account when looking closer at the school enrollment requirements of compulsory education, as well as the educational opportunity to high schools and higher education.

To summarize, previous studies have shown that migrant children enjoy an unequal right to education. The central and local governments, the migrant families and the schools all contribute to this unequal status. The local government is supposed to play the critical role of ensuring migrant children with equal educational opportunities, but they have not done the job well. Beijing, Shanghai and Guangdong governments stood out as three different models in dealing with this issue. Previous studies on educational rights of non-local *hukou* children are mainly focused on the peasant workers' children or migrant children at the study periods of compulsory education. The educational rights of all non-local *hukou* children in every periods of education are worthy of more research. In this research, right to equal education of all non-local *hukou* children in three study periods will be examine to see whether there are any groups of children which are excluded from free compulsory education by examining the school enrollment requirements of compulsory education in three concrete cities: Beijing, Shanghai and Shenzhen.

4 Theory

4.1 Citizenship

Citizenship has been defined by many authors with different focuses. The definition of citizenship becomes increasingly difficult. Traditional definitions which focus on nationality and rights has faced challenge from the study of globalization, immigration, gender and multicultural. For a better understanding of citizenship, it is worthwhile to discuss the definition of citizenship from three perspectives: citizenship as membership, as social rights and as the struggle for rights.

4.1.1 Citizenship as Membership

“Citizenship is the condition of membership within a political community.” (Vimo, 2010) In a modern nation-state, citizenship refers firstly to a membership which reflects the responsibility and rights between the nation-state and the individuals. For the individual, being a citizen means taking the responsibility and enjoying the rights embedded in the citizenship of that nation-state. For the nation-state, it is necessary to ensure that all citizens enjoy equal rights. Andersen also defines citizenship as “de facto full membership (empowerment and participation) of society as citizens (equal status and civiness) (Andersen 2005:76)”.

Andersen adds three other dimensions to citizenship, namely “social conditions”, “participation” and “civic orientations (sometimes labeled identities)”. Social conditions refer to citizens’ “material situation and psychological well-being”, such as economic status and self-esteem; participation dimension includes social and political participation as well as empowerment, the high access to participation, as is perceived by Andersen; civic orientation can be subdivided into citizens’ orientation towards oneself, each other and the community.

4.1.2 Citizenship as Rights

Rights are the fundamental component of modern citizenship. The most classical rights-focused citizenship theory was developed by T. H. Marshall, who divided

citizenship into three parts: civil rights, political rights and social rights (Pierson and Castles, 2006:30). Civil rights refers to rights ensuring individual freedom; political rights refers to the rights of political participation; social rights refers to “the whole range, from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society.”

Janoski and Gran (2003) further divided social rights into four parts. These are enabling rights, opportunity rights, redistributive rights and compensatory rights. Enabling rights refers to “health care, old age pensions, rehabilitation and family or individual counseling”; opportunity rights refers to all kinds of education opportunities and education counseling; “redistributive and compensatory rights involve payments for rights deprivations and they can include war injury benefits, work injury benefits, programs for the disadvantaged, unemployment compensation, and other programs involving rights violations.” Castles and Davidson (2000:110) also divide social rights into four parts but from a different perspective: “the right to work; equality of opportunity; an entitlement to health services, welfare benefits and social services in the event of unemployment or inability to work; an entitlement to a certain standard of education.” Just as rights are essential to citizenship, the right to education is essential for social rights.

Critics of Marshall’s three rights division mainly come from three aspects in the further development of the concept of citizenship: it is criticized for putting too much focus on the social class and for ignoring other rights such as cultural rights and gender rights; the evolutionary process from civil rights to political rights and finally to social rights cannot be applied to other countries which have experienced a different history in rights development. Delanty (2004) also criticized that Marshall’s citizenship concept ignored the straggling process of these rights.

4.1.3 Citizenship as the Struggle for Rights

Citizenship is not only about rights but also about the process of rights extension. Not

only about extending to new realms in the form of new rights claiming, such as gender rights and environment rights, but also about the old rights being extended to new groups. Isin and Turner (2003) believe that the concept of citizenship “has been contested and broadened to include various political and social struggles of recognition and redistribution as instances of claim-making, and hence, by extension, of citizenship.” Further they argued that “rather than merely focusing on citizenship as legal rights, there is now agreement that citizenship must also be defined as a social process through which individuals and social groups engage in claiming, expanding or losing rights. (ibid.)”

Being able to participate in the struggle for equal rights is as important as social rights themselves. “Social rights imply (more) equal social conditions. But the actual fulfillment of this formally equal status as citizens also requires equal access to participation in social and political life (Room, 1990; Lister,1997; Anderson, 2005)” Andersen (2005:78) concluded that “citizenship is not only about social rights and social conditions, but also about participation and civic orientation, and the benchmark is not only equality, but also empowerment.”

Thomas Janoski and Brian Gran (2003) define citizenship as “passive and active membership of individuals in a nation-state with universalistic rights and obligations at a specified level of equality (Janoski 1998: 8–11, Bottomore 1993).” Four main features of citizenship are emphasized here. First, citizenship refers to a membership of a nation-state, which means all citizens who are registered as permanent residents should be entitled with citizenship rights of that territory. Second, “citizenship involves active capacities to influence politics and passive rights of existence under a legal system (Janoski, 1998; Thompson, 1970).” Third and fourth, citizenship rights are universalistic and equal rights, which means all citizens should enjoy the same rights equally. Their definition of citizenship includes all three components of citizenship which have been discussed above, citizenship as membership, as rights and as the struggle for rights. What’s more, their definition has clarified that universal access to and equality of citizenship is as important as the other three factors.

4.1.4 Can “Citizenship” Be Applied to the Chinese Context?

Citizenship is not an original concept derived from traditional Chinese culture and history. The western concept of citizenship was introduced to China mainly through higher education where it has been discussed among university teachers and students, openly and secretly since the establishment of the People’s Republic of China. Just like concepts such as democracy and liberty, citizenship has spread from the university classroom and research arena into public debates during the last decades. Citizenship has mainly been discussed as the rights of citizens in contemporary China. And social rights are often at the center of public debates. The reason could be that social rights is a safer field for public discussion compared with civil right of insuring individual freedom and the political right of political participation in Chinese context. Education equality lies in the center of social rights discussion. In the name of citizenship, scholars are criticizing the inequality happened in education system, leading debates on empowering migrant children with equal educational rights of school enrollment from compulsory education to high school and university education.

As is discussed above, citizenship has been used in the public debate of Chinese society. “For analytical purpose, citizenship becomes a benchmark against which one can measure the actual fulfillment of this ideal in society. (Anderson 2005:77)” And this is how the western concept of citizenship will be applied to the Chinese context in this research. With a focus on social rights, this research tries to find out whether the policies on compulsory education right have promoted the realization of equal citizenship among non-local *hukou* population.

To summarize, citizenship is primarily a membership which defines the responsibilities of the nation-state and the rights of the citizens. Equal rights and access to rights are its core components. Citizenship also refers to the process of struggling for new rights as well as for extending the old rights to new social groups. The definition of citizenship will never end with a perfect one since people always seeks for better relationship between the state and the citizen, as well as among

citizens. And it is important to remember that “the content and extent of citizenship as a predetermined form of membership in a given society has shifted over time, its applicability varying from one geohistorical context to another.(Dingu, 2008)”

4.2 *Hukou* and Multi-Layered Chinese Citizenship

“As is often pointed out, not least in China, the peasantry as a whole lack full citizen status. Rural villagers have been described as occupying an intermediate position between subjects and citizens. The citizen status of urban dwellers is also highly variable. (Kelly, 2008:25)” Kelly has noticed the multi-layered feature of Chinese citizenship.

“Multi-layered Chinese citizenship” here refers to the phenomenon that Chinese citizens are divided into different layers in citizenship status according to the extent they enjoy the citizenship rights. Some Chinese enjoy more and a higher level of citizenship rights, while some enjoy much less and a relatively low level of citizenship rights. Scholars in EU studies usually use another term “multi-level citizenship” to describe the citizenship in different polity levels, such as super-national, national, regional and local levels. It is a totally different thing to what I used “multi-layered Chinese citizenship” here. A person owns “multi-level citizenship” in EU means he/she is not only the citizen of a member state of EU, but also an EU citizen at the same time. Joe Painter (1998) gave a good example for defining “multi-level citizenship” in this way by arguing that “multi-level citizenship” reflects “individuals’ simultaneous membership of political communities at a variety of spatial scales (local, regional, nation-state and European) and perhaps of non-territorial social groups, such as religions, sexual minorities and ethnic diasporas.”

As is mentioned in Chapter 2.1, *Hukou* is a household registration record showing a person is registered as a permanent resident of a place. *Hukou* system is defined “as an administrative mechanism for collecting and managing information on citizens’ personal identification, kinship, and legal residence.(Wang 2005:63)” This

definition tells the essential function of *hukou* system. As household registration system recording basic population information, *hukou* system can be traced back several thousand years back to ancient China and will continue to exist. While, the contemporary *hukou* system has divided Chinese citizens into different ranks in welfare benefits and eventually caused the multi-layered Chinese citizenship.

