

State Regulation of Undocumented African Migrants in China: A Multi-scalar Analysis

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Abstract

Based on archival and ethnographic research, this paper examines the introduction, nature and implementation of a recent anti-immigrant act in Guangdong province and its implications in the regional, national and international contexts. Chinese state regulation of undocumented African migrants is analyzed with regard to the legal production of African ‘illegality’ in the Guangdong context; the contradictions in the implementation of the Guangdong Act and its unintended consequences; and the discrepancy between anti-African immigrant campaign at the local level and pro-African political ideology at the national and international levels.

Keywords

China, African migrants, illegality, Guangzhou, state, immigration policy

Introduction

Historically, China has been an important sending country for immigrants to many West countries. However, with its accession to the World Trade Organization in 2001 and its rapid growth as a world economic power, China is becoming an emerging new destination for international migrants from both the developed and developing worlds. While Beijing and Shanghai are noted for the concentration of Western professionals and elites (Wu and Webber, 2004; Wang and Lau, 2008), China’s southern global city of Guangzhou stands out due to the high visibility of its African trading communities.¹ Unlike earlier African migrants who were mainly students from elite backgrounds, this recent wave represents what scholars call ‘globalization from below’ (Mathews and Vega, 2012; Yang, 2012). The majority of them are individual entrepreneurs with relatively small capital who conduct business transactions in the informal economy, often on the margins of Chinese law.

In July 2009, an undocumented African was severely injured after jumping from the second floor of a trade mall in order to evade passport check by the Chinese police (Tang and Gong, 2009).

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The event has drawn worldwide attention to the presence of illegal African migrants in China.² Three years later the African community was under the spotlight again, when open clashes broke out between African traders and the Chinese police on 19 June 2012 over the death of a Nigerian man in police custody (Beech, 2012; Branigan, 2012). The increasing tensions between African migrants and the Chinese authorities revealed some of the hidden crises in China's existing immigration policy. The lack of an Immigration Department in the Chinese central government and the disproportionately large concentration of African migrants in the Pearl River Delta (PRD) region only aggravate the challenges faced by the Guangdong government in terms of immigration control.

Existing literature on African migrants in Guangzhou focuses mainly on sociocultural, economic and spatial analyses. Bodomo (2010) suggests viewing the African migrant community as a social cultural bridge between China and Africa. Li et al. (2009a, 2012), in contrast, interpret it as a transnational ethnic enclave that has gone through different stages such as emergence, prosperity and collapse. While scholars have documented different groups of African migrants' adaptive strategies in response to China's stringent visa policy and police abuse of power (Haugen, 2012; Lyons et al., 2008, 2012; Yang, 2012), there is little research that focuses on the Chinese state's legal responses to undocumented African migration in the PRD region. As the capital of Guangdong province, Guangzhou has the largest African diaspora communities in China. Compared to other Chinese cities, Guangzhou authorities are also noted for their severe immigration control policies toward African migrants (Bodomo and Ma, 2010).

This present research uses Guangzhou as a case study to examine the introduction, nature and implementation of an anti-immigrant legislation in Guangdong province and its larger implications in the regional, national and international contexts. State regulation of undocumented African migrants is analyzed with regard to: (1) the legal production of African 'illegality' in the Guangdong context; (2) the contradictions in the implementation of the Guangdong Act and its unintended consequences; and (3) the discrepancy between anti-African immigrant campaign at the local level and pro-African political ideology at the national and international levels.

The data were gathered between April 2012 and June 2013 by means of archival research, semi-structured interviews with Chinese and African respondents, and participant observation fieldwork in the African markets in Xiaobei and Sanyuanli areas in Guangzhou. Open-ended interviews were conducted with a convenience sample of 26 Chinese having had various levels of interaction with Africans. Their backgrounds include real estate agents, small business owners, government officials, migrant workers and wives of African men. Due to the political and legal sensitivity of the topic, only two informal interviews were conducted with state officials. I relied on government legal documents, Chinese language newspapers and journals, official websites of government bodies, and other secondary literature as useful archival sources for the analysis of local and central state perspectives. Two research assistants from Nigeria and Uganda helped with the recruitment of interview subjects from their personal networks in Guangzhou. I also used my own connections in an African church to recruit potential interviewees. I managed to conduct semi-structured interviews with 24 Nigerians (all males) and 14 Ugandans (including seven females). In order to capture the heterogeneity within the African population, a third research assistant, a Zambian student studying in a university in Guangzhou, helped me conduct twenty structured interviews with traders from Kenya, Togo, Gambia, Tanzania, Niger, Senegal, Cameroon and other African nations. From July to August 2013 a three-week research trip was made to Lagos in order to interview Nigerians who had been deported from China. In Lagos, with the help of another Nigerian research assistant, informal discussions were held with 43 Nigerian traders on their business experiences in China and encounters with the police in Guangzhou.

