International Conference on Border Control and Empowerment of Immigrant Brides

September 29-30, 2007

Inaugural Bridges Conference

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International Conference on Border Control and
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September 29, 30, 2007

Organized by:

Asia Pacific Mission for Migrants
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International Center on Taiwan Social Studies at Shih Hsin University
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“Where marriage used to be a sacred word, ‘marriage’ can now be an option to find ‘greener pasture.’ Poverty is a major factor why women are driven to migrate thru marrying foreigners. With the current economic and political situation in many of the third world countries, this phenomenon is a reality we have to face”.

Domestic violence, economic dependence, vulnerability, linguistic and cultural isolation, lack of social network, cultural constraints, fear of deportation, debt bondage are some of the issues and concerns raised during the first ever International Conference on Border Control and Immigrant Wives that was held in Taiwan on September 29-30, 2007.

Marriage migration has indeed emerged as another struggle of women migrants in the face of globalization. Poverty, unemployment, low wages, lack of social services and subservience to foreign interests have pushed many women in third world countries to marry foreigners so they can go, to live abroad

Crossing the border of immigration, a hurdle that many foreign brides have to endure, is another focus of this report. It was stated that when marriages pass through the borders of states and countries another dimension of relationship comes to the fore. The relationship between the couple extends to the keepers of the borders and the brokers or middle persons or business people who facilitate the access to the “gate-keepers” of the border.

This report aims to provide the true picture of immigrant brides who have actually become commodities from the sending countries and slaves or breeders in the host countries.

Lessons of empowerment, campaign and advocacy for immigrant wives’ rights and welfare come in handy in this report.

It is our aspiration that more women migrants will join in exposing and opposing the prevailing conditions of foreign brides around the globe after reading this report.

Most importantly, this report is dedicated to all women especially the immigrant women, brides or wives who are like migrants struggling against systematic discrimination, abuse, violence, oppression and exploitation.

Ramon Bultron
Asia Pacific Mission for Migrants (APMM)

March 2008
The need for a continued public education on the issues of foreign brides through collective actions of people came about after this was identified during the first international conference in 2005. To this end, this year’s International Conference on Border Control and Immigrant Wives focused on understanding immigration policies and laws concerning the foreign brides as well as other socio-political and cultural aspects of the society that influence and shape up laws.

Specifically, the conference gathered the delegates’ experiences, analysis and strategies in empowering foreign brides; drew up plans for coordinated research and advocacy actions within the network; promoted international solidarity among immigrant brides in different countries; and generated regional and international awareness and support on the struggle of immigrant brides on their socio-economic and cultural rights as women and immigrants.

The following presents the highlights of the proceedings that transpired during the two-day international conference:

**Day One - 29 September 2007**

1. The program of the day started with opening remarks from Prof. Hsia, Hsiao-Chuan of the Graduate Institute for Social Transformation, Shih Hsin University, co-organizer of the international conference. Professor Hsia stressed the need to empower immigrant brides whose rights have been neglected in the context of globalization specifically on border control. Building solidarity with other foreign brides internationally is essential in their empowerment, according to her.

2. Shih Hsin University President Dr. Mu Tzung-Tsaan Mu welcomed more than two hundred local and foreign delegates to the conference. He expressed pride in the SHU’s involvement in the empowerment of migrants and immigrants and advocating for their rights. SHU’s heritage, according to him, includes advance studies in critical social studies in Taiwan.

3. The special participation of the Very Revd Andrew Chen, Dean of the St. John’s Cathedral in Hong Kong and a board member of the Asia Pacific Mission for Migrants, co-organizer of the conference, provided inspiration to the participants. Love with justice, peace, righteousness and hope should exist among transnational marriages, he stressed.

4. The keynote speech was delivered by Jane Corpuz-Brock from the Immigrant Women’s Speakout Association of New South Wales, Australia. Herself an immigrant wife, she presented the issues faced by foreign brides particularly in Australia. Marriage migration has become a target for receiving countries’ border control policies, she said.
5. After a short break, Issues of women in the sending countries in relation to trans-national marriages (trafficking, marriage bureaus and home country’s policies and laws) were presented by the first panel composed of Emmi de Jesus from GABRIELA Philippines, Eni Lestari representing Syamsul of INDIES Indonesia, Rathneeporn Kung from the Thai Regional Alliance in Hong Kong, Le Van Hai and Nguyen Quynh from RAHF Vietnam. Lin Chin-ju acted as Moderator for the panelists who took turns in presenting the situation of foreign brides coming from their respective countries.

