

Tibet and Xinjiang (Reciprocal Access) Bill

[AS INTRODUCED]

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Require the Secretary of State to report annually on restrictions on access by UK nationals to Tibet and Xinjiang in comparison with other regions of China; to make provision to deny persons involved in imposing such restrictions permission to enter the UK; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Reports on access to Tibetan areas and Xinjiang

- (1) The Secretary of State must prepare reports assessing the level of access granted by Chinese authorities to United Kingdom nationals to—
 - (a) Tibetan areas, and
 - (b) Xinjiang. 5
- (2) Those reports must consider United Kingdom nationals who are—
 - (a) diplomats and other officials,
 - (b) journalists, and
 - (c) tourists.
- (3) The Secretary of State must lay before Parliament the first report prepared under both subsections (1)(a) and (1)(b) no later than 90 days after the day on which this Act comes into force. 10
- (4) The Secretary of State must lay before Parliament a further report under both subsections (1)(a) and (1)(b) in each of the five calendar years after the year in which the report under subsection (3) is laid. 15
- (5) Any report laid under subsection (1) must include—
 - (a) a comparison with the level of access granted to other areas of China, and
 - (b) a description of any permit requirements or other measures impeding the freedom to travel in Tibetan areas and Xinjiang. 20
- (6) Any report laid under subsection (1)(a) must include a comparison between the levels of access granted to Tibetan areas and to other parts of the provinces containing those areas.

- (7) Any report laid under subsection (4) must include a comparison of the relative levels of access identified under subsections (5) and (6) with those identified in the report most recently laid equivalent report under subsection (3) or (4).
- (8) The Secretary of State must report to the United Nations Special Committee on Decolonization the findings of any report prepared under subsection (3) within one year of this Act coming into force. 5

2 Immigration restrictions

- (1) This section applies if, in the opinion of the Secretary of State, any of the groups of United Kingdom nationals listed in subsection (2) are granted lower levels of access to Tibetan areas or Xinjiang than to other areas of China. 10
- (2) Those groups are –
- (a) diplomats and other officials;
 - (b) journalists;
 - (c) tourists.
- (3) The Secretary of State must maintain a list of persons substantially involved in the formulation or execution of policies related to access by United Kingdom nationals to Tibetan areas or Xinjiang. 15
- (4) Any person on the list maintained under subsection (3) must be refused leave to enter the United Kingdom.
- (5) Any visa or other permission for any person on the list maintained under subsection (3) to enter or remain in the United Kingdom is revoked immediately. 20
- (6) The Secretary of State must prepare reports identifying the individuals –
- (a) listed under subsection (3);
 - (b) refused leave to enter under subsection (4); 25
 - (c) who had a visa or other permission revoked under subsection (5).
- (7) The Secretary of State must provide the first report under subsection (6) to the appropriate Parliamentary committees within one year of this Act coming into force.
- (8) The Secretary of State must provide a further report under subsection (6) to the appropriate Parliamentary committees in each of the five calendar years after the year in which the report under subsection (7) is laid. 30
- (9) The Secretary of State may waive subsection (4) or (5) if he or she deems it necessary to do so in the national interest of the United Kingdom.
- (10) If the power under subsection (9) is exercised, the Secretary of State must provide an explanatory memorandum to the appropriate Parliamentary committees setting out – 35
- (a) the justification for the waiver,
 - (b) how it relates to the national interest of the United Kingdom, and
 - (c) supporting evidence. 40

3 Duty to consider reciprocal access

The Secretary of State must take into account the extent to which the Chinese authorities grant United Kingdom diplomats and other officials access to Tibetan areas, Xinjiang and other parts of China when deciding whether to grant Chinese diplomats and other officials access (including consular access) to parts of the United Kingdom. 5

4 Interpretation

In this Act—

“appropriate Parliamentary committees” means—

- (a) the Foreign Affairs Committee of the House of Commons, and 10
- (b) any other Committee of the House of Commons or House of Lords that the Secretary of State considers appropriate,

and if the name of the Foreign Affairs Committee of the House of Commons is changed, any reference in this Act to that Committee is to be treated as a reference to that Committee by its new name; 15

“Chinese authorities” means the Government of the People’s Republic of China or persons acting on its behalf;

“Tibetan areas” means—

- (a) the Tibet Autonomous Region,
- (b) Kanlho (Gannan) Tibetan Autonomous Prefecture, and Pari (Tianzhu) Tibetan Autonomous County located in Gansu Province, 20
- (c) Golog (Guoluo) Tibetan Autonomous Prefecture, Malho (Huangnan) Tibetan Autonomous Prefecture, Tsojang (Haibei) Tibetan Autonomous Prefecture, Tsolho (Hainan) Tibetan Autonomous Prefecture, Tsonub (Haixi) Mongolian and Tibetan Autonomous Prefecture, and Yulshul (Yushu) Tibetan Autonomous Prefecture, located in Qinghai Province, 25
- (d) Garze (Ganzi) Tibetan Autonomous Prefecture, Ngawa (Aba) Tibetan and Qiang Autonomous Prefecture, and Muli (Mili) Tibetan Autonomous County, located in Sichuan Province, 30
- (e) Dechen (Diqing) Tibetan Autonomous Prefecture, located in Yunnan Province, and
- (f) any other area designated as Tibetan Autonomous by the Government of the People’s Republic of China; 35

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject, or 40
- (c) a British protected person within the meaning of that Act;

“Xinjiang” means the Xinjiang Uygur Autonomous Region.

5 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force 90 days after the day on which it is passed.
- (3) This Act may be cited as the Tibet and Xinjiang (Reciprocal Access) Act 2021.

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