4.2.1 Rural vs. Urban *Hukou*

Contemporary *hukou* system was established in 1958 with the release of the first Regulations of Household Registration of PRC, which formally divided Chinese into two parts: rural *hukou* population and urban *hukou* population. In the following decades, before the economic reform in the end of 1970s, transition from rural *hukou* to urban *hukou*, as well as migration from rural to urban area, was strictly controlled. With the implementation of planned economy, industrialization in urban area was backed by the food supply from rural area with low exchange price. Later, the urban welfare system was established, while all the welfare benefits such as health care and employer-provided housing were tied to an urban *hukou*. This rural and urban division has marked deep and long-lasting impacts on the economic benefits and social status of Chinese people. For many decades, rural dwellers have been enjoyed a lower level of welfare arrangement in education, health care and old age insurance. What's worse, the discrimination on rural dwellers has been strengthened in the Chinese culture. People with a rural *hukou* actually ranked lower in the citizenship status.

As reforms in various fields have been going on, the impacts of rural and urban *hukou* on individuals' welfare benefits have been diminishing. It is the reality that the rural area is still less developed than the urban area in socioeconomic conditions. However, with the implementation of national-wide social insurance reforms since the beginning of 21st century, the differences in health care and old age insurance between rural and urban dwellers are no longer as obvious as before. A united and combined social insurance system for both rural and urban areas is in the policy blueprint of the central government.

In the end of 2011, over 95% of the whole population was covered by three types of public health care insurances. Except for the 252 million covered by employment related healthcare insurance which is compulsory, 221 million urban *hukou* dwellers and 832 million rural *hukou* dwellers chose to be covered separately by Urban Resident Healthcare Insurance (*Cheng Zhen Ju Ming Yi Liao Bao Xian*, in Chinese) and New Rural Healthcare Cooperation (*Xin Xing Nong Cun He Zuo Yi Liao*, in Chinese), which are two healthcare insurances designed for those who can not be covered by the employment related one. According to the notice from Ministry of Health (2012), the later two types of insurances have been gradually adjusted into similar level in individual payment (60 Yuan per person per year), government subsidy (240 Yuan per person per year) and reimbursement rate for in-hospital treatment (70% for urban dwellers and 75% for rural dwellers). In 2009 and 2011, old age insurance reforms for rural area which is called New Rural Residents Old Age Insurance, and urban area which is called New Urban Residents Old Age Insurance, have been launched separately on selected areas and it is aimed to cover the whole area of mainland China in the end of 2012. Till the end of June in 2012, 390 million people chose to be covered by these two insurances, among which 293 million are urban *hukou* residents (cfen.com.cn, 2012).

Even though the impact of *hukou* on social insurance between rural and urban areas tends to be diminished, inequality in educational rights still exists between rural and urban areas, , even between big cities and small cities. Firstly, educational input of rural area is much lower than that of urban area, which directly weakens the quality of rural education and further results in unbalanced opportunity to higher education between students from rural and urban areas. “Although the majority of children live in the countryside, rural schools receive only 38% of total basic education funding (Robertson, 2006; Chan C.K. et al, 2008)” Secondly, opportunity for higher education is shared inequality between big cities and the other places. Students with a *hukou* of Beijing and Shanghai can enter the same university with a much lower entrance examination grade than students from other areas. This privilege is reinforced by the diversified and localized test papers for the entrance examination of higher education

in big cities. Since students in these cities use different test papers from the rest of China, it is more difficult to say whether it is fair or not for the university to recruit the students in these cities with a lower grade requirement. The following sections will discuss the *hukou* system in detail and present how *hukou* has contributed to shape the multi-layered Chinese citizenship.

4.2.2 Local vs. Non-Local *Hukou*

With the increase in population migration within China, the impact of the *hukou* is much more obvious between local *hukou* and non-local *hukou* city dwellers since the economy reform started in late 1978. Urban area, especially those costal industrialized cities, needs large amount of cheap labor from rural area which makes the control over population migration less strict in practice. According to the census in 2010, around 221 million Chinese live outside their officially registered *hukou* place. Many of them, especially those in metropolis such as Beijing, Shanghai and Shenzhen, may have settled down for many years but still can not be registered as permanent residents there. Tao Ran argues that “with economic transition, an urban *hukou* is now mostly associated with urban-based social assistance, housing security and public school services, while the social insurance coverage is increasingly linked to employment. (Tao 2009:73)” Those non-local *hukou* city dwellers are usually under far less eligibility to basic government services enjoyed by local citizen, such as public education and accident aid.

A recent newspaper report tells the impact of *hukou* on non-local *hukou* dwellers in a district of Beijing. A man who rescued three neighbors from the sudden rainstorm disaster on July 21st could not spend the night in government supplied aid tent nor can he get any other aid material such as water because he and his family do not have local *hukou*. He has worked there for 20 years. The reason given by government leader was that the supply of disaster aid material are not enough for all the dwellers at the beginning, the government have to satisfy the local citizen first, but eventually will solve the problem for non-local *hukou* dwellers.(Jinghuanet, 2012)

Access to public education for non-local *hukou* city dwellers has been hot in the public debate in recent years. The focuses were firstly on the compulsory education right of non-local *hukou* children, and then moved to the right to take high school entrance examination and university entrance examination. Those who support the equal educational rights of non-local *hukou* children criticize the educational department of local governments for depriving the educational rights of Chinese citizen who do not have the local *hukou*. They believe that the non-local *hukou* population also contributes to the development of local city as tax payers. Equal education opportunity is fundamental and essential to citizenship and deprivation of it will lead the country to nowhere in the future. The other side of the debate insists that local government should be responsible for the local *hukou* citizen first. The local government should be aware of the risk that the limited educational resources could be occupied by increasing non-local *hukou* population. The better the local government satisfied the educational rights of non-local *hukou* population, the more outsiders will rush into the city. It will cause the city unbearable in all kinds of resources and will eventually reduce the resources of local people.

To summarize, *Hukou* has divided Chinese into four groups: the rural and the urban, the local and the non-local. Even though reforms have made the impacts of *hukou* on social insurance less obvious, the impacts on other government public services such as education and social assistance continue to be noticeable. Students from rural areas have been faced with not only a lower level of educational quality, but also less opportunity to higher education. *Hukou* has been used as a shield by city governments against the share of welfare benefits by non-local *hukou* population, which deprived non-local *hukou* people from a full citizenship status. Based on the access to educational rights, Chinese citizenship can be ranked into three layers at least. People with metropolis *hukou* are in the top layer, leaving the other urban *hukou* population in the middle. Rural *hukou* population and part of non-local *hukou* population in metropolises lie in the bottom layer.

It is important to notice that not all the non-local *hukou* population in metropolises enjoys the lowest level of citizenship. It depends on the local

governments that which part of non-local *hukou* population can enjoy the same level of citizenship as the locals. To have a more detailed insight on the citizenship status of non-local *hukou* children in educational rights, policy analysis will be conducted for both the central government's policies and three city governments' policies, focusing three study periods, namely compulsory education, high school study and higher education.

5 Methodology

In order to answer the research question, this paper will combine a structured, focused comparison with case studies based on document analysis. First, it will examine the central governmental policies concerning the educational rights of non-local *hukou* children. Policies in each of three study periods, namely the compulsory education, high school study and higher education, will be examined. Then, a multiple case study of three cities will be conducted focusing on the accessibility to educational rights in those three study periods. Finally, with-in case analysis of each case and cross-case comparison is necessary to find out the similarities and differences among the cases.

5.1 Structured, Focused Comparison

George and Bennett (2005:67) have described the method of structured, focused comparison in the following way:

The method is “structured” in that the researcher writes general questions that reflect the research objective and that these questions are asked of each case under study to guide and standardize data collection, thereby making systematic comparison and cumulation of the findings of the cases possible. The method is “focused” in that it deals only with certain aspects of the historical cases examined.

Two features of this method are obvious from the description above. First, general questions to each case are structured for further comparison. “The use of a set of general questions is necessary to ensure the acquisition of comparable data in

comparative studies.(George and Bennett 2005:69)” In this paper, I will first trace the adjustment of the central government’s policies on the educational rights of non-local *hukou* children for three periods of education. Comparison exists within each educational period and among all the three periods. The general structured question for each policy in one period is “what is the target group?” For the three case cities, structured questions are different for those different study periods. For the compulsory education period, the general question for each case is “what are the school enrollment requirements for non-local *hukou* children?” For the high school and higher education periods, the question is “who can take part in the entrance examination?”

The second feature of this method is that only some aspects of the cases are focused in the study. “The method also requires that the study of cases be ‘focused’: that is, they should be undertaken with a specific research objective in mind and a theoretical focus appropriate for that objective.(George and Bennett 2005:70)” This paper is essentially a citizenship study at an institutional level aimed at revealing the status of citizenship of non-local *hukou* children in China. The study is focused on to what extent the non-local *hukou* children enjoy equal educational rights at the institutional level. In other words, the focus is on who is excluded from the equal right to education. By clarifying the target group of central government policies in each education period, it is possible to reveal whether the non-local *hukou* children are excluded from enjoying equal educational rights. By examining the school enrollment requirements for the three case cities, it is also possible to find out who is institutionally excluded.