According to Emmi de Jesus, poverty is the major factor why many Filipino women are driven to migrate through marrying foreigners. While it may be true that there are good and strong relationships that came out from trans-national marriages, discriminatory practices to foreign brides should be eliminated and that there should be venues whenever there are grievances by the women that should be acted upon especially when there is threat to their life, security, property and their children and that the perpetrator should be meted punishment accordingly.

The ‘mail-order marriage’ could not be assumed as natural ways of ‘transborder marriage’. This was stated by Saymsul of Indies. Similar to the Philippine experience, poverty and discrimination force poor women to migrate herself as a foreign bride. This phenomenon is close to unwanted marriage and forced migration, he reported.

Le Van Hai also supported that Vietnamese women get married with foreigners as a result of a number of factors such as poverty, limited knowledge, lack of information of parents and young girls, gender inequality, domestic violence, among others. Moreover, this condition has perpetuated big business among marriage brokers, he said.

Ratchaneeporn Kung reported that most Thai brides experience language problems which often become a cause of marriage break up. In addition, some Thai brides are looked down and treated as servants by their spouse’s family. Discrimination is very common especially when they extend their visa at the immigration, according to her.

6. The afternoon session started with presentations from the panel on Border control and criminalization of foreign brides in the receiving countries (Host country immigration policies and laws concerning FB’s) like in Australia read by Ramon Bultron of Asia Pacific Mission for Migrants, Japan by Nobue Suzuki of the Center for Japanese Filipino Family (CJFF), Hong Kong by Jackie Hung of the Justice & Peace of the HK Catholic Church, Taiwan by Prof. Bruce Liao National Chengchi University, and Evelyn Calugay of Migrante Canada.

Nobue Suzuki presented some post-migration movements of Filipino women who are married or divorced in Japan. Her paper was based on a research project that she has conducted for nearly twenty years on Filipina-Japanese marriages. Interestingly, she described the Filipinas as mainly entertainers or sex workers with “3-D” stigmas – disease, depravity and drugs.

Jackie Hung’s presentation highlighted Hong Kong’s discrimination against mainlanders. According to her, 91% of mainlanders living in HK have experienced this. Women in poverty suffer from low esteem, an additional impediment to achieving self-sufficiency, she stressed.

Taiwan’s immigration law does not establish a well-functioned ‘permanent resident’ system toward the marriage immigrations. This was the gist of Prof. Bruce Liao’s report which also stated that virtually all non-citizens,
including marriage immigrants, economic immigrants, and other foreigners are being classified into the same category – excludable aliens. Thus, to get citizenship is the sole method for them to get secured status, according to him. Government officials always consider the immigration affairs as simply border control or foreign affairs policy, which has nothing to do with “rights” of “law” or “justice”.

In Canada, the mail-order bride has evolved within the context of a free market in the absence of Canadian regulation, according to Evelyn Calugay. Currently, because of the insignificant influx of foreign brides/mail order brides, existing women’s groups all over the country have carried out resistance to the issues of economic disparities, sexism on a global scale, ethnic stereotypes, generational and educational disparities and other relevant factors.

7. The open forum that followed the panel 2 presentations dwelt mainly on the issues of border control policies, human rights violations, discrimination, domestic violence. Several recommendations to protect the foreign brides in the receiving countries include free legal and interpreting service for newly-arrived immigrant wives, support groups, comprehensive education, lobbying for free social services, among others.

8. An interesting point of contention during the forum dealt with the proper term for “immigrant brides”. According to Professor Hsia, “foreign bride” is the most common term used in the media and even by the government.

Day Two – 30 September 2007

9. Day two started with a recap of the previous day activities followed by Panel 3: International Instruments Concerning Foreign Brides.

10. Lee Soo Choo of Tenaganita in Malaysia stated that in addressing the issue of regulating and making the players more accountable, it is important to look at the issue within an international context and a global perspective. We need to analyse the exploitation of the women from a “three in one” package of wife, worker and domestic worker.

