

The Journey To Nowhere On The Information Highway

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Western laws and administrative regulations are specific in language, definite in meaning, precise in interpretation and uniform in application. They are required to give actual notice of prescribed or proscribed conduct.

Westerners working in China are subject to Chinese laws but understanding exactly what is prescribed or proscribed is difficult to ascertain, particularly when Chinese laws are viewed with western eyes and understanding.

A case in point –

Assume that you are a 60 year old retired school teacher, residing in Canada, with an outstanding resume and you decide that you want to teach in China. You read a post on an internet forum that no one can legally teach in China if they are over 60 years of age. You read another post from a foreign teacher who claims to be 69 years old and teaching in China.

You study all of the threads on all of the China ESL Café or EFL forums and quickly discover that there are more than 20 recent threads with multiple posts and there are as many different opinions as there are posts. You wonder how so many people allegedly teaching in various parts of China all have different opinions on the 60 year rule.

You Google variations on "foreign teachers 60 years old China" with no success. From previous ESL Café threads you are aware that SAFEA administers foreign teacher employment so you Google SAFEA and locate the English page of "Regulations" for foreign teachers. However, there is no mention of a 60 year old age limitation. You make a mental note of the Chinese page of Regulations but you do not read Chinese and you assume that everything has been translated into English.

You draw the initial conclusion that no such rule exists.

But what about those forum postings where people claimed they had been denied employment based upon the 60 yr rule? These claims can't be easily dismissed so you join the forum and PM the person who made the claim. After preliminary communications, the original poster sends you an email with a Liaoning Province Regulation in Chinese. You are assured that there is no way you can legally be employed in Liaoning Province. You repeat this process for every original poster and receive the official Regulation for Jilin, Fujian and Beijing. These appear to you to be the only places with such an official regulation.

But how can a few provinces have such a regulation when SAFEA does not provide for such?

You Google “China Labor Laws” and discover that China has a mandatory retirement age of 60 for men and 55 for women. The labor law also states that it applies to all workers, domestic and foreign. But if this is a National law, why have certain provinces adopted local regulations and others have not?

Now you are thoroughly confused. You realize that the only way to obtain a definite explanation is to email SAFEA but after receiving no reply for two months, you send an email or fax to every provincial and municipal office of foreign expert certificate administration that you could find on the internet. At the end of the day you have been notified that half of the email addresses are invalid. At the end of two weeks, you have received no reply to any of your email or fax inquiries.

As a final desperation effort, you send a letter and CV to more than 200 schools in every province of China except Tibet. (You are simply unable to find any school in Tibet recruiting foreign teachers.) Within hours you start receiving job offers. You note a response from a public university in Fujian Province that claims they would really like to offer you a job but you are too old, being over 60. A private language mill in Fujian offers you employment on a tourist visa.) A response from Jilin states that you can not be legally employed in Jilin Province because you are over 60. A famous Beijing university states that they can only offer you a job on a tourist visa because you are over 60. (You already know that it is illegal to work on a tourist visa but you have no way of knowing that there are unlimited exceptions to every rule.) Otherwise, you have a multitude of legitimate job offers to consider.

Realizing that the employers may not adhere to the Regulations, you decide to seek help through a recruiter. The recruiter assures you that there is no 60 year rule and you can work through them anywhere in China. You are advised to remit their fee and immediately travel to China on a tourist visa. When you arrive in China on a tourist visa and are placed with an employer, you are advised that to convert your tourist visa to a working visa (Z) you will have to return to your home country and reenter China, all at your own expense.

You wonder where you went wrong. You contact your recruiter but suddenly they do not know you. Friends help you locate an employer who will allow you to work on the tourist (L) visa. You flee from the recruiter procured employer and settle into your new job. But as the promises of the illegal employer fail to materialize and you complain, you are reminded that you are an illegal alien and if you do not shut up, you could end up in prison, fined and deported.

You wait until pay day, and then quietly pack up all your things, wait until everyone is asleep, and you RUN. When you arrive back in your home country you start posting stories on China teacher forums. Then you come across “[SAFEA, Foreign Teachers, and Chinese Boxes*](http://middlekingdomlife.com/wp/)” at <http://middlekingdomlife.com/wp/>. You write a letter to MKL lamenting that you had not read this article before you left the safety and sanity of Canada for China.

Another case in point –

Assume you have been teaching in China for six years and you read a post on an internet forum that China has a law that prohibits more than 5 continuous years of employment of a foreign teacher. You read another post from a foreign teacher who claims to be on their tenth continuous year of teaching in China. Why wasn't this regulation applied to you last year at the end of your 5th continuous year?

This gives you serious cause for concern. Because you have been posting on ESL Cafes and EFL forums, you are painfully aware that they are loaded with bogus information. You have already started to question the value of the internet. Maybe it is the center of disinformation or the new found home of pathological liars. Your western inquiring mind that requires definitive answers is compelled to search out the truth.

You are particularly concerned because you recently bought a house in China and plan to get married to a Chinese gal next summer. What if there is a 5 year rule and you are about to be deported? You can't afford to ignore this. You must get to the bottom of it and right now.

Google provides no help. There is absolutely nothing about any 5 year rule in China. You ask your FAO and she tells you there is no such a rule but she has heard rumors. You ask friends at other schools to ask their FAOs. You hear as many stories from around China as you have seen internet posts.

You ask your Chinese girlfriend for help. She locates the SAFEA Chinese page and there it is! In Chinese it says that after a foreigner teaches in China for 5 years, they must leave and stay out for 2 years before returning. You check the SAFEA English page but that provision has not been translated. You wonder how there can be a secret, untranslated regulation.

You spent all of your money on the new house. You have no savings. How will you return to your home country and how will you survive for two years? What about your Chinese house that had to be purchased in your girlfriend's name? Panic sets in. Premature graying or baldness sets in. You are placed on high blood medicine and told to quit smoking and drinking.

Then your luck changes. You discover an article titled "[SAFEA, Foreign Teachers, and Chinese Boxes*](http://middlekingdomlife.com/wp/)" at <http://middlekingdomlife.com/wp/>

You read this article twice in disbelief. Your western mind just cannot fathom the realities explained in the article. You search the website further and realize that there is

no pitch to sell you anything, no agenda, just an honest service website with well researched and written articles. You start to believe.

Then your FAO calls you to ask you if you want to extend your contract another year. You ask, but what about the five year rule? Your FAO says “We already negotiated that with the local SAFEA office.” Say what?

UNBELIEVABLE!!

But true. The above play out across China every week.

You rightfully conclude that SAFEA is not transparent enough and that the information highway is a cul-de-sac.