5.2 Case Study

George and Bennett (2005:5) defined case study as “the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events”. Without mentioning the generalization as the aim of case study, Creswell (2007:73) defined case study research with a very detailed

description:

Case study research is a qualitative approach in which the investigator explores a bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information (e.g., observations, interviews, audiovisual material, and documents and reports), and reports a case description and case-based themes.

Both the two definitions emphasized the in-depth examination necessary in a case study. From George and Bennett's definition, we know that a case study can be used to investigate just one aspect of a case; from Creswell's definition, we know that case study might not only examine one "bounded system" but also "multiple bounded systems". To sum it up, a case study can be used to examine an aspect of a case or multiple cases; it can also be used to examine the in-depth information of the entire case or multiple cases. In this research, a case study is applied to investigate an aspect of an issue through examining and comparing multiple cases.

It is necessary to utilize a case study in this research. As is mentioned in my previous study section, the policy on the educational rights of non-local *hukou* children is diversified and localized in contemporary China. One simply can not answer the question of where is China headed by only examining the central government policies. The local diversified government policies must also be investigated, which makes a multiple case study necessary. "A case study is a good approach when the inquirer has clearly identifiable cases with boundaries and seeks to provide an in-depth understanding of the cases or a comparison of several cases. (Creswell 2007:74)" In this research, three cities will be defined as three cases; their policies on the educational rights of non-local *hukou* children will be examined in detail and further compared to each other.

5.3 Document Analysis

Document analysis is defined as "a systematic procedure for reviewing or evaluating documents—both printed and electronic (computer-based and Internet-transmitted)

material. (Glenn, 2009) ” Documents exist primarily as either public or private. The public documents refer to those which have been published publicly such as mass media publications, the government policy documents and statistical reports; private documents could include letters, diaries and emails from individual. This research adopts an interpretive standpoint in document analysis. Only public documents are used, such as the government policy documents, government statistics as well as the news reports from the mass media.

It is useful to draw upon document analysis in this research. This research is aimed to reveal the citizenship status of non-local *hukou* children at the institutional level. It tries to show this through examining policy content on how non-local *hukou* children are treated, instead of examining the implementation or outcome of the policy. Thus, document analysis is the ideal approach to achieve the study purpose. “As a research method, document analysis is particularly applicable to qualitative case studies—intensive studies producing rich descriptions of a single phenomenon, event, organisation, or program (Glenn, 2009; Stake, 1995; Yin, 1994)” As is pointed out by Glenn (2009) “documents provide a means of tracking change and development.” By comparing various versions of the documents of a particular policy area, the researcher can identify the differences. In this study, central governmental policies of different times concerning non-local *hukou* children’s educational rights will be examined and compared.

Document analysis exists in the whole process from data collection to data analysis. “Document analysis involves skimming (superficial examination), reading (thorough examination), and interpretation. Glenn (2009)” By deconstructing and reconstructing the material collected, more relevant forms of data are created reflecting the interpretation of the researcher. “Document analysis yields data—excerpts, quotations, or entire passages—that are then organised into major themes, categories, and case examples specifically through content analysis. (Glenn, 2009; Labuschagne, 2003)”

Content analysis is an import tool in documents analysis. “Content analysis is the process of organising information into categories related to the central questions of

the research. (Glenn, 2009; Fereday & Muir-Cochrane, 2006)” May described it as the “qualitative content analysis” and believes it “starts with the idea of process, or social context, and views the author as a self-conscious actor addressing an audience under particular circumstances. (May 2001:193)” To interpret the document content through deconstructing and reconstructing, “the analyst picks out what is relevant for analysis and pieces it together to create tendencies, sequences, patterns and orders. (May 2001:193; Ericson *et al.* 1991:55)”

5.4 Bringing Three Approaches Together

To start a structured, focused comparative case study, the researcher first needs to identify the case or cases. Creswell suggests that the research should begin with determining what type of case study to use. He (Creswell 2007:74) categorizes case studies into three types: the single instrumental case study, the collective case study (or the multiple case study) and the intrinsic case study. “In a single instrumental case study (Stake, 1995), the researcher focuses on an issue or concern, and then selects one bounded case to illustrate this issue. (*ibid.*)” The difference between a single instrumental case study and a multiple case study lies in the number of “bounded systems” chosen to illustrate the selected issue. An intrinsic case study refers to a case study “in which the focus is on the case itself (e.g., evaluating a program, or studying a student having difficulty—see Stake, 1995) because the case presents an unusual or unique situation.(*ibid.*)”

In this research, a multiple case study will be applied, and a “purposeful sampling” will be used to choose the case cities. By doing purposeful sampling, “the inquirer selects individuals and sites for study because they can purposefully inform an understanding of the research problem and central phenomenon in the study. (Creswell 2007:125)” Due to their large amount of migration population and diversified policies concerning the educational rights of non-local *hukou* children, Shenzhen, Beijing and Shanghai have been chosen to be the three city cases to answer the research question. The central government is also treated as a case, but the

investigation on its policies is slightly different from the other three city cases because the central government only provides policies in guidelines not in details. It is impossible and useless to ask the same questions in examining the policy documents for both the central government and the local governments.

Even though one important feature of case study is the use of multiple data sources, this research will use only documents for examination and analysis. This research is a policy analysis at the intuitional level aimed at revealing the citizenship status of non-local *hukou* children. The case study will attempt to investigate how the non-local *hukou* children are treated in terms of educational rights in the central and local governments' public policies. Document analysis of relevant public policy documents is sufficient to answer the research question. However, it is one thing that the government promises the public something in policy documents, and it is another thing whether the promises will be met in practice. This study focuses on the policy content—what government promises the public— instead of policy implementation or outcome. It is possible that the central government asks the local government to provide free compulsory education for all migrant children while assigning no resources for the local government to implement this policy. This kind of possibility should be taken into account when doing document analysis.

How to collect the data necessary for this research? I used two approaches to collect the policy documents and statistics used in this research. Firstly, I used keyword searches, such as “migrant children education” and “free compulsory education” (all in Chinese), on the public searching tool, Baidu.com and Google.com.hk. Links of articles, news reports and policy documents were located and I spent plenty of time examining them to find out useful information, such as the name of a relevant policy. Later, I found it is more efficient to use keyword search on the websites of the central government, the Ministry of Education, and the educational agency of the three local case governments. For the statistics used in this research, I also used the same approach in a different order. Firstly, I visited the website of national and local bureau of statistics for information; if I could not find the

information I needed, I turned to keyword search in Baidu.com or Google.com.hk. Most of the time I found it is more efficient to use the later approach for statistical data.

Document analysis begins from the data collection. By scanning the materials and making decisions on which to choose, relevant documents and statistical data are collected. Then here comes the further analysis step. By re-reading the document materials, I reorganized the data into comparable themes, such as “the target group of this policy”, “the school entrance requirements for the compulsory education”, and “the groups which can take part in the entrance examination for high schools”. In the process of reorganization, interpretation is focused on the question of “who is excluded”. Up to this step, the process is called with-in case analysis which will be followed by cross-case comparison.

“Good cross-case comparison necessarily involves the investigation of individual cases on their own terms. (Ragin and Rubinson, 2009:21)” In the empirical study section, general information of each case will be introduced first, then a detailed description of the policies in each case will be conducted, and finally I will conclude with the with-in case analysis. With-in case analysis will focus on the question of “who is excluded from the educational rights in the policy content?” And the cross-case comparison will be conducted at each educational period from compulsory education to higher education, focusing on the differences and similarities among the cases.

5.5 Discussion on the Limitations of the Methods

Two kinds of data are employed in this research: government policy documents and statistics. The statistical data collected in this research come from the official website, which could raise concern as to the credibility of the data. “The question of credibility raises the issue of whether the documentary source is biased. (Bryman 2008:521)” Statistical data is usually questioned on their credibility. Bryman warned the researchers “caution is necessary in attempting to treat them as depictions of

reality.(ibid.)” May (2001:71) also expressed such concern saying “we should view them not simply as ‘social facts’, but social and political constructions which may be based upon the interests of those who commissioned the research in the first instance.”

The statistics on the migration scale and the proportion of migrant children who are provided with free compulsory education can be biased. The migration scale can be underestimated simple due to an unsuccessful statistical strategy; it can also be exaggerated especially by the local government of each metropolis to support its population control policy. The local government may exaggerate the proportion of migrant children who are enrolled in public school enjoying free compulsory education to show that it has made strides in solving the problem or in order to cover up the problem. The only thing that can be done is to check the same statistical data from different sources and present them to the reader when there are variations, even though it is still hard to decide which source provides the most reliable statistics.

Generalization of the findings can be the goal of some comparative case studies which choose the most representative cases to compare. They do this to try to find out the common features and generalize them to other cases for a better understanding. Then the ability of generalization is usually criticized as the problem with this kind of case study. Nevertheless, whether the findings of comparative case studies can be generalized is still under debate. “As a general rule, qualitative researchers are reluctant to generalize from one case to another because the contexts of cases differ. (Creswell 2007:74)” This comparative case study tries not to generalize the findings from the three cities government to the rest of China. Instead, it aims to reveal the citizenship status of non-local *hukou* children focusing on their educational rights.