Tenaganita expressed the need to view the apparent lack of documented data and evaluative research on critically looking at the issue of foreign brides in international instruments and how effectively they have been used in Asia. In addition, a regional mechanism needs to be set in place to monitor and collate data for action. A critical review of national legislations in different countries that discriminate women in the marriage institution with a feminist perspective is needed to look into how the ratification of international instruments has been translated into action by states.

12. Meanwhile, Peter Brock, a solicitor in Australia working with migrants, submitted a paper where he said that the number of spouses migrating to Australia has increased greatly over the past 10 years, despite a tightening of border security measures. The most significant role of criminal law relating to spouse visa applicants is the documented evidence of increased incidence of domestic violence in marriages that may fit the description of a ‘mail-order’ marriage. Whilst the domestic violence provision and some funding of specific support services for migrant women who are victims of violence has appeared to improved the rates for reporting of such violence, there are still immigrant women who are not aware of their rights,
and the protections they have under Australian law. This educational task is an on-going challenge, according to him.

13. Similarly, Andy Yentriyani from the Asia Pacific Forum on Women, Law and Development or APWLD affirmed that the rights of foreign brides should be better recognized. She stated that despite the growing number of FBs, information about the status of their human rights is still limited. Several human rights reports did mention FBs, but only in paragraphs that are easily overlooked or that reduce the complexity of the situation faced by FBs to particular issues relevant to the rights focused by the reports. Availability of international human rights instrument specifically addressing the issue of FBs arguably raises the visibility of their situation, particularly when it is followed by regular reporting mechanism.

16. In the open forum that followed the presentations, workshop participants asked about the possibility of advocating for an instrument specific to the concerns of foreign brides.

17. The workshop presenters recognized the limitations of current existing instruments that may be used in relation to foreign brides. For example is the convention on trafficking that does not cover marriage bureaus. They all agreed that advocacy for a foreign brides-specific agreement in the international level should be pursued but more studies should first be conducted.

18. While in the process of doing so, they also urged the participants to maximize the available ones in advocating for the rights of foreign brides in the national level. As one of the participants said, in the minimum, it will shame governments that put forward policies detrimental to the rights of foreign brides.

19. Aside from this the local participants asked the opinion of the speakers about the policy that the Taiwan government implemented with regards to the financial requirements on foreign brides and how international instruments could be used in the campaign.

20. Especially that Taiwan is seeking for membership to the UN, the presenters said that this condition can be used to push Taiwan to adhere to international instruments if it wanted to be part of the UN. Member states of the UN could also be asked to investigate Taiwan on this issue.

21. After the open forum, the fourth panel of speakers spoke on Organizing Foreign Brides with presenters Virgie Ishihara from KAFIN in Japan, Lee Inkyoung from Human Rights Solidarity for Women and Migrants in Korea, and Yadrung Chiou of TASAT in Taiwan.

22. Yadrung Chou reported that TASAT was formally established in 2003 although since 1995 immigrant wives have started to form support groups that provided language & literacy, shelter and education programs. At the same time they organized immigrant women and offered social education as well engaged in advocacy to improve policies and the legal framework. A native of Thailand, Yadrung shared her experiences how she empowered herself by taking language lessons, learning the Taiwanese culture and participating in street rallies.

23. During the open forum, issues on marriage brokers in Taiwan and recruitment of foreign brides like the Moonies in Korea were discussed. For Japan, organizing foreign brides started by communicating with them and establishing contact with other nationalities with similar problems.

25. Panel 4: Sharing of Experiences on Advocacy and Coordinated Actions was presented by Professor Hsia Hsiao Chuan for TASAT in Taiwan, Laramie Castillo from the Migrante International in the Philippines and Butch Pongos from the Filipino Migrant Centre in Japan.

26. The day ended with the plans of actions as embodied in the Declaration of the Conference passed by the delegates.
We, the delegates of the International Conference on Border Control and Empowerment of Immigrant Brides from Australia, Canada, Malaysia, Thailand, Indonesia, Philippines, Vietnam, Hong Kong, Japan, Korea and Taiwan, commit ourselves to unite and work towards the defense of the human rights of immigrant brides and the promotion of their welfare.

We believe that the implementation of the policies of neoliberal globalization has drastically increased the number of women forced into transnational marriages for an opportunity for a better life. Poverty, intensified by the neoliberal globalization agenda, has put women from underdeveloped and developing countries in situations vulnerable to abuse and exploitation by marriage bureaus and matchmaking agencies through various modus operandi.

