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Uyghurs to China:

"Return our relatives' passports"

Uyghur Human Rights Project | August 2020



Introduction

According to the <u>China Daily</u>, my father is living a free life. This freedom includes freedom of movement, and that means the Chinese government should give back my father's confiscated passport and allow him to travel inside and outside China.

- Samira Imin, daughter of publisher and historian, Iminjan Seydin

yghur Americans are calling on the Chinese government to return their relatives' passports and permit travel overseas for family reunifications in the United States.

The call follows a <u>claim</u> by Chinese authorities <u>that</u> Uyghur individuals "should place trust in the government that their Chinese passports will be renewed or reissued according to relevant laws." The official spoke in direct response to a recent Uyghur Human Rights Project (UHRP) <u>report</u> detailing a pattern of passport renewal denials overseas and passport confiscations in the Uyghur region.

Given the claim by Chinese officials, Uyghur Americans are now asking state authorities to issue passports to their relatives. Uyghurs across the globe are also posting calls on social media for the return of their family members' passports.

UHRP joins these voices and urges China to meet domestic and international obligations to provide travel documents and remove restrictions on freedom of movement.

Uyghur Americans Speak Out

In interviews with UHRP, several Uyghur Americans shared their tragic personal stories and express their concerns.¹

<u>Ferkat Jawdat</u>, son of <u>Minewer Tursun</u>, who spent 15 months interned in camps:

My father came to the United States in 2006 and applied for asylum. Once his case was approved, he applied for the whole family to join him, including my mother. My three siblings and I came to the USA in 2011. Although my mother was approved by the U.S. to reunite with her family members, the Chinese government denied her a Chinese passport [see Appendix for an image of the USCIS decision letter].

After spending more than 15 months between camps and prison between 2018 and 2019, my mother was released in May 2019. In November 2019, in response to <u>U.S.</u>

¹ UHRP staff interviewed six Uyghur Americans in June and July 2020. Interviews were conducted via phone or email.

<u>State Department concern</u> about my family's situation, the <u>Chinese government</u> <u>said</u> my mom was stuck in China because she had no U.S. visa.

I hope the Chinese government will prove their own statements by issuing my mother a Chinese passport and letting her come to the U.S. to reunite with us. It's been more than 14 years since my parents were separated. For more than nine years my mother has been living by herself just hoping one day she will get her Chinese passport and come to the U.S.

<u>Subi Mamat</u> and <u>Iskandar Mamat</u>, daughter and son of <u>Mamat Abdullah</u>, former regional Head of Forestry:

On April 29, 2017, the day of our parents' departure to the U.S. to visit their newborn grandchild, our father, Mamat Abdullah, was taken by Chinese officials and their passports were confiscated within a few hours of his disappearance.

Until now, our mom has neither been able to get in touch with her husband, nor has she been able to come to the U.S. to visit us. After many years of restricting Uyghurs leaving the country, China is now stating Uyghurs are allowed to have their passports and travel while they are still locking up millions of innocent Uyghurs, including our father.

If they stay true to their statement, we demand China to return our parents' passports and release our innocent father and let them visit us without violating their freedom of movement.

<u>Mustafa Aksu</u>, Program Coordinator for Research and Advocacy, Uyghur Human Rights Project:

My parents submitted their passports to the local authority in January 2017 at the request of the Public Security Bureau. If every citizen has a right to hold a passport as stated by the Chinese authorities, XUAR public security should return my parents' passports and let them keep it at home or on their person.

<u>Nury Turkel</u>, Commissioner, U.S. Commission on International Religious Freedom, and Board Chair, Uyghur Human Rights Project:

Restricting Uyghurs' freedom of movement is one of China's brutal methods to create fear amongst Uyghurs around the world. The fear that their relatives may not be able to travel outside of China keeps some overseas Uyghurs from advocacy work and limits the full enjoyment of their freedom of speech rights. Furthermore, the Chinese government denies passports to relatives of Uyghur activists as a tool of retaliation.

The People's Republic of China falsely claims Uyghurs are happy minorities and enjoy rights and privileges according to the law; however, the state routinely violates their own rules and regulations, especially regarding passport issuance. Ironically, those Uyghurs who had been issued passports and traveled to countries such as Turkey, Malaysia, and Egypt were among the first to be rounded up and forcibly returned. In China, laws exist mostly on paper and are selectively followed.