6 Empirical Study

6.1 Free Compulsory Education

China has adopted a system of 9-year compulsory education, during which all children of Chinese nationality aged above 6 years are supposed to enjoy the right and obligation to receive primary and junior secondary education. The amended Compulsory Education Law (2006) provides general guidelines on how the compulsory education is supposed to be arranged and financed. According to Article 7, “compulsory education shall be under the leadership of the State Council, be carried out under the overall planning by the provinces, autonomous regions, municipalities directly under the Central Government, and be mainly administered by the people’s governments at the county level.” Article 44 says “the compulsory education operating funds shall be jointly paid by the State Council and the local people’s governments at all levels according to their respective functions. The people’s governments of the provinces, autonomous regions, and municipalities directly under the Central Government shall be responsible for formulating plans and implementing the plans.” Compulsory Education Law does not detail how the responsibilities of providing compulsory education are shared by each level of government. It leaves room for the interpretation of policy makers by stating in the end of Article 44 that “the concrete measures for guaranteeing the operating funds for compulsory education shall be formulated by the State Council”. Further policies interpreted that the compulsory education is planned by the provincial government and administrated by the local government at the county level. It has provided excuse for the local governments which refuse to provide free compulsory education for non-local *hukou* students.

Compared with non-compulsory education, such as pre-school education, high school education and higher education, compulsory education is explained in two aspects: 1) “free” education which means no tuition fee or textbook fee; and 2) no

examination for enrollment. Free compulsory education is pursued gradually through three policies released by the central government in recent years. It has experienced a gradual extension from the rural areas to the urban areas, from the under-developed western China to the middle and finally to the relatively developed east. The universal “free compulsory education” has been realized in rural areas of China since 2008. Students do not pay a tuition fee, a fee for textbooks or a fee for other materials related with studying. For students in the urban areas, “free” only refers to the tuition fee. For the non-local *hukou* children in big cities, free compulsory education is not enjoyed by all. As is mentioned in Chapter 3, some migrant children can only go to poorly-equipped private schools for compulsory education, and they need to pay the tuition fee in Beijing and Guangzhou.

6.2 Central Governmental Policies

As is mentioned above, China has adopted nine-year compulsory education, which high school is not included in. High school education enrollment is based on the scores of students gained in the entrance examination for high schools. It is the same for higher education. According to the contemporary policies, generally speaking, local *hukou* is the primary requirement for students to take part in these two types of entrance examinations, even though local policy differences exist. This section will discuss the policies of the central government on the educational rights of non-local *hukou* children in three educational periods: the compulsory education, high school education and higher education.

6.2.1 Compulsory Education Policies

As discussed in Chapter 4, government provided welfare is closely related with one’s *hukou* in China. Local governments usually use *hukou* as a shield against non-local *hukou* populations to prevent them from sharing welfare benefits. The right of non-local *hukou* children to compulsory education has been central to public debate. With policy adjustments from the central government, the focus of public debate has

moved to the access to high school education and higher education. The focus shift does not necessarily mean the right to compulsory education has been fulfilled. A careful examination of the policy content can help to find out whether the compulsory educational right of non-local *hukou* children has been ensured from the institutional level.

From March 2, 1998 to August 25, 2012, eleven documents were released by the central government concerning the compulsory educational rights of “migrant children”. These policies will be discussed here focusing on four aspects of the policy content: target group, school service providers, financial arrangement and management arrangements. Some of these policies mentioned all these four dimensions while others focused only on parts of them.

The first policy, *Interim Measures for the Education of Migrant children and Adolescents*, released by the Ministry of Education and Ministry of Public Security identified migrant children and adolescents as “children and adolescent aged between 6 and 14 (or 7 to 15) who have lived temporarily with their parents or other guardian in the place other than their registered permanent residence for at least half a year and have the capacity to study. (Article 2, 1998)” Compared with policies released later, the target group of this policy covered the widest population, but it still deprived the right to receive compulsory education of those who migrated from their *hukou* place within half a year. It listed four service providers for migrant children and adolescents to receiving compulsory education: the public school, the private school, the additional classes especially run for migrant children and adolescents in public school and the migration school which is privately sponsored and usually poorly facilitated targeting migrant children and adolescents. It stated clearly that the host government should take the responsibility of providing compulsory education to migrant children without the mention of any new financial resources.

The second policy document, *Decision Concerning the Reform and Development of Fundamental Education* released by the State Council in 2001, was not released

specifically due to the problem of migrant children’s educational rights. Only one sentence in it talked about migrant children’s educational rights, but this sentence is interpreted by researchers as the principle in dealing with migrant children’s compulsory educational rights. It says that in order to protect the right of education for the dependent minors of migrant population, the host government and the public schools should take the main responsibility.

The first change in target group happened in the third policy, *Notice from the State Council Concerning the Management and Service for the Peasant Worker*, released in 2003. It only targeted the children of peasant workers and excluded the migrant children who have an urban *hukou*. It is necessary to point out that the peasant worker and migrant population refers to different groups in the population with part of each group overlapping. Only those peasant workers who work outside the city level administration area of their *hukou* place can be counted as the migrant population. According to the statistical report from the NBSC, the migrant population in 2011 was 230 million (NBSC, 2012). And the peasant workers reached 252 million in 2011 according to the form below.

the Amount of Peasant Workers

	Million			
Year	2008	2009	2010	2011
Total	225.42	229.78	242.23	252.78
Peasant workers working outside	140.41	145.33	153.35	158.63
Local peasant workers	85.01	84.45	88.88	94.15

Source: National Bureau of Statistics of China, April 27, 2012. “Peasant worker working outside” refers to those who work in the place outside the county level administration area of their *hukou* place.

On September 17, 2003, the State Council released the fourth policy called *Suggestions on Improving the Work on Compulsory Education of the Dependent Minors of Peasant Workers*. It is the second policy specifically focusing on the problem of migrant children’s compulsory education. This policy made breakthroughs in three areas: making new financial arrangements to solve the problem by stating that 1) the host

government should subsidize the schools which receive relatively more peasant workers' children; 2) part of the city's additional education tax should be used on the compulsory education of the peasant workers' children. It also made clear statements on school enrollment regulations: "applying the same treatments in both enrollment fees and school activities between the peasant workers' children and the local students."

The fifth policy, *Suggestions from the State Council on Dealing with the Problems encountered by the Peasant Workers*, released on March 27, 2006 by the State Council made a further step in financial resource arrangements. It asked to put the compulsory education of peasant workers' children into the local public education development plan and the education budget plan; and the public operating funds of public schools should be counted on the actual numbers of students, not only on the number of local students any more. The arrangement further relieved the financial pressure on public schools in receiving peasant workers' children.

The second change in target group happened in the seventh policy document, *Notice Concerning Remitting the Tuition and Miscellaneous Fees for Compulsory Education Students in Urban Areas*, released by the State Council on August 12, 2008. It targeted the children of migrant workers (*Jin Cheng Wu Gong Ren Yuan Sui Qian Zi Nv*, in Chinese). The term "migrant workers" used here is quite vague concept. Does it refer to all the non-local *hukou* people working in a given city? Or is it only a substitution of the term "peasant worker"? The policy itself did not give any definition or description of "migrant worker". It left space open for interpretation of the local governments, which also suggested that the central government was not yet ready to solve this problem for all non-local *hukou* populations.

The eighth and ninth policies released by the State Council and Ministry of Education targeted those peasant workers' children who return to their hometown for compulsory education. It emphasized that the hometown government should make sure that no obstacles stood in the way of their schooling.

The tenth policy, *Suggestions from the Ministry of Education on Further Pushing the Balanced Development of Compulsory Education*, released in 2010 again targeted

the children of migrant workers. It stated that the local government should ensure the equal compulsory educational rights of the local students and the children of migrant workers.

The latest policy, *Notice from the Ministry of Education Concerning the School Enrollment of the Autumn Semester for the Children of Migrant Workers*, was released on August 25, 2011. It asked to take the children of migrant workers into the educational budget by providing the same level of financial input as that of the local students. What is more, it asked to support and to regulate the schools which mainly receive the children of migrant workers.

To summarize, the central government has never clearly stated that the non-local *hukou* children are subjective to local compulsory education. At the beginning of the policy adjustments, the central government tried to protect the equal compulsory educational rights of all the migrant children and excluded those children who had left their *hukou* place less than half a year before. Two years later in 2001, the scope of target group was reduced to the peasant workers' children, which excluded those non-local *hukou* children who had an urban *hukou*. In the recent policies released in 2008, 2010 and 2011, a vague term "the children of migrant workers" was used to identify the target population. This term can be interpreted both as non-local *hukou* children and as a substitution of the peasant workers' children with less discrimination. It is the responsibility of the local government as to how to interpret this vague term. The following part will further answer the question of who is excluded by examining much more concrete situations and by comparing the school enrollment requirements of three metropolises: Shenzhen, Beijing and Shanghai.