Theoretical framework

In an era of transnationalism and globalization, undocumented migration has become a world-wide phenomenon. While traditional countries of immigration in Europe and North America continue to be challenged by the increasing diversity in undocumented migration, extremely severe immigration control policies in these countries have caused migrants to look for new, alternative destinations in the developing world. Scholars in migration studies have noted the legally, politically and socially constructed nature of migrant 'illegality' (Bloch and Chimienti, 2011; Chavez, 2007; De Genova, 2002, 2004; Ngai, 2004). Nicholas De Genova (2002) argues that ethnographic projects which uncritically adopt the term 'illegal immigrants' in defining their research subjects run the risk of naturalizing state power and reinforcing the structural oppression of uncommented migrants. He calls instead for a distinction between research on undocumented migrants and research on the legal production of migrant 'illegality'. In their comparison of immigration control polices in different countries, Cornelius and Tsuda (2004) note that there are important and persistent gaps between official immigration policies and their actual outcomes. These two authors identify two major policy gaps: those caused by the unintended consequences of policy, and those caused by inadequate implementation of policy (Cornelius and Tsuda, 2004: 5).

China provides an interesting case study for undocumented African migration, for several reasons. Unlike in developed countries, where immigrant workers can be readily absorbed into the second- and third-tier markets, there are no labor-intensive jobs in China for unskilled Africans because of the large supply of internal migrant labor force in major Chinese cities. In fact, the majority of African migrants in Guangzhou are traders who function as middlemen between factories and suppliers in China and clients in Africa. Due to its long history as an immigrant sending country, China has not yet developed 'a clear legal and administrative framework and apparatus to deal with the entry, residence, and employment of foreigners' (Pieke, 2012: 58). However, in regions where international migrants are concentrated, local governments have been pressured to enforce more stringent immigration control policies. The present research highlights the role of Guangdong province as an experiment field in China's evolving immigration policies. Specifically, it examines some of the gaps, ambiguities and contradictions in the legal production of African 'illegality' in South China.

Despite its grassroots nature, the current African migration to China is also mediated by changing political and economic relations between China and many African countries. From Mao's political agenda of Third World Alliance in the 1950s to the substantial growth of Sino-African trade in recent years, the discourse of Sino-African friendship has dominated official Chinese propaganda and has rendered African migration to China a politically sensitive issue. Tension between the central state's pro-African political ideology and the local Guangdong authorities' anti-African immigration policy has been identified in this present research. In the Guangzhou context, anti-immigrant campaign of the local state is also significantly compromised by the intersection of internal and international migration. As one of the first cities to benefit from China's open-door policy, Guangzhou is also a popular destination for migrants from other parts of China. To a certain extent, African traders have developed an economically interdependent relationship with Chinese migrant workers and entrepreneurs from other parts of China. Collaborations with Chinese migrants enable African traders to bypass some of the constraints imposed by state immigration law.

Recent scholarship in migration studies has been paying increasing attention to the issue of scale. Glick Schiller and Çağlar (2011) emphasize the relative positioning of a city within hierarchical fields of power in studies of migrant agency. Ellis (2012) questions the traditional distinction between internal and international migration by treating the national scale as a contingent rather

than an absolute force in organizing different migrant experiences. Xiang (2013) advocates ‘multi-scalar ethnography’ as both a fieldwork strategy and a critical mode of analysis. The present research examined state regulation of undocumented African migration on different scales: local, regional, national and international. Although fieldwork was carried out mainly in Guangzhou, the African research subjects constitute a fairly mobile population that moves frequently from one scale to another. A multi-scalar perspective provides for an examination of the uneven application of state power in different parts of China and the multiple layers of complexities in the legal production of African ‘illegality’.

The global and local contexts for African migration to South China

In modern Chinese history, the PRD region has been notable for sending immigrants to other parts of the world. However, since China’s accession to the World Trade Organization in 2001 and the substantial growth of Sino-African trade, Guangzhou, a mega city in South China, has become the Promised Land for many African migrants seeking wealth and fortune in the global economy. Following the opening of the first Forum on China-Africa Cooperation (FOCAC) in 2000, bilateral trade between the two has grown by 28% per year from 2001 to 2010. In 2011, China surpassed the USA to become Africa’s largest trading partner (Cui, 2011). As the capital of Guangdong Province, Guangzhou has a rich history of foreign trade and exchange. It is also at the forefront of China’s economic reform and open-door policy. Since its inauguration in 1957, the Canton Fair (renamed the Annual China Import and Export Fair in 2007) has attracted merchants from all over the world. The return of Hong Kong and Macau to China’s sovereignty in 1997 and 1999 respectively further boosted economic growth and regional integration in the greater PRD area, which became known as the ‘world factory’ due to the wide variety of cheap consumer goods produced in its numerous labor-intensive factories.

Guangzhou’s African population started to increase in 1998 when the Asian financial crisis prompted African merchants to leave Indonesia and Thailand in search of new markets (Bodomo, 2012; Osno, 2009). There are no available government statistics on the exact number of Africans in Guangzhou. According to some scholarly estimates, the number is probably around 20,000 (Li et al., 2009a; Haugen, 2012; Yang, 2012). The African population in Guangzhou is extremely diverse and almost every country in Africa is represented. According to Bodomo (2012), the top five groups are Nigerians, Senegalese, Malians, Guineans and Ghanaians. The majority of the African informants in this study were single men in their 20s and 30s. African migrants can be commonly found in two commercial areas in the city: the Xiaobei area, where most of the French-speaking Muslims gather; and the Sanyuanli area, frequented by most of the English-speaking Christians. This division is not clear-cut because there is a constant flow of people and goods between the two areas, on a daily basis. As a village-in-the-city, the Xiaobei area also functions as a residential space for many itinerant traders with legal documents. Due to the tightening of immigration control in Guangzhou, most of the undocumented traders in Sanyuanli were obliged to reside in Foshan, a nearby city where police surveillance is less strict, and commute to the African markets in Sanyuanli for their daily business activities.