We believe that, though transnational marriages are facilitated by the private sector, governments of countries of origin of immigrant brides allow the proliferation of practices of matchmaking agencies and marriage bureaus because these generate income for the government.

Much like the migrant workers, the increase of immigrant brides translates to even more revenue for the governments of countries of origin in the form of fees that the women or their prospective husbands are forced to pay as well as the remittances their nationals are expected to send. This leads to further commodification of immigrant brides as women and as immigrants.

Governments of countries of origin pay lipservice to issues of women, migrants and immigrants; lack political will to implement policies beneficial to women and immigrant brides; provide minimal, if not nil, services and protection especially to immigrant brides who have been victimized by violence, and; lack decisive actions to address the root causes of why more and more women are forced to become immigrant brides.

We believe that in countries of destination, the situation of immigrant women is worsening. The crisis that destination countries of immigrants brides are experiencing, compounded by the continuing anti-terror hysteria, has resulted to government policies that are more restrictive and repressive to immigrant brides as well as to the larger community of immigrants and migrant workers.

Policies on border control of host countries have become even tighter in the past years and have diminished the rights of immigrant brides in the economic, political, civil and social aspects of the society. Discrimination against immigrant brides is rampant. Violence against immigrant brides, both at home and in the larger society, also persists.
We believe that governments of countries of origin and host countries of immigrant brides must work for an international mechanism that shall comprehensively address the condition of immigrant brides. While there are already existing international instruments that may cover some issues of immigrant brides, these are not enough and even these are not properly and conscientiously implemented.

We believe in the importance of empowering immigrant brides in the grassroots level to build and strengthen the movement of immigrant brides actively pushing for their rights and working together to uphold their welfare.

The movement of immigrant brides, with the important support and assistance that institutions can provide, shall ensure the individual and collective empowerment of immigrant brides. In the experiences of many countries – both countries of destination and countries of origin – changes in policies that imperil the rights of immigrant brides can be achieved if we rely on the strength of the immigrant brides themselves. Even beyond the changes in policies, new policies that are more equitable to immigrant brides can be fought for and eventually won through actions in the grassroots level.

In recognition of the objective situation of unequal development of grassroots immigrants brides movements in different countries, we shall persevere to learn from each other’s experiences and uphold the lessons of effective advocacy, education and organizing work among immigrant brides.

We commit to form a broader and stronger network in order to strengthen our coordination and cooperation for future actions and activities on the issues of immigrant brides. While we harness the broadest unity on matters of immigrant brides in the international level, we will also advance local struggles – both countries of destination and countries of origin – of immigrant brides and aim for concrete gains to alleviate their situation.

We recognize the primacy of education work and public information to deepen understanding on the different dimensions of the immigrant brides phenomenon for even more effective actions.

We also uphold the need for empowerment of immigrant brides in the grassroots level in the comprehensive work of advancing the rights and wellbeing of immigrant brides.

With the stronger solidarity forged, we, delegates of the International Conference on Border Control and Empowerment of Immigrant Brides commit ourselves to the following actions:

**Advocacy**
1. Identify national issues where the network can call for coordinated actions among the members.
2. Formulate advocacy plans to push the United Nations to come up with a convention that specifically addresses the concerns of immigrant brides.
3. Create venues where the network can meet and further develop the planned actions.

**Research and Education**
1. Launch comparative studies on policies that impact immigrant brides to deepen our understanding on the various dimensions of the issue.
2. Conduct studies and training on organizing of immigrant brides in destination countries and in countries of origin.
3. Document and publish stories on the different levels of empowerment of immigrant brides

**Organizing**
1. Facilitate exchange programs between organizations of immigrant brides as well as institutions working with immigrant brides to learn from each other's experiences,
2. Actively participate in the development of an international movement of im/migrant organizations (International Migrant Alliance)
Marriages between peoples of different nationalities, race and socio-economic standing, ages and gender have taken many forms throughout human history. Relationships such as marriage, has it roots from the perception that we commit to a contract – an understanding that varies based on situations and context in a specific time and space. Throughout human history the common thread that connects how humans relate to one another is of need for socio-economic and psycho-emotional security. This security and stability is power-driven, control-based which is determined by the dominant socio-economic and political systems in a country where marriage takes place or de-facto relationships is recognized and eventual place of abode.