6.2.2 High School and Higher Education Policies

After finishing nine years' compulsory education, the graduates can go to the labour market directly or take the entrance examination for high schools or vocational schools. High school education prepares students for higher education, while vocational school education prepares students with skills to enter the labour market in

specific fields such as car repair and hair styling. Today most vocational schools do not set any entrance score for the junior middle school graduates, but high schools do. Students from both vocational schools and high schools can go for further study in higher education through taking part in the entrance examination of higher education. Generally speaking, those who get a higher score in the entrance examination will choose to study in universities, those who cannot go to universities will go to vocational colleges, and those who can go to neither of these two branches of higher education will enter the labour market. In contemporary China, the mainstream option after years of study is to enter a university. For most Chinese families, both the parents and the children view “entering a university” as one of the most important events in a student’s life. Being able to taking part in the entrance examination for high schools and higher education is the primary step for achieving the goal of “entering a university”.

The contemporary policy for the entrance examinations of high school and higher education is that students should take these examinations in their *hukou* place. With the increase in migrant population, this policy has not adjusted to the new situation. Public debates have been focused on the right of non-local *hukou* students to take part in the entrance examinations for high schools and higher education. Parent groups of non-local *hukou* children are active in Beijing, asking for policy adjustment to allow the non-local *hukou* children to be able to take part in the entrance examination for higher education in Beijing. Even though some of the local governments have changed their policies, the central government did not give out any instructions until the end of August, 2012.

The first policy adjustment from the central government so far came on August 30, 2012. Four departments of the central government co-released this new policy “*Suggestions on the Entrance Examination for Further Study of the Children of Migrant Workers in Their Resident Place*”. It is a guideline policy with five articles.

Article 2 and 3 revealed the attitude of central government. Article 2 stated four principles the local governments should take into account when making corresponding policies. According to these principles, the local governments should

take into account the equal educational rights of non-local *hukou* children, the flowing of population and the available local educational resources. Article 3 gave more detailed instructions. The local governments were asked to pay attention to four factors in drafting policies on the eligibility requirements for non-local *hukou* children to take part in the entrance examinations for high schools and higher education. Three of the factors concern with the parents of non-local *hukou* children. The parents need to meet the requirements of holding a steady job, securing stable accommodations, as well as years of taking part in the local social insurance system. Besides, the non-local *hukou* children should be recorded certain years of consistent study in the local schools. Article 3 also stated that all the local governments should make corresponding policies according to their own situations no later than the end of 2012 in principle. Cities attracting large internal immigrants such as Beijing and Shanghai are suggested to take more time.

This policy document mentioned two groups of children: “the children of the migrant workers” and “the children of other non-local *hukou* workers”. Non-local *hukou* children, as a group, entered the policy area for the first time. “Non-local *hukou* children” covers a larger group of people compared with “migrant children” or “the children of migrant workers”. Using this term in the policy documents implied that the central government tended to treat all the non-local *hukou* children as the targeted group. However, with a closer look at Article 3, it is not difficult to find that only part of the non-local *hukou* children were the real target population of this policy. They are those whose parents meet the three requirements mentioned meanwhile who themselves meet the fourth requirement in Article 3. There are always some non-local *hukou* children whose educational rights will not be ensured according to this policy.

To sum it up, to the end of October 2012, the central government has released one policy directing the local governments to make corresponding policies on ensuring the educational rights of non-local *hukou* children to entrance examinations of high school and higher education. This policy is basically a guideline policy. It leaves the local governments to make corresponding policies according to their own situation. It showed a step forward in three aspects: 1) non-local *hukou* children as a group entered

into the policy area; 2) the educational rights of part non-local *hukou* children can be ensured; and 3) it pushed the majority of local governments to make corresponding policies in a given time, which is no later than the end of 2012. However, ensuring the educational rights of part non-local *hukou* children means other parts of non-local *hukou* children are excluded from enjoying the same rights. Key cities of this issue such as Beijing and Shanghai are given unspecified extra time in making local policy, which showed a slow down in the pace of solving this problem.

6.3 Structured, Focused Comparative Case Study

Due to their large amount of migration population, Shenzhen, Beijing and Shanghai are the three cities most suitable for educational rights study of non-local *hukou* children. As is mentioned in section 6.1, nine years' compulsory education is supposed to be provided to all children without entrance examination. After finishing nine years of compulsory education, students need to take the entrance examination for further study. From the citizenship perspective, all Chinese citizens are entitled to the right to take the entrance examinations for further study, but the reality is that the right to take the entrance examination is also tied to one's *hukou*. To protect the local *hukou* students from the competition of non-local *hukou* students, "local *hukou*" is usually the primary requirement for taking the entrance examination of high school and higher education. Being able to take part in the entrance examination for further study is the first step to equal educational rights. This section will firstly examine the three cities' policies on the accessibility to compulsory education, high school study and higher education, and then compare the policies of the three cities focusing on who is excluded from the equal educational rights.

6.3.1 Shenzhen

Shenzhen, located in the south of the Guangdong province and north of Hong Kong, is a sub-provincial level city and the first Special Economic Zone in China established in late 1979. From a tiny town with the population of around 30,000 in 1979, Shenzhen has developed into a metropolis with the largest percentage of non-local

hukou population. According to the official statistics from the Bureau of Statistics of Shenzhen, the total resident population of Shenzhen was 10.46 million at the end of 2011, 74.4% of which does not have the Shenzhen *Hukou*. The huge amount of non-local *hukou* population makes Shenzhen the top migration city in China, which challenges the local education system and makes Shenzhen a typical case for this study.

According to the statistics from the Department of Education in Shenzhen (Shenzhen Education, 2012), in 2011, 77.3% of the newly enrolled first year students in primary schools do not have the Shenzhen *Hukou*. That figure for the newly enrolled first year students in junior middle schools is 67.4%. It does not clarify on the school types, whether they are all public schools or both public and private schools. 54.2% of the students receiving free compulsory education were non-local *hukou* students. These three figures mapped out to what extent the equal educational rights has been realized in Shenzhen at the end of 2011.

The Department of Education of Shenzhen stated in its annual report that all the eligible non-local *hukou* students have received free compulsory education (Shenzhen Education, 2012). Who is eligible? According to *Policy Interpretation on the School Enrollment of Compulsory Education (2012-2013)* (Shenzhen Education, 2012), non-local *hukou* children aged between 6 and 15 need to meet the following requirements to be eligible to receive compulsory education in Shenzhen:

1. Birth certificate of the child;
2. Original *hukou* certification of the child and the parents;
3. Valid Shenzhen residence permit or Temporary residence permit showing that one of the parents has lived in Shenzhen for one year or more;
4. Proof of living in Shenzhen: the valid house property certificate, house purchase contract or house rent registration from the street level government agency;
5. Proof of working in Shenzhen: employment and Social Security certification or business certification of the parents from the relevant Shenzhen government agency;
6. Proof of meeting One Child Policy from the street level government agency of living place;
7. Certification from the home government of the child's *hukou* registration or the

transfer certification from the previous school in the child's *hukou* place.

Compared with the local *hukou* children, non-local *hukou* children need to provide three more proof documents (1, 4 and 6 as listed above) for school enrollment of compulsory education. Exceptions exist. The policy interpretation mentioned above also identified four groups of non-local *hukou* children to be treated the same as the local *hukou* children. They are the children of 1) some servicemen and policemen, 2) Chinese citizens who have gotten their permanent residence permits abroad, 3) leaders of the central and local government representative offices in Shenzhen; 4) those desired by the Shenzhen government, such as the holders of “talented worker permits”, workers who have studied abroad. Special regulations exist for the children of Taiwan passport holders who are investing in Shenzhen.

According to the *Examination and Recruitment of High School in Shenzhen (2012)*, those non-local *hukou* students who graduated from junior middle school in Shenzhen can take part in the entrance examination and be recruited by high schools. In other words, those non-local *hukou* children who have studied in places other than Shenzhen can not take part in the entrance examination for high school even though their parents are working in Shenzhen.

Even though some non-local *hukou* students can study in Shenzhen's high school, they are denied from taking part in the entrance examination in Shenzhen for higher education. *The Policy Interpretation on the Examination and Recruitment of Higher Education in Shenzhen (2012)* released by the Shenzhen Enrollment and Examination Office has subdivided the non-local *hukou* students into two groups: those with the *hukou* registered in Guangdong province, and those with the *hukou* registered outside Guangdong province. Except for the children of the holders of talent residence permits, non-Guangdong *hukou* children can not take the entrance examination for higher education in Shenzhen. Even for students with a Guangdong *hukou*, only those who have registered as students in Shenzhen's high schools can take part in the entrance examination; but they cannot enter higher education agencies with the same scores as Shenzhen *hukou* students. As is mentioned in Chapter 4, local *hukou*

students of metropolises such as Beijing, Shanghai and Shenzhen, can be recruited by universities with a lower score in the entrance examination. Taiwan passport holders who have studied and graduated from the high schools in Shenzhen can take the entrance examination for higher education. They can also choose to take part in a special national entrance examination for higher education targeting Taiwanese citizen and those Chinese citizens who hold the permanent residence permit of Hong Kong, Macao and foreign countries. Foreigner with the permanent residence permit of China can take part in the entrance examination in Shenzhen for higher education.