There are generally two types of African traders in Guangzhou: itinerant traders who travel frequently between China and Africa, and resident traders who are based in China (Lyons et al., 2012). Resident traders with valid documents either work as the China representatives of transnational African companies or have their own registered businesses: they are the middle-class among African migrants. Undocumented traders usually entered China with a valid business or tourist visa but, for various reasons, overstayed. Many of them work as middlemen between suppliers in China

and clients in Africa. Some combine trade activities with unauthorized employment in, for instance, cargo companies, African restaurants or night clubs. Nigerian Igbo are often identified by both researchers and Africans migrants from other countries as constituting the largest number of visa overstayers in Guangzhou (Haugen, 2012; Yang, 2012). Africans from other countries tend to look down on Igbo and criticize them for becoming overstayers. Some blame Nigerian Igbo for ruining the reputation of all Africans due to their involvement in drug-related crimes and several public protest events in Guangzhou. Compared to other African groups, Igbo are more likely to become overstayers due to the structural marginalization they have to face in Nigerian society and the substantial cultural pressure to achieve success in a foreign land (Haugen, 2012; Yang, 2012). Because Igbo are one of the earlier groups to enter the China market, they have well-developed trade and social networks, community organizations, and religious institutions in Guangzhou – factors which reduce considerably the challenges for overstayers.

The present research does not single out Nigerian Ibo for the analysis of state regulation of undocumented African migration in Guangdong, for several reasons. First, the heterogeneity in the African diaspora community is often overlooked from the Chinese perspective, both in the popular imagination and in official propaganda. Due to the general conflation of black and African identities in Chinese society, the Guangdong government's anti-drug and anti-immigrant campaigns have had a negative effect not only on the Nigerian Igbo but also on the black African community as a whole, including those with valid visas and residence permits. As I argue in later part of the paper, the racialization of black African identity has played an important role in the legal construction of African 'illegality' in Guangdong province. Although Nigerian Igbo are notorious for overstaying in Guangzhou, Africans from other countries are also confronted with visa renewal problems, to varying degrees. Due to language barrier and unfamiliarity with Chinese rules and regulations, some Africans find themselves struggling at the border zone between 'legality' and 'illegality'. Furthermore, as an example of globalization from below, a significant numbers of African traders are involved in semi-legal or illegal business activities in China, such as tax evasion, operating shops without a license, trading counterfeit goods, unauthorized money exchange, using forged documents, and so on. Scholars have noted that globalization from below usually flourishes where state regulation is weak or inadequate (Mathews and Vega, 2012). The lack of systematic state policies for the administration of business activities of grassroots foreign traders in China has certainly contributed to informal foreign trade activities thriving in Guangzhou.

Emergence of 'the *sanfei* problem' in South China

Before the passing of the new *PRC Exit and Entry Administrative Law* in 2012, immigration to China was mainly governed by several key laws and regulations: the *Law on Control of the Entry and Exit of Aliens* (1985), *Detailed Rules on the Implementation of the Law on the Entry and Exit of Aliens* (1994), *Regulations on the Examination and Approval of Permanent Residence of Aliens in China* (2004). Implementation of these laws and regulations is shared by the Ministry of Public Security, the Ministry of Foreign Affairs and a wide range of authorities at different levels. Liu (2011: 12) noted at least 17 ministerial-level authorities in charge of immigration-related issues in China. The lack of clear division of labor between different government bodies has increased significantly the challenges in immigration control. *Sanfei* is a Chinese term that literally means 'triple illegal'. It includes three types of illegal immigrants: those who enter illegally, stay illegally and work illegally in China. The term first gained popular usage in coastal and border areas of China, where the pressure to curb undocumented immigration was more keenly perceived (He, 2009; Wu, 2013). On 15 May 2012, when Beijing launched the 100-day crackdown on *sanfei* foreigners in the city, the term started to gain national popularity. Pieke

(2012) notes that in many Chinese analyses *sanfei* foreigners are often related to social problems such as 'terrorism, organized and petty crime, drinking, drugs and violence, prostitution, and unemployment' (Pieke, 2012: 57).