Bride as a concept has its roots from various marriage traditions. In olden times, where a marriage formalizes certain alliances between families and clans, a bride is a gift to formalize the alliance. Purchasing a bride is also common in ancient times. The reasons could be the purchasing family or clan needs a farm helper and also a procreator for the expansion of their clan or tribe. Giving of dowry to the groom is also being practiced in some countries in regions where tradition is still deeply woven in their modern lives. In the lives of monarchies marriage in ancient times are mostly driven by power and expansion of their territories.

In fact, issues of alliance and marriage are prevalent even in modern times. The Royal Family of England is a good example. A ‘royal’ relationship that had “love” as its motivation was that of King Edward VIII of England to an American commoner and a divorcee, Ms Wallis Simpson. The requirements of ‘duty’ and the role of the monarchy in the political structure of the country meant that Edward abdicated as King in December 1936. Princess Margaret, the sister of the present Queen Elizabeth II of England was unable to marry Peter Townsend in the 1950s. The marriage of Prince Charles and Princess Diana was in effect an arranged marriage when Charles could not marry the love of his life, Camilla Parker-Bowles, as she was divorced. Let us also look at some of the Hollywood-type of marriages, for example the then 25-year old Catherine Zeta-Jones, a Scottish actor who married the 50 plus year-old Michael Douglas, a very wealthy and ageing American actor.

These examples from as recently as 1981 show that marriages that have elements of alliance, duty, politics, wealth and other forms of arrangement are not an ancient relic, but have been prevalent even up to modern times, and even in Western nations. So, why do people raise their eyebrows at mail-order and pen-pal brides? As if they are low-class category of women?
In our current cultural perceptions on brides and marriages there is an assumption that love is what motivates persons to enter into marriage. This love is shown by living together and the couple signs a contract in a marriage ceremony. In turn, countries and governments also have this as a framework in their civil and family law that flows on to their immigration law as well.

On the contrary, for the past decades throughout migration of peoples, marriage has been one of the means to migrate and reside in another place. It matters less for them whether they are fully in love or not at all. This type of migration has been the target of migration officers in various countries. Marriage for convenience and for migration has caught the attention of those in charge of a country’s border control.

Considering the current immigration regulations of the Australian government, every application for spouse visa has to undergo a rigorous test to prove the genuineness of the marriage and the quality of relationship after the marital ceremony. The genuineness means that it is based on love and affection and neither party have to pay or have been coerced into marriage. This rigid scrutiny came out as a result of a study that many marriages with people who are from overseas during the late 1980s are with serial partners. It was found that many of these marriages have been arranged by paying Australian citizens or permanent residents as a means to migrate to Australia.

Some families in countries like India, Bangladesh and Fiji still practice arranged marriages. Australian immigration officers looked at this type of marriage as a point of interest for residence officers who assess cases of domestic violence of temporary spouse visa holders.

Marriages, or all types, exist in the real world and are affected by the forces shaping societies and relationships in today’s world. When marriages pass through the borders of states and countries another dimension of relationship comes to the fore. The relationship between the couple extends to the keepers of the borders and the brokers or middle persons or business people who facilitates the access to the “gate-keepers” of the border.

The interactions among these persons are based on power and security. The bride as in olden times, during the feudal, and medieval and industrialisation periods is always in the position of inferior power. The bride in the case mail-order and pen-pal brides had become a product for sale. One of the women who came to my workplace for help is from Fiji. Her marriage has been arranged by her parents with the parents of the prospective husband, also of Fijian-Indian origin and an Australian citizen. The mother of the prospective husband visited Fiji and searched for a prospective bride for her son. In this case, it’s the parents of the prospective bride who has to pay the dowry. I asked her why some Fijian-Indian women have to pay the dowry when they get marry? The Fijian woman said that gift/dowry is given to the prospective husband so that he will treat the bride with kindness and respect. This arrangement puts the bride on a deeper level of exploitation.

The level of vulnerability to exploitation of mail order and pen-pal brides is dependent on the socio-economic situation of countries where they come from. In the case of Filipina mail-order brides, the semi-feudal conditions, the corruption in government and the stranglehold of foreign big businesses, especially from the United States have caused extreme poverty, very high rate of unemployment pushed the Filipina to migrate and look for job outside of the Philippines.