To summarize, compared with Shenzhen *hukou* children, non-local *hukou* children in Shenzhen are required to provide three more documents for school enrollment of compulsory education; non-local *hukou* students graduating from Shenzhen's junior middle schools can take part in the entrance examination and be recruited by high schools; but they have to go back to their *hukou* place for the entrance examination for higher education. Even though Guangdong *hukou* students can take part in the entrance examination in Shenzhen, they cannot be recruited as Shenzhen *hukou* student by higher education institutions. An exception exists for Taiwanese citizens who have graduated from Shenzhen's high schools, Hongkong, Macao and foreign permanent residence permit holders, foreigners who obtain their permanent residence permits in China and the children of "Talented Residence Permit" holders. In a word, ordinary non-local *hukou* Chinese students cannot take part in the entrance examination in Shenzhen for higher education.

6.3.2 Beijing

As the capital of China, Beijing is one of the four municipalities directly under the jurisdiction of the Central Government. The other three are Shanghai, Tianjin and Chongqing. According to the Statistical Report of National Economy and Social Development of Beijing in 2011(BJ Statistical Information Net, 2012), the resident population reached 20.18 million at the end of 2011, 12.77 million of which have Beijing *Hukou* and 36.8% of which do not have the Beijing *Hukou*. Up to the start of the Autumn semester in 2011, the children of migrant workers aged for compulsory education has reached 0.47 million, 70% of which study in the public schools (the Beijing News, 2012).

According to the *Suggestions on the School Enrollment of Compulsory*

Education in Beijing (2012) released by the Beijing Municipal Commission of Education on May 7, 2012, with the following five documents, the parent(s) can go to the government agency of their living place to apply for their non-local *hukou* children to receive compulsory education in Beijing:

1. Original *hukou* certification of the child and the parents;
2. The parents' temporary residence permit in Beijing;
3. Proof of living in Beijing;
4. Proof of working in Beijing;
5. Proof from the home government of one's *hukou* place showing that there is no guardian available for the child to study in the *hukou* place.

The document identified four groups of people whose non-local *hukou* children will be treated the same as local *hukou* children. They are 1) Taiwanese citizens, 2) Postdoctoral researchers, 3) military serviceman and 4) Chinese citizens who have obtained their permanent residence permits abroad. Additionally, other groups of people such as desired workers and people who have studied abroad can get some priority in the school enrolment of their non-local *hukou* children.

According to the *Notice on the Examination and Recruitment of High Schools in Beijing (2012)* released by the Beijing Education Examinations Authority on March 28, 2012, seven kinds of non-local *hukou* children can take part in the entrance examination to high school in Beijing. One of their parents must be 1) a previous Beijing *hukou* holder who was motivated by the government or state-owned company to work in remote rural areas during China's Cultural Revolution (*zhiqing*, in Chinese), 2) a Taiwanese citizen, 3) a Postdoctoral researcher, 4) a serviceman in Beijing, 5) the holder of a "Beijing Working Permit", 6) the holder of a Beijing *hukou* and 7) an employee of a construction company named "*Zhong Jian Hua Bao*" in Chinese. A "Beijing Working Permit" is similar to Shenzhen's "talented worker permit", and is open to application only for those who have worked for at least two years and hold a bachelor's degree, or those who have a certification of intermediate technical qualification. According to Beijing Statistical Yearbook (2011), in 2010, 3.8 million Beijing residents held a bachelor's degree or above, which is less than 16% of the total resident population of Beijing. The non-local *hukou* population was 7.04 million in 2010. I cannot find the exact numbers of how many non-local *hukou* people have been issued with "Beijing Working Permit", but it can be inferred from the

amount of degree that only small part of the non-local *hukou* population can apply for the “Beijing Working Permit”.

Even though seven groups of non-local *hukou* students can study in Beijing’s high schools, they cannot take part in the entrance examination for higher education in Beijing. Instead, all the non-local *hukou* students, except for foreigners with the permanent residence permit of China, have to go back to their *hukou* place to take part in the entrance examination for higher education. The problem is that the textbooks used in Beijing’s high schools are different from others. The students who study in Beijing’s high schools will be at a disadvantage when taking the entrance examination in their *hukou* place. The entrance examination for higher education is viewed as the most important event for a student in China because it is the only path to higher education. For a person in an undeveloped area, it is believed to be the only opportunity to change his or her fate. The one and only aim of 12 years’ study is to pass the examination and be recruited by a university or college. Beijing’s policy on entrance examination for higher education leaves the non-local *hukou* students in Beijing with no choice. To stay with parents in Beijing, non-local *hukou* children have to give up their dreams of entering into university; to realize their university dreams, they have to study and live alone for three years of high school education in their *hukou* place.

To summarize, non-local *hukou* children in Beijing have to provide five documents for school enrollment of compulsory education. Only seven kinds of non-local *hukou* students can take part in the entrance examination in Beijing for high schools. While no one without the local *hukou* can take part in the entrance examination in Beijing for higher education. The only one exception is foreigners holding the permanent residence permits in China.

6.3.3 Shanghai

Lying at the mouth of the Yangtze River, Shanghai is one of the four municipalities directly under the jurisdiction of the Central Government. According to the Statistical Report of National Economy and Social Development of Shanghai in 2011 (STATS-SH, 2012), in 2011, the resident population reached 23.47 million, 14.19 (60.46%) million of which has Shanghai *Hukou*. It indicates that the migrant population in Shanghai was more than 9 million at the end of 2011. The huge number

of migrants is why I chose Shanghai as a case for this study.

Dong Fang Daily (2011) reported that there were 0.50 million non-local *hukou* students receiving free compulsory education in Shanghai in 2011, 73.53% of which were studying in public schools and the rest in 158 private schools which cooperate with the government to provide compulsory educational services. To receive free compulsory education in Shanghai, non-local *hukou* students need to provide four documents for school enrollment, according to the *Implementation Suggestions on the School Enrollment of Compulsory Education in Shanghai (2012)*:

1. Residence permit of the child;
2. Residence permit of the parent(s) showing that the parent(s) has (have) lived in Shanghai for one year or more;
3. Document of the parent(s) working in Shanghai: the social security record of one year or more, or the proof of work for one year or more from the street level government agency.
4. Vaccination record of the child.

With these four documents, the parents can apply to the local education administration agency for the school enrollment of the child. According to the policy, the local education administration agency will then arrange for the child to be enrolled in a school. The majority of non-local *hukou* children go to the public primary school. For those areas without enough seats in the public schools, the children should be arranged to study in private primary schools which cooperate with the government to provide free compulsory education service. All the non-local *hukou* children graduating from the primary school should be allowed to study at public junior middle schools.

The local *hukou* children need to provide three documents for school enrollment: 1) the proof of holding the Shanghai *hukou*; 2) the proof of living in Shanghai and 3) vaccination record of the child. Comparing the school enrollment documents for both non-local *hukou* children and local-*hukou* children, it is easy to find that only one more document (document 4 as is mentioned above) is required for the non-local *hukou*. Compared with the required documents in Shenzhen and Beijing, Shanghai makes it easier for the non-local *hukou* children to receive compulsory education.

Eight groups of non-local *hukou* students can take part in the entrance examination for high schools in Shanghai, according to the *Notice on the Examination and Recruitment of High Schools in Shanghai (2012)* released by the Shanghai

Education Commission on December 9, 2011. They are the children of 1) holders of a “Talented Residence Permit in Shanghai”; 2) Postdoctoral researchers; 3) employees of some companies authenticated by Shanghai government; 4) employees of central and local government representative offices in Shanghai; 5) previous Shanghai *hukou* holders who were motivated by the government or state-owned company to work in remote rural areas during China’s Cultural Revolution (*zhi bian* or *zhiqing*, in Chinese) and 6) Shanghai *hukou* holders and 7) Taiwanese citizens. The eighth group refers to the students who hold a “Blue *hukou*” of Shanghai (Blue *hukou* was issued by the Shanghai government during 1994 and 2002 to attract investments). Besides, Hong Kong, Macao and foreign passport holders can also take part in the entrance examination for high schools in Shanghai. Except for Group 1) and 2), to be able to take part in the entrance examination for high schools, all the other children mentioned above need to graduate from middle schools in Shanghai. Foreign passport holders can study in high schools without taking part in the entrance examination.

Eleven groups of non-local *hukou* students can take part in the entrance examination in Shanghai for higher education, according to *Notice on the Examination and Recruitment of Higher Education in Shanghai (2012)* released by the Shanghai Education Commission. They are the children of 1) the holders of “Talented Residence Permit in Shanghai” (Type A), 2) the holders of the “Talented Residence Permit in Shanghai” (Type B), 3) previous Shanghai *hukou* holders who were motivated by the government or state-owned company to work in remote rural areas during China’s Cultural Revolution (*zhi bian* or *zhiqing*, in Chinese), 4) Shanghai *Hukou* holders, 5) employees of some companies authenticated by Shanghai government, 6) employees of some state-owned companies in *Mei Shan*, *Da Tun* and *Lu Kuang*, 7) Postdoctoral researchers, 8) overseas talented people working in Shanghai. 9) Blue *Hukou* holders, 10) foreigners holding the permanent residence permit of China, and 11) other students with the approval of Shanghai Education Commission can take part in the entrance examination in Shanghai.