Although *sanfei* foreigners originate from a variety of countries in both the developing and developed worlds, in the Guangzhou context, for various reasons *sanfei* are primarily associated with African migrants. Despite the state rhetoric of Sino-African friendship, the majority of Chinese citizens still have very limited knowledge about Africa. In a 2006 survey conducted by *China Youth Daily*, the official organ of the Communist Youth League, and Sina.com, the biggest Chinese Internet news portal, 71.7 % of the 5119 respondents reported that they knew very little about Africa and 30.4% associated Africa with poverty, underdevelopment and AIDS (Li and Rønning, 2013). In the Guangzhou context, Africans are identified primarily by their black skin color, not by their country of origin, language, or religious belief. The Chinese term *heiren* (black person) is often used, in both popular media and daily life settings, as a generic term to refer to Africans from diverse backgrounds. Because of this conflation of black and African identities, Chinese perceptions of Africans tend to be rather homogenous and often tainted with negative stereotypes. For example, the Cantonese term *hakgwai* (literally meaning black devil or ghost) is sometimes used, by local Cantonese and migrant workers from other parts of China, in a derogatory sense, to show contempt for African migrants.³

There are several reasons for Chinese prejudice against Africans at the personal level: traditional aesthetic values, ignorance of African culture and society, the influence of Western media, the language barrier and cultural misunderstandings. Li et al. (2009b) noted the key role of the local media in constructing a negative image of Africans as guilty of illegal immigration, drug dealing, sex offenses and the spread of AIDS. The media production of the 'African threat' was achieved in several ways. For example, there is the exaggeration of the number of undocumented Africans in the city. In 2007, a report in *Guangzhou Daily* claimed that there were 200,000 Africans in the city and that only about 20,000 were officially registered with the government (Ke and Du, 2007).⁴ Since then, the number 200,000 has been frequently quoted by news reporters and individual Chinese as the most popular estimate of the African population in Guangzhou. The 'African threat' discourse was also highlighted by the demonization of black masculinity over the Internet. One news website in Shenzhen reprinted the *Guangzhou Daily* report with a sensational title, 'There are 200,000 blacks in Guangzhou and rape cases committed by blacks have been rapidly rising'.⁵ Racist comments such as the black invasion, the 57th ethnic group in China, and the AIDS threat can be found by Chinese netizens from different parts of China (Cheng, 2011).⁶ The criminalization of Africans as drug dealers in the popular media also played an important role in the racialization of black identity in Guangzhou. Although several groups of foreigners are involved in drug-related crimes in the city – Southeast Asians, Middle-Easterners, and overseas Chinese – Africans are often singled out as the most visible group (Liao and Du, 2011; Qiu, 2011).

At the governmental level, the influx of Africans to Guangzhou was initially regarded as a positive stimulus to the city's economy (Li et al., 2012). However, as media reports of 'black-related crimes' increased, African migrants soon became the target of the local government's anti-*sanfei* campaign. In 2006 the Public Security Bureau in Yuexiu district, where African migrants were concentrated, established the first Foreigner Administration Center in Guangzhou. By the end of 2006, the Guangzhou municipal government had established a professional team, including officials from the Public Security Bureau, the Industrial and Commercial Bureau, the Labor Department, the Tax Bureau, the Health Department and the Urban Management Department, for the inspection of *sanfei* foreigners (Liu 2009). In 2007, one year before the Beijing Olympics, the police embarked upon special clean-up events every two months in areas where Africans are concentrated (Li et al., 2012). In August 2008 the Guangzhou government announced that foreigners would be included

in the ‘floating population’ category and subject to the rules and regulations for its management (Ju, 2008). In parallel with the well-publicized stigmatization of the internal ‘floating population’ in urban China (Zhang, 2001), *sanfei* foreigners are blamed for increasing crime rates in cities, creating pressure on China’s labor market and draining social resources reserved for Chinese citizens (Zhuang, 2007). Several academic articles discussing the *sanfei* problem in Guangzhou cite examples of African-related crimes or the congregation of Africans in the city as challenges in foreigner management (Qiu, 2011; Pan and Qin, 2011). Following the African protest in 2009, the Guangzhou municipal government began to receive pressure from Beijing to implement more stringent immigration control policies.

Nature of the Guangdong anti-*sanfei* Act

On 1 May 2011, the *Interim Provisions of Guangdong Province on Administration of and Services to Aliens* came into effect. This is the first piece of legislation at local government-level in China concerning the administration of foreigners. Compared to the national law of 1985, the Guangdong Act made several new moves specifically targeting *sanfei* populations in the city. The first was based on a reward and penalty principle. For example, Article 10 of the Guangdong Act states that any Chinese individual or work unit would be rewarded for reporting *sanfei* aliens to local authorities. This resulted in hostility, suspicion and mistrust arising between local residents and African migrants and helped perpetuate the media stereotype that every black African is a potential *sanfei*. The Guangdong Act also requires that employers, hotels, educational institutions, local residents, landlords, property management offices, real estate agents and market management offices all bear the responsibility to verify the passports and visas of aliens, to refrain from hiring or providing services to aliens without valid documents, and to report such cases to local authorities. Parties failing to carry out these responsibilities faced various penalties. For example, if a hotel fails to verify the passports, visas or other identity certificates of aliens, or if it fails to report cases of expired documents to a public security organ, it can receive a fine of 5000 to 10,000 yuan (Article 55). In the name of reward and penalty, the Guangdong government actually shifts the burden of immigration control to ordinary civilians.