UHRP report on passport denials

The Chinese government has long restricted Uyghur access to passports as a means of control. In April 2020, UHRP published <u>Weaponized Passports: The Crisis of Uyghur Statelessness</u>. The report documents the crisis of statelessness among Uyghurs overseas who have been denied renewal of their passports by Chinese diplomatic missions. Based on interviews with Uyghurs holding expired or expiring passports, the report detailed how Chinese embassy officials tell Uyghurs the only way to renew a passport is to return to China. Those Uyghurs who have returned to China have disappeared. Those who have not returned are deprived of legal status abroad, which has a direct impact on their livelihoods, freedom of movement, and capacity to start new lives.

Weaponized Passports also built on <u>UHRP research undertaken in 2013</u>, which described the difficulties faced by Uyghurs in China when attempting to obtain a passport. The challenges included discriminatory practices in the application process, official corruption, and targeted confiscations of passports in a pattern stretching back to 2006.

The Chinese government responds to UHRP's report

n April 29, Yalkun Yakuf, deputy director of the XUAR Department of Public Security, held a press conference responding to UHRP's research on passports. Two Chinese state media outlets, *Global Times* and *China Daily*, reported his remarks. Yalkun claimed: "Most passport renewal or reissuance requests by applicants from Xinjiang have been accepted and approved by Chinese embassies and consulates. A very small number of them were refused as their applications failed to meet Chinese laws or they were suspected of being involved in terrorism-related activities."

An interview with a spokesperson for the XUAR Information Office published on the CGTN website also included claims that passports are issued to Uyghurs without discrimination. The official, whose name is given as Elijan Anayit, stated, "According to our knowledge, most passport renewal or re-issuance requests by applicants from Xinjiang

have been accepted and approved by Chinese embassies and consulates. Very few of them were refused as their applications failed to qualify Chinese laws, or they were suspected of being involved in terrorism-related activities."

At the April 29 press conference, Yalkun added that Uyghurs "should place trust in the government that their Chinese passports will be renewed or reissued according to relevant laws." Despite such claims, overseas connections, travel abroad and passport applications are well-documented causes for the internment and imprisonment of Uyghurs.

In February 2020, UHRP published an <u>analysis of a leaked Chinese government document</u>. The "Qaraqash Document" contains in-depth information about the familial and social circles of internees from eight Qaraqash neighborhoods. The purpose of the data is to evaluate whether internees should remain in detention or be released. Many entries list <u>travel overseas</u> as a reason for internment, sometimes specified as travel to one or more of 26 "sensitive countries," mostly Muslim-majority nations such as neighboring Central Asian states, Malaysia, Indonesia, and a number of African countries, among others.

Furthermore, applying for a passport is also a frequently listed reason for detention, even in cases when the person has never left the country. Many individuals appear to have been interned for merely applying for a passport in 2015, when Uyghurs were briefly encouraged by the government to do so. The campaign to encourage Uyghurs to apply for passports, following a period of many years when passports were very difficult to obtain, has raised a question that remains unanswered. Analysts have not ruled out the possibility that the government pushed passport applications because it was deliberately seeking to identify Uyghurs who had a desire to travel.

Uyghurs across the globe speak out on social media

yghurs in the diaspora took to social media in early 2020 to register their disatisfaction over the inability of their relatives to obtain passports. Others, in response to Chinese state-media reactions to UHRP research, contradicted government claims that relatives' passports have been renewed or reissued:













China should meet domestic and international obligations on passports

A rticle 12 (2) of the International Covenant on Civil and Political Rights states: "Everyone has the right to leave any country, including his own." Uyghurs who are denied passports cannot leave any country, however, and any return to China would present a clear danger. The Chinese government's refusal to issue and renew Uyghurs' passports amounts to a violation of their right to leave, and in countries where Uyghurs are not able to apply for refugee status, effectively renders them stateless. A Communication issued by the Human Rights Committee in 2004 detailed how "passports are the sine qua non of the right to leave." Refusal to issue a passport amounts to a violation of this right as established in international law.

Article 13 of the <u>Passport Law of the People's Republic of China</u> states:

The passport issuing authority shall refuse to issue a passport if the applicant: (1) does not possess the nationality of the People's Republic of China; (2) cannot prove his identity; (3) practices fraud in the course of application; (4) is punished for a crime and is serving a sentence; (5) is not allowed to leave the country because of an unsettled civil case, as is notified by a people's court; (6) is a defendant in a criminal case or a criminal suspect; or (7) is a person who the relevant competent department of the State Council believes will undermine national security or cause major losses to the interests of the State.