From the Shenzhen policy on examination and recruitment of higher education, we know that Guangdong *hukou* students can take part in the entrance examination in Shenzhen for higher education but can not be treated the same as Shenzhen *Hukou* students in recruitment. There is no clear statement in Shanghai's policy document showing whether these eleven groups of non-local *hukou* students are treated the same as Shanghai *hukou* students in higher education recruitment. The policy document above only says that these eleven groups of non-local *hukou* students can take part in the entrance examination in Shanghai for higher education. We can infer that these eleven groups of non-local *hukou* student are treated the same as Shanghai *hukou* students since there is no additional statement in this policy document saying that these eleven groups of students can not be recruited as Shanghai *hukou* students. To make sure the policy has been interpreted correctly, I left a message on the "Ask and Answer" section of Shanghai Education Commission's website. It was replied to, and was confirmed by the Shanghai Education Commission that all the eleven groups of non-local *hukou* students are treated the same as Shanghai *hukou* students in the entrance examination and recruitment of higher education.

To summarize, non-local *hukou* children in Shanghai are required to provide four documents for school enrollment in compulsory education. Seven groups of them can take part in the entrance examination for high schools and study in Shanghai. Eleven groups of non-local *hukou* students can take part in the entrance examination in Shanghai for higher education and be treated the same as Shanghai *hukou* students in recruitment.

6.4 Comparing the Cases: Who Is Excluded?

6.4.1 Policy on School Enrollment of Compulsory Education

By comparing the enrollment requirements of compulsory education of these three cities, two common elements in the requirement lists have emerged. First, parents of the non-local *hukou* children must have worked steadily in the receiving city for at least one year; second, parents of the non-local *hukou* children must have lived in the receiving city for at least one year. Even though proofs of these two requirements are easy to get, they still exclude those non-local *hukou* children whose parent(s) are newly settled in the receiving cities. The rationale behind these two requirements is that one needs to contribute as a tax payer before enjoying the public education service. From the perspective of equal citizenship, this rationale is still unacceptable because the compulsory education is the basic public education service which should be provided to all the citizens without barriers. “Perhaps the core of the notion of social rights is that of decoupling achievement from entitlement: everyone should be entitled to the minimum standard seen as appropriate for a given society, whether or not they are able to make an economic contribution” (Castles and Davidson, 2000:110) On the other hand, as soon as the non-local *hukou* family steps into the territory of receiving cities, it has already been taxed for the traffic, food and housing, which makes the one year requirement of tax contribution in advance of education unjustified.

Compared with Shenzhen and Beijing, Shanghai is more open to non-local *hukou* children participating in compulsory education. Compared with the Shanghai *hukou* children, non-local *hukou* children are required to have one more document—the proof that one of the parents works in Shanghai—for school enrollment. Shenzhen requires seven total documents and Beijing requires five. The more documents required the more non-local *hukou* children are excluded.

The seventh document required by Shenzhen and the fifth document required by Beijing work to exclude those children from poor socioeconomic families whose *hukou* place is far away from the host city. China is large in geographic territory and the cost of transportation is relatively high compared to the average income. A reserved seat train ticket of 13 hours from Beijing to Changsha, the capital city of Hunan province where most migrant workers emigrate from, costs 191 RMB (nearly the same in SEK), a berth ticket costs 324 RMB. Compared with a train ticket price, the price of plane ticket is relatively flexible but still not low. The full price of a plane ticket for a 2 hour flight from Beijing to Changsha is around 1300 RMB with taxes and fees, and even the lowest special price is higher than 500 RMB as I have observed.

According to the report released on January 20, 2012 from the National Bureau of Statistics of China, the average annual income, excluding social insurance taxes and other fees, is nearly 24000 RMB for urban citizen and 6977 RMB for rural citizens (NBSC, January 2012). It is important to take into account that the income gap between urban residents is quite large in China. The prices showed above are just examples which show that the high cost of transportation between the host city and one's *hukou* place may discourage the non-local *hukou* population from returning hometown to their hometowns in order to secure the documents required for children's school enrollment.

Compared with the other two case cities, Shenzhen's policy excluded more non-local *hukou* children. It is required that the family must meet the One Child Policy. This means children from families that broke the One Child Policy will be excluded from studying in Shenzhen's public schools.

To sum it up, among the three cities, Shanghai's policy is the most open one in providing compulsory education to non-local *hukou* children. Shenzhen's policy excludes more non-local *hukou* children than the other two cities. Shanghai requires the least amount of documents for compulsory education enrollment of the non-local *hukou* population. The children can easily be eligible to apply for school enrollment when either one of their parents have lived and worked in Shanghai for at least 1 year. Both Beijing and Shenzhen require the proof from the government of one's *hukou* place, which could exclude children from low income families whose *hukou* place is far away from Beijing or Shenzhen. Shenzhen's policy excludes children from families who have not adhered to the One Child Policy. It is also important to notice that all these three cities' policies exclude those new comers who have worked in the receiving city for less than a year.

6.4.2 Policy on Examination and Recruitment for High Schools

Seven groups of non-local *hukou* students in Beijing and eight groups in Shanghai can take part in the entrance examination for high schools in their resident cities. Five groups from both cities are the same. They are the children of 1) previous local *hukou* holders (*zhibian* or *zhiqing*, in Chinese), 2) temporary local *hukou* holders, 3) Postdoctoral researchers, 4) holders of talented residence permits of that city and 5) Taiwan citizens. They can be further categorized into three types: the children of the

previous and temporary local *hukou* holders, the children of well-educated intellectuals, and the children of Taiwan citizens. It is obvious that both cities' policies exclude those non-local *hukou* children of families with lower socioeconomic statuses.

In Shenzhen, non-local *hukou* students who have recently graduated from Shenzhen's middle schools can take part in the entrance examination for high schools. On one hand, compared with Beijing and Shanghai, Shenzhen's policy does not exclude any non-local *hukou* students who are receiving compulsory education in Shenzhen; on the other hand, it excludes those non-local *hukou* children who have graduated from junior middle schools in places other than Shenzhen. I cannot tell from the policy itself whether Shenzhen's policy excludes more students from taking part in the entrance examination for high schools. It is an empirical question which needs further investigation.

6.4.3 Policy on Examination and Recruitment for Higher Education

As is mentioned in the Shenzhen case, a special national entrance examination for higher education is held each year for Taiwan citizens, Chinese citizens with the permanent residence permit of Hong Kong, Macao and foreign countries. Even though without a local *hukou* of the three case cities, people mentioned above still have the chance to receive higher education. Foreigners with the permanent residence permit of China are also allowed to take part in the entrance examination in all three case cities, while not all Chinese are treated the same.

Beijing's policy is the harshest to non-local *hukou* students, which excludes all non-local *hukou* students from taking part in the entrance examination for higher education in Beijing. Shenzhen allows three groups of non-local *hukou* students to take part in this examination: Taiwan citizens, children of "Talented Residence Permit" holders, as well as Hong Kong, Macao and foreign permanent residence permit holders. Shanghai allows ten groups of non-local *hukou* students to take part in this examination in Shanghai. Except for Taiwan citizen, all the other six groups of non-local *hukou* children who can take part in the entrance examination for high schools can also take part in this examination in Shanghai.

To summarize, the equal right to take part in the entrance examination for higher education is not ensured for most non-local *hukou* students in Beijing, Shenzhen and

Shanghai. Beijing's policy is the most conservative, which allows no non-local students to take part in the entrance examination for high school in Beijing. Even though Shanghai's policy shows a complete openness to non-local *hukou* children of intellectuals, ordinary non-local *hukou* students whose parents cannot be issued with any types of "talented residence permit" are denied from the equal right to this examination.

7 Conclusion

7.1 Multi-Layered Citizenship Status among Non-Local *Hukou* Children

With the huge increase in internal migration, more and more people live in places other than their registered permanent resident places (*hukou* place). The educational rights of non-local *hukou* children have also been challenged. This paper has attempted to reveal the educational rights status of non-local *hukou* children at the institutional level, focusing on accessibility to compulsory education, high school studies and higher education. Both central government policies and three case cities' policies have been examined.

Since 1998, the central government policy on compulsory educational rights has been adjusted by 11 released policy documents, which are analyzed from the institutional level in three dimensions: the financial arrangements, school service provisions and the school enrollment regulations. It has been found that before 2008, the central government only targeted the problems faced by peasant workers' children. Since 2008, there has been a tendency for the central government to try to solve the problems for larger parts of migrant children. I cannot say that the central government has been determined to solve the problems faced by all migrant children because the target population of its recent policies was quite vague. It is proper to conclude that the adjustment of the central government's policies on compulsory education have shown a move forward in protecting the educational rights of the peasant worker's children, but the policy makers are still hesitant to solve the problem for all of the non-local *hukou* population.

A further move in policy adjustment happened in the central government policy on the entrance examination for high school and higher education. For the first time, the concept of non-local *hukou* children appears in the policy document, even though the actual target group is only a part of them. Although the central government's policy itself does not make any innovation compared with the local policy of Shanghai, it still contributes to pointing out the direction for local policy adjustment, which is quite meaningful for non-local *hukou* children in cities with much more strict contemporary policies, such as Beijing and Shenzhen.