The second move was to expand the authority of the police. Under the provisions of the 1985 national law, only foreign affairs police could stop foreigners to verify passports. However, in the Guangdong Act ‘foreign affairs police’ was changed to “‘people’s police’ (Article 48). While foreign affairs police usually speak English and can communicate effectively with foreigners, the people’s police generically represents all police officers. This change in terminology has greatly expanded the power of local police and helped breed corruption and abuse of power in the police force. Based on my observation and my informants’ reports, Africans are more likely to be stopped by the police for passport checks than other foreigners. As a forty-year-old undocumented Nigerian told me,

There is no peace and security for blacks in Guangzhou. The police check papers everywhere: in people’s homes, on the bus, in the street, in the market, in the restaurants, everywhere. When I am walking on the street, it is purely by the grace of God.

Fear of the police is so widespread that even those who had valid visas were scared. A 33 year old Ugandan migrant explained to me,

Visa is not 100% guarantee here. When the police stop you to check passport and you do not look like a pleasant person to them, they may draw a line on your visa and cancel it. They would say: China gives and China takes. You can’t ask why.

Besides selectively expanding the scope of the national law, the Guangdong Act also creatively reinterprets it to fit the local context. For example, Article 23 of the 1994 revision states that, 'For the sake of national security, public order or other public interests, a city or county Public Security Bureau may restrict aliens or foreign institutions from establishing residences or offices in certain areas...' In Article 28 of the Guangdong Act, 'certain areas' have been specified as 'areas adjacent to Party and government buildings or military restricted zones'. In reality, the main purpose of this law is to prevent the African community in the Xiaobei area from extending southward toward the Guangdong Provincial Government Building, the Guangzhou Municipal Government Building and the Guangzhou Municipal Party Committee Building. As a city official who used to work in the Xiaobei area explained to me,

The government was afraid that blacks would gather and form an African village, like Chinatowns in the United States. They do not want such ethnic communities to exist. If Africans become united, it would be very difficult for the government to manage them. This message has been stated very clearly in a confidential internal file.

To a certain extent, the Guangdong Act represents an institutional effort to segregate the African community spatially in the Xiaobei area.

The Guangdong Act highlights the PRD region as a field of experiment in China's anti-immigration campaign. According to the *Outline of the Plan for Reform and Development of the PRD Region (2008–2020)*, promulgated by the National Development and Reform Committee in December 2008, the government of Guangdong is granted the privilege to move first and try first as an experimental region where reform needs to be deepened. The Ministry of Public Security also gave the Guangdong government approval to experiment with new local-level legislation concerning administration and services to aliens (Zhu, 2011). Jinlu Villa, a residential area in Xiaobei where many documented Africans are concentrated, has been chosen by the Guangzhou police as a model community for foreign rental management (Guangzhou Daily, 2010). The neighborhood has been visited by high ranking officials from Beijing such as Mr Zhou Yongkang, head of the Central Political and Legislative Committee in September 2009, and Mr Meng Jianzhu, Minister of Public Security in June 2010 (Xu, 2009; Qiu, 2011; Wang, 2010). Immediately after Beijing started the 100-day crackdown of *sanfei* foreigners on 15 May 2012, Mr Shen, a top official from the Department of Public Security of Guangdong Province, appeared on a national TV program which celebrated the Guangdong legislation as a successful model for effectively reducing the number of *sanfei* aliens in the province.

On 30 June 2012, the Standing Committee of the National People's Congress (NPC) passed a new *Exit–Entry Administration Law*, which took effect on 1 July 2013. The new law has been reported to contain tougher provisions for *sanfei* foreigners (Mao and Bai 2012). A close study of the new law shows that it has borrowed from the Guangdong Act in at least three areas. First, in parallel with the Guangdong Act's requirement for employers and ordinary Chinese citizens to bear responsibility for reporting *sanfei*, the new law states that units employing foreigners or enrolling foreign students should report employment information to local police departments. It also encourages citizens, legal representatives and other institutions to report *sanfei* aliens to the local police (Article 45). Second, the new law furthers the Guangdong Act's reward and penalty principle by increasing the penalty for illegal residence and illegal employment of aliens in China. It also gives greater authority to visa officers in charge of the exit and entry of aliens. For example, Article 21 states that if an alien's visa application is denied, the visa-issuing unit is not necessarily obliged to provide a reason; similarly, Article 25 states that if an alien is denied entry to China, the exit and entry unit is not necessarily obliged to explain why. This has greatly increased the arbitrary nature

of the implementation of the law. Third, the new law stipulates that hotels which fail to report aliens' residence information to the local police will first be warned and then subjected to a 1000–5000 yuan fine (Article 76). The incorporation of the Guangdong Act into the new national law serves as evidence of the central government's affirmation of and support for the Guangdong experiment.

Problems in implementation and unintended consequences

In terms of implementation, the Guangdong Act is far from being successful – as it is portrayed in the mainstream media. According to the city official I interviewed, it represents a compromise between the local government's concern with economic growth and the central state's demand for more stringent immigration control. He explained that the local government has been plagued with a lack of resources and various kinds of corruption. As a result, government policy towards Africans is apparently stringent but actually relaxed. He said,

The police only make arrests before some major events. Most of the time, they turn a blind eye to the many *sanfei* Africans on the street. For those who got arrested, they were locked up for several days and then released. Repatriation costs money, so the only solution is to turn them loose again.