UHRP concurs with the position of exiled Uyghurs asking for the return of their relatives' passports: the Chinese authorities are unable to produce a meaningful or convincing case for denials of travel documents under these seven conditions. The vague wording of Article 13 (7) of the passport law also fails to meet international standards of respect for human rights in national security.

UHRP joins Uyghur Americans and all Uyghurs overseas in the call for the return of passports to Uyghurs inside China, and for the removal of discriminatory and corrupt practices in the application process. The Chinese authorities should not deny Uyghurs the right to leave China or block family reunions outside of China as a tool of repression and control.

Appendix

Department of Homeland Security U.S. Citizenship and Immigration Services

I-797, Notice of Action

THE UNIVERD STATES OF AMERICA

ECEIPT NUMBER SRC-07-243-51446		CASETYFE 1730 REFUGEE ASYLEE RELATIVE PETITION
August 10, 2007	PRIORITY DATE	
June 16, 2008	PAGE 1 of 1	

Notice Type: Approval Notice Class: ASY

Your Refugee/Asylee Relative Petition for the family member(s) listed on this notice has been approved in accordance with Section 208 of the Immigration and Nationality Act, and forwarded to the Department of State National Visa Center, 32 Rochester Ave., Portsmouth, NH 03801. This completes all USCIS action on this petition.

The Department of State will notify the U.S. Embassy or Consulate abroad having jurisdiction over the area where your relative(s) resides. The consular post will contact your relative(s) regarding procedures to be followed for travel to the United States.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
TEXAS SERVICE CENTER
P O BOX 851488 - DEPT A
MESQUITE TX 75185-1488

Customer Service Telephone: (800) 375-5283



Form I-797 (Rev. 01/31/05) N

U.S. Department of Homeland Security



Guangzhou

Street Address:

U.S. Citizenship and Immigration Services Department of Homeland Security/USCIS c/o U.S. Consulate General Guangzhou Tian Yu Garden - 5th Floor 136-146 Lin He Zhong Lu Tian He District, Guanezhou

Mailing/Express Mailing Address: American Consulate General

1 Shamian South Street Guangzhou 510133 China

Telephone: 8620-8121-8000

8620-3884-4416

CIS-Guangzhou.Inquiries@dhs.gov

Date: Nov 09, 2011

NOTICE OF RECEIPT AND INTERVIEW

Refugee/Asylee Relative Petition - Form I-730

BENEFICIARY:

Minaiwaier TUERSUN

Name: Address:

Yining XINJIANG 835000 CHINA MAINLAND

A-Number:

Receipt Number: SRC0724351446

The Form I-730, Refugee/Asylee Relative Petition, that your relative filed on your behalf at the Texas Service Center was received by this office on Apr 13, 2011 for further processing. As a next step, a U.S. Citizenship and Immigration Services (USCIS) Officer must interview you in person to determine your eligibility to immigrate based on your relationship with your relative in the United States. During the interview, you will be asked to provide evidence of your identity and your relationship to your petitioning relative. The interview will also serve as an opportunity for this office to assemble the documentation needed (e.g. passports, photos, required forms, medical reports, etc.) to continue processing your case.

We have scheduled you for an interview with this USCIS office at the U.S. Embassy/Consulate located at the street address listed in the upper right corner of this notice.

Your interview is scheduled for Dec 27, 2011 at 8:00am.

Please bring this letter with you on the day of your interview as it will allow you to enter the USCIS office.

If you are unable to attend this interview, please contact this office as soon as possible to re-schedule your appointment.

DOCUMENTS YOU MUST BRING TO THE INTERVIEW:

Your case cannot be processed to completion without proper documentation. Please bring to the interview all of the items listed below. For all documents written in a language other than English, you must also provide a certified English translation. If you are bringing original documents, please provide a copy that we may keep.

Your passport, travel document and/or picture identity card.

Appendix: USCIS decision letter to Ferkat Jawdat's mother Minewer Tursun.