The Structural Adjustment Program (SAP) in the early1980s that was prescribed by the International Monetary Fund and World Bank brought tragedy to many businesses in the Philippines. Factories have been closed down; unemployment rate increased while the Philippine government had not fulfilled its promise of job creation. Filipino workers, especially women took a courageous step of working overseas as domestic helpers. Many took the more risky path of marrying someone whom they have known through pen-pal and mail-order-bride agencies. These Filipino brides hoped that their marriage could allow them to migrate to a rich country, work and earn money and send to the Philippines. Indeed, they are “heroes” for their families and the rest of the Philippines.
Prof Hsiao-Chuan Hsia has described this reality in the interaction of the personal, national and international aspect of the mail-order bride phenomenon -

The “foreign bride” phenomenon is . . . a global phenomenon where from underdeveloped countries move to more developed countries. [Hsia’s] essay has attempted to view commodified transnational marriages as a product of capitalist development. Capitalism has led to an international division of labour among core, semi periphery and periphery as well as distorted domestic development. Commodified transnational marriages are marriages across national boundaries between people marginalized by this distorted development. The marriages are people’s solutions to problems arising from capital internationalization and labour liberalization. “This in turn feeds back into the international division of labour and contributes to further capitalist development”.1

Hsia notes that much consideration of the mail order bride trade has lacked sophisticated analysis, and an overview of the complexity of factors and motivations at play. As a result, stereotypes and misconceptions are reinforced in some writings on the subject. Some examples follow.

Some authors describe the brides as “traditional” who fit a picture of passive and subservient wives for men whose patriarchal values mean they cannot compete on the marriage market in their domestic environment. These authors seek to understand why brides are not willing to seek professional therapy in their new country. They appeal to “cultural differences”, representing cultures as static, and Asian culture as rigid, authoritarian and suppressive of individuality. In contrast, Western culture is flexible, individualistic, anti-authoritarian and superior to Asian culture. [Hsia, pp 35-6]. A better analysis sees that the women who leave their own country are courageous, independent, strong and far from passive. Asian and Western cultures are complex and dynamic, and neither neatly fits into simplistic descriptions. The cultures and people living within them are subject to stress by the developments of international capitalism, and the coping mechanisms of individuals and peoples and varied and dynamic. Commodified transnational marriages emerged of one result of the coping mechanisms in arising in a variety of countries, which had dynamic and evolving sets of relations within international capitalism.

Other authors simplify the motivations for mail order brides. Those analyzing brides going to Western countries like the USA, ascribe a cultural and racial element based on an Asian woman / White man link. Colonialism, it is said, “has created romantic notions of betrothal to tall, light-skinned American men”. This has the value of illustrating how imperialism or colonialism “distorts and remakes gender relations” [Hsia, p 36], but fails to explain relationships where the male is not white, or the destination country is not Western [e.g. Taiwan, Japan or Korea].

Another group of authors seek explanation in the push of negative factors in the home country and the pull of positive factors in the country of the future husband [Hsia, p 37]. This explanation is simplistic. In fact the relationships and the motivations are more complex. An overarching theoretical framework is required to explain how positive factors in the country of origin and negative factors in the destination country do not deter the bride and the marriage.

Essentialist feminism fails to explain the evolving context of commodified transnational marriages manifested in different cultural interactions and relationships [Hsia, p 36], and plays into another essentialism: one that posits the underdevelopment of the source countries of the brides the essential lacks in the culture and the individual
people of those countries. They are poor, subservient and unable to free themselves from poverty and under-development because of essential flaws of nature and culture. These explanations fail to explain the great changes in economic and cultural conditions over the course of history, and the relative recent advent of the mail order bride phenomenon.

As suggested above, commodified transnational marriages have a personal, notional and international dimension.

On the personal level, individual women and men are trying to cope with the distorted economic and cultural development created by capitalism and aggressive globalization. They seek caring, empowering and tender relationships against the alienating, individualized and destructive pressures of the world around them.

Nationally, distortions of the new world order are reproduced within countries, and puts pressure on people to find solutions to problems which manifest on different levels, including the personal, the economic and the cultural.

Women from the Philippines, Vietnam or Indonesia seeking a husband in a country like Australia or Taiwan are members of a larger section of the women of their countries facing tremendous change brought about by capitalism and globalization. These women are coping with courage, innovation and assertiveness. They are certainly not passive and subservient now – and I would argue that such a picture of women in our countries was never an accurate picture.