This official also cited urban renewal and minority relations as two of the major obstacles for immigration control. He said,

It's really difficult to clean up the Xiaobei area because it is not only a place for Africans, but for Chinese migrants and minorities. The area is notorious as a hiding place for illegal activities, but relations with ethnic minorities is a sensitive issue. Xiaobei is also a big headache for urban renewal. Since many developers refuse to invest in the area, the government prefers to let it live and die by itself.

My interview with this city official reveals an important link between curbing undocumented immigration and maintaining internal stability in urban China.

At the community level, the reward and penalty principle in the Guangdong Act fails to appeal to ordinary Chinese because there is a discrepancy between state regulation and popular interests: the government crackdown of *sanfei* foreigners affects not only the livelihood of Africans, but also that of local residents and migrants from other parts of China. To a certain extent, the Chinese and African migrant populations have formed a mutually beneficial economic relationship. Many of the hotels in Xiaobei and Sanyuanli areas depend on African migrants for their businesses to thrive. In Xiaobei, most of the local residents have moved away to better neighborhoods and rented their houses to Africans and Chinese migrants. Outside the markets, one can always find groups of Chinese migrants providing all kinds of services to African traders: food, transportation, money exchange, haircuts, shoe repair and so on. One cellphone shop owner from Chaozhou expressed skepticism about the local government's anti-*sanfei* campaign, 'We depend on Africans for business. If our government does not allow them to come, we have to close our shops and change trade'. In contrast to the state's categorization of Africans as 'legal' and 'illegal' immigrants, some Chinese migrant entrepreneurs distinguish between 'good' and 'bad' Africans. While the bad ones are involved in criminal activities, the good ones have a genuine desire to do honest business in China, regardless of their visa status. Most of the Chinese traders I interviewed expressed a desire for the state to operate a more lenient visa policy with regard to these 'good Africans'.

Another problem in the implementation of the Guangdong Act is the uneven application of police power in different cities in Guangdong province. Many Nigerian Igbo informants reported that the Guangzhou police force is more 'wicked' than forces in other cities in the PRD area. While police

in other cities also check African passports and visas, their priority seems to be on drug-related crimes rather than on undocumented residence. Several of my Igbo informants who live in Foshan had experiences of being arrested by the police. Having found that they were not involved in the drug business, the police set them free – despite the fact that their visa had expired. I was told that this seldom happened in Guangzhou. Many Nigerian Igbo have learned to take advantage of these inter-city differences and organize their business activities accordingly. Some prefer living in smaller cities such as Foshan, Zhongshan, Dongguan and Shenzhen and only commute to Guangzhou when it is necessary. In Lagos one Nigerian Igbo told me that he only travels to Guangzhou to collect money sent from Nigeria and he conducts his businesses mainly in Shenzhen. He said, ‘I get respect in Shenzhen. Nobody asked to see my passport in Shenzhen’. Within the city of Guangzhou, there is also a tendency for Africans to disperse into different neighborhoods, usually areas far from Sanyuanli and Xiaobei, where their presence would attract less police attention.

Scholars have noted that stringent visa policies and border controls in the United States and Europe have not only failed to deter undocumented migration but have also encouraged unauthorized migrants to overstay because of the increased difficulty of re-entry (Andreas and Snyder, 2000; Cornelius, 2001; Reyes et al., 2002). This is also the case in Guangdong. One unintended consequence of the Guangdong Act is the growth in the number of drug-related crimes (with both Chinese and Africans involved) and other underground activities such as fake documents and visa services, unauthorized money-exchange, underground banks and other fraudulent activities. Several of my Chinese and African informants believed that the local state’s anti-*sanfei* campaign had failed to reduce drug-related crimes in Guangzhou. Haugen (2012: 70) notes that her Igbo informants regard the drug trade as ‘a readily available option for those who are unable to succeed through other activities’. Tightening immigration controls in Guangzhou had severely limited the physical mobility of and business opportunities for undocumented African migrants, some of whom were forced into the drug business in order to survive economically. Stringent immigration control also gave rise to various types of transnational brokerage services. For example, in Lagos visa agents travel to neighboring countries to buy fake passports for their Nigerian clients. In Guangzhou, Chinese brokers offer visa renewal services to African migrants as well as invitation letter services to business visa applicants in Africa. Some took their African clients to cities in inland China where visa renewals are less strictly regulated. The inflation of visa fees on the black market has become a huge financial burden for resident traders who wish to maintain their legal status in China.

Another unintended consequence of the Guangdong Act, closely related to the first, is the increased inter-ethnic collaboration between Chinese and African migrants. Despite language barriers and cultural misunderstandings, migrants from rural China experience structural marginalization similar to that of African traders, because both are detached from the state support system and both belong to the legally ambiguous category of ‘the floating population’. In their efforts to survive outside the state system, Chinese migrants have learned to collaborate with African traders in playing the ‘hide-and-seek’ game with the local state. Because undocumented Africans cannot open a bank account in China, they depend on underground banks operated by Chinese and other Africans in order to handle transnational cash flows. Although the business of foreign currency exchange is illegal, there are plenty of Chinese migrants providing such services to African traders. In Xiaobei, historically a Muslim neighborhood, the majority of the money changers are Muslim migrants from Northwestern China. Every morning they would congregate near the market, chatting loudly to each other or bargaining on the phone with customers. An undocumented African needs only to make a phone call to get the service needed, thus minimizing the chances of being intercepted by the police on the street. In Sanyuanli undocumented Nigerians often rely on their Chinese friends, spouses or business partners to rent shop spaces in trade malls, collect market information, travel to other cities to make orders and to provide other trade-related services.