面试地点为: 广州市天河区林和中路 136-146 号 天脊花园 II 期 5 楼 美国国土安全部一公民及移民事务局 *签证面试A*, B 室

亲爱的中请人:

请持此信按时到美国驻广州总领事馆国土安全部-公民及移民事务局进行您的签证中请面试,并请带齐一切有关资料。

请每一位申请人确认带备以下所需资料:

- 1. 护照和护照的个人资料页复印件一份(护照 "持照人签名"一栏必须签名)
- 完整填写以下表格并在面試时提交(请确保你所填写的内容是真实和正确的,表格上的任何错误信息将会延误你的签证程序)
 - i. 每位中请人必须填写宣誓表
 - ii. 每位中请人必须填写 V92 资料表
 - iii. 每位中请人必须填写 I-765 表,表格的左上方订两张照片(照片背后须写上 A 号码并装于透明塑料袋内订于表格左上方)
 - iv. 13 岁以上的中请人必须填写 G-325C 表
 - v. 14 岁及以上的未婚中请人必须填写<u>离境前婚姻状况声明书</u>
 - vi. 17-26 岁男性必须填写 DS-1810 表
- 3. 1996 年以后出生的中请人必须提供<u>出生医学证明原件</u>。我们只接受由有关卫生部门签发的出生证原件,其他部门或机构所发出的证明将不予接受。<u>出生医学证明原件必须翻译和经过公证。</u> (注意:并不等同出生公证书)
- 4. 每一个中请人必须提供出生公证书以及医院提供的原始出生记录
- 5. 每一个中请人必须提供身份证和户口本原件
- 6. 结婚证原件,结婚公证书及加盖公章的结婚登记原始档案记录
- 7. 必要时所需提供的结婚声明书原件及公证,离婚证原件及公证,离婚协议书原件及公证
- 8. 无刑事犯罪公证书(14岁以上人士提供)
- 9. 医疗检查报告(<u>面试时不需要携带 X 光片</u>)
- 10. 一切可以证明你与中请人关系的文件和照片
- 11. 每人8张正面的彩色白底照片(请参阅 V92 签证用相片规格说明),每张照片背面必须用签字笔写上或用打印的标签贴上中请人的 A 号码。

注意: - 所有表格上必须使用中文签名

- 您所提供的所有文件必须翻译成类文,翻译者必须是合格的,译文必须是准确的.
- 所有申请人面谈后须于当天下午回来打指纹

Appendix: USCIS decision letter to Ferkat Jawdat's mother Minewer Tursun.



U.S. Department of Homeland Security No.1 Shamian South Street Guangzhou, China 510133



November 10, 2011

Dear Applicant:

Please bring this letter with you to the USCIS, U.S. Consulate General Guangzhou on the date listed below for your visa interview. Bring all documents pertaining to your visa case.

Pertaining Document

- Passport and a copy of the Biographic data page. (Each person should sign the passport)
- All necessary completed forms should be submitted in the interview. (Please make sure the form you complete is true
 and correct, any incorrect information might incur delay your visa processing)
 - a. Declaration of Oath for each person
 - b. V92 Data Sheet for each person
 - c. <u>I-765 Form</u> for each person. Two photos with A number on the back and put inside a plastic bag stapled to upper left hand corner of the I-765 Form.
 - d. G-325C Form for each person
 - e. Notice and Declaration on Pre-Departure Marriage for beneficiary children aged 14 and older
 - f. DS-1810 Form for man aged between 17-26
- Person who was born after 1996 should provide <u>Original Formatted Birth Certificate</u>. We only accept the birth certificate issued by relevant Medical Health Department. The certificates from other departments or agencies are not acceptable. The Formatted Birth Certificate should be translated and notarized.
- 4. Each person should provide Notarized Birth Certificate and Original Birth Record.
- 5. Each person should provide ID Card and Original Household Register.
- 6. Original Marriage Certificate, Notarized Marriage Certificate and original registration record
- 7. Original Marriage Statement, Divorce Certificate, legal custody decree and Notarized (if needed)
- 8. Police Certificate (for persons over 14 years of age)
- 9. Medical Examination (it is not necessary to carry X-ray film with you for the interview)
- 10. Any documents and family pictures that can prove the relationship between you and petitioner.
- Eight front view color pictures for each person. (Please see the Specifications) Each photo should have the beneficiary's alien number printed on the back of the photo with a non-smear pen or printed label.

Please Note:

- All your signatures on the forms should be in Chinese character.
- All documents in a foreign language must be accompanied by a translation into English. The translator must
- certify that s/he is competent to translate and that the translation is accurate.
- All applicant need to come back in the same afternoon for fingerprinting.

*** Please turn page over for Chinese 中文见背面 ***

About the Uyghur Human Rights Project

The Uyghur Human Rights Project promotes the rights of the Uyghur people through research-based advocacy. It publishes reports and analysis in English and Chinese to defend Uyghurs' civil, political, social, cultural, and economic rights according to international human rights standards.

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