Likewise, men from core countries or Japan or semi-peripheral countries like Australia or Taiwan seeking foreign brides face stresses brought about the radical changes of modern capitalism. Many are from distressed agricultural or industrial regions where social interaction has been eroded in the wake of the radical economic change and the associated cultural changes. In this alienating and confusing modern world, they reach out from warmth, intimacy and belonging.

Internationally, relationships of dependence and complementarity between peripheral and semi-peripheral countries encourages expended interaction between certain layers of the population of different nations. The international relations of capital places people into relationship across national borders, and governments and economic forces provide encouragement and legal and administrative arrangements for these relationships. In the end, the characteristics of the relationships of international capitalism are reproduced in the personal and individual relationships between people across national boundaries.

The meeting of the bride and groom in this context is a meeting of individuals resisting [maybe unwittingly] aggressive globalization and the distortions of modern capitalism. But meeting and relationship have an economic dimension. There is a commodification of the marriage relationship, and a transnational dimension as well. The commodified transnational marriage is marked by capital internationalization, labour liberalization and the pattern of the relationships between countries. The marriages ‘crystallize an unequal division of labour interpersonal relationships” and further -

“Commodified transnational marriages link together the men and women most seriously affected by unequal development. The marriages are the flip side of capital internationalization. These marriages also add an understanding and acceptance of the international division of labour into people’s stock of knowledge, as well as
among interpersonal relationships” [Hsia, p50]. Hopes of a ‘global village’ arising from these marriages are naïve. Only organizing, and raising of consciousness will produce such a ‘local internationalization’.

Mail-order and pen-pal brides are women of courage and have so much openness to possibilities for themselves, their families in their countries of origin, to their husbands and their host country. The sending of money to families in their countries of origin, financial support to extended families such as nieces, nephews, etc and remittances that provides guarantees for more borrowing and for paying foreign debts of the government of their country are the their major contributions. Many foreign brides do not know about government’s dependence on remittances for its survival as in the case of the Philippines.

But what does it mean to be a mail-order and pen-pal bride? They face many vulnerabilities such as: de-skilling if they possess skills when they moved to the host country, if she is able find a job, she would be more likely to be receive very low level of wages. A Filipina who used to be a teacher before she married a Swiss – national (from the German –speaking region) at the time I met her said that she is not able to use her skills as a teacher in Switzerland. She can speak write in German language but she still has to do an upgrading course to be able to teach.

There is also the stigma of being a mail-order and pen-pal bride in a context of having married to migrate to another country. In this perception there are assumptions that these brides used to be prostitutes, bar hostesses, poor and no formal education. The Australian movie and turned into a stage musical “Priscila, Queen of the Desert” manifested the stereotyping of Filipinas as foreign brides.

Crossing the border of immigration is another hurdle that many foreign brides have to endure. In Australia for example, a foreign bride and her Australian groom has to prove the genuineness of their relationship as married couple. The financial cost of processing an application is very high and has to provide evidence of relationship. For those who do not speak good English, this could become a very daunting experience.

When they have finally arrived in Australia problems in access to information about community services becomes evident due to language barrier. Through government and non-government service providers many information on available services are distributed. The New South Wales government provides funding for interpreting and translating services for non-government organisations that they fund. On the other hand the Department of Immigration provides free interpreting service for those who have residency status and wish to make enquiries about immigration and citizenship.

The toughest issue that many foreign brides face is domestic violence. In Australia through the education campaign and lobbying of the progressive Filipino organisations (one of them is what we know now as Migrante Philippines-Australia) and other immigrant women’s organisations such as the Immigrant Women’s Association together with human rights lawyers, academics and government policy advisers and politicians – the Domestic Violence Provisions (DVP) was instituted in the Migration Regulations in 1991. The DVP allows a foreign partner to leave a violent relationship and still will be able to apply for permanent residency. The usual process for a foreign bride or partner to acquire permanent residency is to wait for two years and the provide evidence proof of continuing genuine relationship. If there is a breakdown of relationship before the two years is completed, the foreign bride has to present reasons for the breakdown. If is due to domestic violence and the evidence that a foreign partner had provided had been accepted by the Australian Department of Immigration, a permanent residency will be granted. In principle, the DVP is a very effective migration regulation because a foreign partner is not pressured to remain in a violent relationship in order to become permanent resident.