Collaboration with the Chinese became one of the principal and critical reasons for the continuing prosperity of the African communities in Guangzhou.

The Guangdong Act in national and international contexts

From the perspective of the central Chinese government, undocumented African migration in Guangdong is treated mainly as a regional issue. In early 2012, the NPC sent four working groups to Guangdong, Hainan, Guangxi and Beijing to investigate problems in alien administration and services in these four areas (Ni et al., 2012). One direct result of the investigations was the passing of the new *Exit and Entry Administrative Law* on 30 June 2012. Equally, African migration to China is also an issue of national concern due to the politically sensitive nature of Sino-African relations. In contrast to the local media's exotic or negative portrayals of African migrants in the PRD, central state media tend to carry more positive reports which serve to counter popular stereotypes of Africans and to reaffirm the state political ideology of Sino-African friendship. For example, a three-part report in *Guangming Daily*, an influential newspaper operated by the Communist Party of China Central Committee, is entitled, 'Friends from Africa, how are you doing in Guangzhou?' (Ma et al., 2012). The report presents a sanitized depiction of African life in Guangzhou, because all the interviewees are successful Africans with valid documents and there is little discussion of undocumented migrants. In addition to emphasizing the long history of Sino-African friendship, the report also insists, through the words of a Tanzanian male respondent, that there is no discrimination against Africans in China. The report claims that the lack of tolerance towards Africans displayed by some Chinese was largely due to China's relatively short history of opening up to the world.

Launched in September 2009 in Beijing and sponsored by the Chinese-African People's Friendship Association, *Africa* is the first Chinese language monthly magazine featuring Africa-related issues for Chinese readers. In August 2010, *Africa* carried a special series of reports and commentaries on African migrants in Guangzhou (Zhu et al., 2010). As well as covering some African success stories, it also presents different views from government officials and academics on immigration control. For example, Mr Luo Jun, an official from the Guangdong Province's Foreign Affairs Office, emphasizes that China is a non-immigrant country and urges Africans to think twice before making plans to travel to China. In contrast, however, Mr Lu Shaye, Director-General of the African Department of China's Ministry of Foreign Affairs, expresses a different opinion. He says that the increasing number of African migrants in China is 'normal' because it shows China's growing economic strength. He continues by suggesting that in addition to strengthening border controls, the state should help immigrants integrate into Chinese society rather than totally blocking their entrance. Mr Liang Yucheng, a sociologist from Sun Yet-Sen University in Guangzhou, lists some of the challenges that 'illegal' African migrants may pose to Chinese society: birth control, public health and competition of resources with Chinese citizens. Ms Ning Chaoqiao, a researcher from the Guangzhou Academy of Social Science, a government think-tank, holds that the migration of Africans to Guangzhou helps promote Sino-African trade relations and enhances China's international position.

The multiple views presented by *Africa* highlights the controversial nature of African migration to Guangdong and the tension between state political ideology of Sino-African friendship and local pressure for immigration control. However, the central state's perspective is far from uniform. While statements showing support for the politically correct, state rhetoric of Sino-African friendship can be openly released, instructions for more stringent immigration control are usually recorded in confidential government files and distributed to different levels of authorities via the party-state's hierarchical power structure. These complications have obliged the Guangdong government to tread a

fine line between tightening immigration control and protecting Sino-African friendship. The politically sensitive nature of African migration in Guangzhou can be seen in the changing terms local media use to describe Africans: from racially-coded language such as ‘blacks’ in earlier reports to more neutral or euphemistic references such as ‘Africans’ and ‘foreigners’ in recent ones. I heard rumors (unsubstantiated) that one reporter from *Guangzhou Daily* was dismissed due to misrepresentation of African experiences in Guangzhou. Personal communication with a member of staff from the Guangzhou Academy of Social Science revealed that one of the researchers had been warned by the central government not to make public comments that might have a negative effect on Sino-African relations.

While the racialization of ‘blackness’ has played an important role in the social and legal construction of African ‘illegality’ in Guangdong, the issue of race is also significantly complicated by the uneven application of state power in different regions of China. Although African migrants are treated harshly by the Guangzhou police, they generally enjoy more freedom and respect from the municipal authorities in Yiwu, a county-level city with the second-largest African presence in China (Bodomo, 2012). A comparison between the anti-*sanfei* campaigns in Guangzhou and Beijing also reveals the discrepancy between race-based prejudice against African migrants at the local level, and pro-African foreign policy at the national level. While the Guangzhou campaign originated from media reports of African-related crimes, that in Beijing was ignited by obnoxious behavior by white people towards Chinese citizens in public spaces (Zhuang et al., 2012). In the Beijing case, media discussions on the ‘super-national treatment’ of foreigners in China actually gave rise to a popular nationalist sentiment which challenged white supremacy (CCTV, 2012). Beijing’s strategic downplaying of African ‘illegality’ is actually closely related to two Sino-African events. On 22 May 2012, soon after the Beijing crackdown on *sanfei* aliens in the city, the Nigerian immigration arrested 45 Chinese traders in its northern city Kano (Yin, 2012). The event was widely interpreted as Nigerian retaliation to the Beijing anti-*sanfei* campaign. Meanwhile, the Fifth Ministerial Conference of the FOCAC was scheduled to open in Beijing in July 2012. With Sino-African relations at stake, the Beijing campaign started with much fanfare but ended rather swiftly and quietly.