The citizenship status of non-local *hukou* children is quite diversified and localized in contemporary China. The central government has adjusted the policies that focus on the educational rights of children, but has not yet taken all non-local *hukou* children into account. The local governments have more power in determining to what extent the non-local *hukou* population can enjoy equal citizenship at the same level of that enjoyed by locals. Compared with Shenzhen and Beijing, Shanghai has taken a bigger step forward in promoting the equal compulsory educational rights for the majority of non-local *hukou* children.

The right to compulsory education of the non-local *hukou* children is better ensured compared with the right to take part in the entrance examinations for high schools and higher education. However, exclusion in this study period still exists both in the central government policy and in the policies of the three cities. In the latest central government policy document on compulsory education, the target group of so-called "children of migrant workers" is quite vague. Not all non-local *hukou* children are targeted. Shenzhen's policy could be the most exclusive to non-local *hukou* children both from low income families and from families which did not adhere to One Child Policy. Even though Shanghai's policy is the most open to non-local *hukou* children, it still excludes the children whose parents have recently relocated to Shanghai for less than a year previously.

Instead of by being a Chinese citizen themselves, citizenship status of non-local *hukou* children is determined by the socioeconomic status of their parents. As a general rule from the central government's policy, steady job, steady accommodation and years of social insurance tax paying are required for parents of the non-local *hukou* students who want to take part in the entrance examination for high schools and higher education. Non-local *hukou* children of well-educated intellectuals are ensured the equal right to take part in the high school entrance examinations in these three

cities, and for higher education in Shenzhen and Shanghai. While non-local *hukou* children of ordinary Chinese citizens who cannot obtain any kind of “talented residence permit” are excluded in these three cities.

The equal educational rights between local *hukou* children and non-local *hukou* children are not valued in the policies on the entrance examinations for high schools and higher education in these three cities. To protect the interests of local *hukou* students, Beijing has denied all the non-local *hukou* children, except foreigners, to take part in the entrance examination for higher education. Shanghai has only ensured the right of eleven groups of non-local *hukou* children, and most of these eleven groups are the children of well-educated intellectuals desired by the Shanghai government.

Multi-layered citizenship status exists among non-local *hukou* children. Just like the existence of multi-layer citizenship among urban *hukou* citizen and rural *hukou* citizen, local *hukou* citizen and non-local *hukou* citizen, at least three layers of citizenship status among non-local *hukou* children can be identified in terms of educational rights. Foreigners, Taiwan citizens and Chinese citizens who hold the permanent residence permit of Hong Kong, Macao and foreign countries are at the top level. The foreigners can take part in the entrance examination for higher education in these three cities; the other two groups enjoy the right to take a special national entrance examination for higher education in these three cities. The well-educated intellectuals are at the second level. They enjoy a complete citizenship status in Shenzhen and Shanghai at the same level as local *hukou* citizens, even though it is not the case in Beijing. The ordinary Chinese citizens can be categorized into the third level whose non-local *hukou* children are excluded from enjoying equal educational rights at the same level as local *hukou* children. Further divisions can go on in the third level, but it will not be discussed in this paper.

To summarize, compared with later study periods, the equal educational rights of non-local *hukou* children in compulsory education is relatively well ensured. Exclusion can still be found by analyzing the policy documents. Not all non-local *hukou* children can enjoy the right to compulsory education in the receiving cities as of September 2012. Among the three cases, Beijing is the most conservative in the sense that it has denied all non-local *hukou* children from participating in the entrance examination for higher education. Shanghai is the most open to non-local *hukou* children in all three study periods, but the equal educational rights between non-local

and local *hukou* children has still not been completely realized. Shenzhen lies in the middle in terms of the realization of non-local *hukou* children's equal educational rights. The right of non-local *hukou* children to attend high schools and higher education in these three cities is determined by the socioeconomic status of their parents instead of by being Chinese citizens. At least three layers of citizenship status can be identified among non-local *hukou* children in terms of educational rights. Foreigners, Taiwan citizens and the Chinese citizens who hold a permanent residence permit of Hong Kong, Macao and foreign countries enjoy full citizenship as the local *hukou* people. The children of well-educated intellectuals are at the second level. The non-local *hukou* children of ordinary Chinese citizens other than these two groups mentioned above are at the third level. Their educational rights to high schools and higher education in these three cities are not ensured. Through the careful policy analysis made in this paper, it can be concluded that the concept of equal citizenship has not yet become the core value in public policy making.

7.2 Suggestions for Further Studies

As Paul Atkinson and Amanda Coffey (Silverman, 2011:79) said “we can not treat records—however ‘official’—as firm evidence of what they report.” All the official policy documents from both central and local governments used in this paper are only what the government has said to the public, which does not mean that this is what has happened in practice. This paper only studied the exclusion at the institutional level with analysis of the content of these policy documents. It is difficult to determine what has happened in practice. Further studies on the implementation of these policies would be interesting.

As a citizenship study, this paper focuses on the educational rights status of non-local *hukou* children in three educational periods. I have found that Beijing did the worst job of ensuring the educational rights of non-local *hukou* children and Shanghai did the best. Why do such differences exist? What caused the policy changes? It would also be interesting to investigate these questions.

8 Executive Summary

Background and Research Question

China has experienced a huge increase in internal migration since the economic reform was launched at the end of the 1970s. In the process of industrialization and urbanization, a large amount of population has moved from rural to urban areas, as well as from small cities to large cities, for better living conditions. Studies revealed that this one-direction internal migration has shown two trends. First, family migration has becoming more and more popular. Around 60% of children of the migrant population move with their parents. Second, migrant populations tend to settle in the receiving cities as long term residents. 50% of the migrant population has lived for at least three years in the receiving cities. When the children, who live with their parents in the receiving cities grow up, their rights to education usually cannot be fulfilled simply because they do not possess the local *hukou* (household registration).

Previous studies mainly focused on the migrant children's right to free compulsory education. It is shown that migrant children have a lower level of educational rights. However, migrant children are only one group of the children who are denied from the access to educational rights due to the lack of local *hukou*. According to my empirical observation, children without the local *hukou* (non-local *hukou* children, as will be mentioned in the following parts) are not only denied compulsory education but also from access to high school study and higher education in their resident cities. By analyzing central and local governments' relevant policies, this paper tried to investigate the citizenship status of non-local *hukou* children in terms of educational rights at the institutional level. The research question is: To what extent have the central and local governments ensured the educational rights of non-local *hukou* children at the institutional level?

Citizenship and *Hukou*: Multilayered Chinese Citizenship

Citizenship is primarily a membership which defines the responsibilities of the nation-state and the rights of the citizens. Equal rights and access to rights are its core components. Various rights have been identified by scholars who hold differing perspectives, while equal educational rights always lies at the center of full citizenship. Chinese citizenship is multilayered in the sense that Chinese citizens are divided into different groups in terms of citizenship status according to where the citizens have their *hukou* registered.

Hukou, formally called *hujū*, is the Chinese term referring to the official household registration record. It shows which administrative area a person is registered in as a permanent resident. A new born infant will be registered with a *hukou* within a month of its birth at either one of the parents' *hukou* addresses. Relocation of *hukou* requires the approval of both the receiving and original governments.

The *hukou* system divides Chinese citizenship into several layers. It first divided the Chinese population into rural and urban populations when it was established in 1958. Access to some welfare benefits such as free compulsory education is tied to one's *hukou*. In this sense, people living in big cities usually possess a higher level of citizenship status compared with people in small cities or rural areas. Aside from rural and urban *hukou* division, the Chinese population is also divided into local *hukou* population and non-local *hukou* population. The non-local *hukou* population usually has a lower level of social welfare benefits, or is even denied to some welfare benefits in some cities. In other words, the non-local *hukou* citizens are entitled to a lower level of citizenship status compared with citizens who have the local *hukou*. Multi-layered citizenship exists among Chinese citizens.

Methodology and Research Findings

To answer the research question, this paper combined a structured, focused comparison with case studies based on document analysis. First, it examined the central governmental policies. Policies concerning the non-local *hukou* children's

rights to compulsory education, high school study and higher education have been examined. Then, a multiple case study of three cities, namely Shenzhen, Beijing and Shanghai, was conducted focusing on the accessibility to educational rights in those three study periods. Finally, with-in case analysis of each case and cross-case comparison was applied to find out the similarities and differences among the cases. As a citizenship study, this paper investigated the citizenship status of non-local *hukou* children at the institutional level with a focus on their educational rights. Based on public policy documents from both the central government and the local government, this research has resulted in findings presented below.

The equal educational right of non-local *hukou* children to compulsory education is relatively well ensured compared with the other two study periods. Exclusion can still be found though because non-local *hukou* children are still not guaranteed the right to compulsory education in the receiving cities as of September 2012. Among the three case cities, Beijing is the most conservative. It has denied all non-local *hukou* children from participating in the entrance examination for higher education. Shanghai is the most open to non-local *hukou* children in all three study periods, but the equal educational rights between non-local and local *hukou* children has still not been completely realized. Shenzhen lies in the middle in terms of the realization of non-local *hukou* children's equal educational rights.

Citizenship status of non-local *hukou* children is determined by the socioeconomic status of their parents. For their children to be eligible for the entrance examination for high schools and higher education, parents of non-local *hukou* children must have a steady job, steady accommodation and proof of years of social insurance tax payment. Multi-layered citizenship status even exists among non-local *hukou* children.

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