Conclusions

With the continuing rise of China’s economy and the rapid diversification of its immigrant population, scholars anticipate that China will be confronted with immigration control problems similar to those experienced by countries in the West (Pieke, 2012). However, China’s situation is different as a result of uneven developments in its rural and urban regions. The intersection of internal and international migration in global cities such as Guangzhou has significantly compromised the implementation of the Guangdong anti-*sanfei* legislation at the community level. The politically sensitive nature of Sino-African relations also creates cleavages between different levels of state authorities in their attitudes towards African migration and degrees of commitment to immigration control. The various gaps and contradictions in the legal construction of African ‘illegality’ in China also highlight some of the serious flaws in China’s current immigration policy. Like Japan and South Korea, China is still reluctant to admit the fact that it is a newly emerging country for immigrants.

Instead of treating immigration as a separate issue, the 2012 *Exit and Entry Administrative Law* combines two previous laws, the *Law on Control of the Entry and Exit of Aliens* and the *Law on Control of Exit and Entry of Citizens* (both promulgated in 1985). While the new law contains tougher provisions for *sanfei* aliens, it provides little guidance on the integration of foreign migrants to Chinese society. Due to the relatively weak civil society in China, social services for immigrants are almost non-existent.

The future of undocumented African migrants in Guangdong seems to be bleak as a result of a recent government crackdown on drug-related crimes in Sanyunli area. On 13 August 2013 more than 1300 police officers raided a hotel in Sanyunli and arrested 168 suspects (99 of them Africans) allegedly involved in drug trafficking (Public Security Department of Guangdong Province 2013). Unlike the Guangdong Act, which specifically targets *sanfei* foreigners in the PRD region, the Guangdong province's anti-drug drive targets both Chinese and foreigners and is part of a nationwide anti-drug campaign in honor of the UN International Day against Drug Abuse and Illicit Trafficking on 26 June 2013. However, the anti-drug campaign provided a good opportunity for the local police to enforce immigration control. Between August and December 2013, the police entered Sanyuanli market frequently, to check African passports. They not only arrested visa overstayers but also forbade Africans with a visitor's visa from operating shops in the market. When I visited in January 2014, many shops formerly run by Africans were closed. Some of my Nigerian informants chose to leave Guangzhou; others went into hiding in Foshan. It is important to note that the recent decline of undocumented African migrants in Guangzhou was not caused by the effectiveness of state immigration control policy, but by a nationwide crackdown on drug trafficking. This confirms Pieke's (2012: 56) observation that in China issues of immigration are still handled as issues of public order.

In terms of Sino-African relations, although the Chinese state upholds the Sino-African friendship discourse, China has been treating Africa mainly as a strategic political partner, not as an economic partner on equal terms. Chinese state propaganda has been focused mainly on China's economic aid to Africa, not on Africa's contribution to the Chinese economy. Because many African migrants conduct their transnational trade activities in the informal economy, their contribution to Sino-African trade relations cannot be fully reflected in official statistics. Due to the grassroots nature of their business activities, African migrants are providing business and job opportunities mainly for the marginalized and disadvantaged groups in China, such as migrant workers and individual small-scale entrepreneurs. Unlike special interest groups in Western countries, these people have little power to influence state immigration policy. In the long run, the shift from a labor-intensive economy to a knowledge economy in the PRD region may have a negative effect on African migrants in Guangdong. However, it may also cause them to move to interior provinces in China, where labor-intensive factories can still be found.

Meanwhile, scholars have noted a new trend in African migration to China: Senegalese and Ghanaian entrepreneurs have been investing in small and medium-sized factories in Yiwu (Bodomo, 2012). It is still too early to predict the influence of such African investment on China's immigration policy, but it should certainly help diversify the image of Africans in China.

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Notes

1. I am following here the popular Chinese understanding of African migrants, which mainly refers to sub-Saharan or black Africans. In Guangzhou Arabic-speaking migrants from North Africa are usually identified by Chinese as whites or Arabs, not as Africans.
2. The English-language media carried a different version of the story, claiming that the African man died. Interviews with African migrants who witnessed the 2009 incident revealed that the man was severely injured, but did not die.
3. The naming of foreigners as ‘barbarians’ or ‘devils’ originated from an ethnocentric tradition in ancient Chinese society, when Chinese culture was celebrated as the culmination of human civilization.
4. *Guangzhou Daily* is the official newspaper of the Guangzhou municipal party committee and one of the highest circulating dailies in China.
5. See: http://www.sznews.com/news/content/2007-12/13/content_1718395.htm, last accessed 20 February 2014.
6. China currently has 56 ethnic groups.

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