In terms of paid work opportunities, there is a limited employment opportunity for many foreign brides because she has to juggle between serving her husband and paid work. There are instances that husbands do not allow a foreign bride to be in paid employment because this will reduce her time needed to do all her household duties. But of course, we also know that husbands do not allow their foreign wives to get paid employment because the wives will become independent once they have their own income.
Foreign partners could also fall into a cycle of poverty trap due to the current Australian employment law, which is now becoming a channel for the recreation of the low-waged sector population. Foreign partners’ limited knowledge on worker’s rights compound this problem.

The Australian government just like the governments of other host countries always encourages its people to procreate. In this sense, foreign brides are very welcome. I have had the opportunity to have discussions with many foreign brides in Australia. They say that they wish to undertake training in aged care. They are young; therefore they could work in aged care facilities to look after the ageing population of Australia. Others who have high level of skills, took upgrading courses, were able to work in some industries and eventually become part of the workforce needed to sustain the engine of Australia’s so called “booming economy”.

In Australia, in terms of numbers, in April 2007, the Department of Immigration and Citizenship (DIAC) released an initial figure covering July to December 2006. The total number of people who came to Australia under the category of Family Migration is 19,015. Out of this total are people who came to migrate on spouse or could be also fiancée that numbered to 15,383 (80% of the total family migration). The total family migration has 62.9% female. (Source: DIAC, Immigration Update July - December 2006 Released in April 2007, pp 10-13)

Yet, the foreign brides are essentially penalised by the socio-economic policies and regulations of the host country. So what's the hope for the newly-arrived and future foreign brides to be? Who is one of the “heroes” of poverty-ridden countries, like the Philippines and of the host countries that are developed and have ageing population and have shortage of skilled workers? I gathered that these are the key issues we will be considering in this conference.

Thank you and congratulations to the initiators and organizers of this conference. I wish to congratulate the foreign brides who are here as participants, for your courage and openness in dealing with issues confronting us. I hope that this conference will come up with policies and programs that will advance the cause of foreign brides and of women and migrants as a whole. #

Notes:

Good morning and warm greetings to all, in behalf of my organization, GABRIELA. My congratulations also to the organizers of this very relevant conference which I am honored to be part of the panel, Issues of Women in the Sending Countries in Relation to Trans-National Marriages.

Last August 29, Senate Resolution No. 101 was introduced by Senate President Manuel Villar, urging the Senate Committee on Youth, Women and Family Relations to “conduct an inquiry on the growing number of Filipino mail order brides, the non-implementation of relevant laws for the purpose resulting in the violation and continuous desecration of our women, with end-in-view of charting remedial measures to protect further the dignity of Filipinas.”

In the resolution filed, he cited the alarming number of mail order brides that leave the country at 300,000 to half million every year. And what was more alarming was the examples of internet addresses that advertise Filipinas as commodities. To cite 3 addresses, the following are how they advertise the Filipino women just like commodities:

1. www.ofilipina.com: “mail order brides, pen pal girls exclusively from the Philippines, lovely Filipina ladies, wishing to correspond and meet foreign gentlemen for romance and possible marriage”

2. www.2 bwed.com: “world class service...has been in the business to introduce girls from the Philippines who would like to correspond, meet and marry Western men...and Filipino women can be “instantly ordered” subject to a $5.00 processing fee

3. www.1mailorderbrides.com: “Philippine women from Luzon...that includes post-graduate students”

This resolution is only very specific and addresses one venue where women from the Philippines were able to have foreign husbands. Sadly, there is already an existing law, passed on June 1990, which, if fully implemented could have already curbed if not totally eradicated the practice of advertising Filipinas for “marriage.” The Republic Act 6955 is “An act to declare as unlawful the practice of matching Filipino women for marriage to foreign nationals on a mail-order basis and other similar practices, including the advertisement, publication, printing or distribution of brochures, fliers and other propaganda materials...”
The Lure of Marrying Foreign Nationals

The Philippines economic situation can be best mirrored in the situation of Filipino women and children where poverty is the number one problem as that of the majority of the population. Issues of unemployment, low wages, minimal or no benefits at all if employed, job insecurity, are faced by the labor force where women are culturally regarded as “reserved” labor force only. Added to this is the issue of social services which are very elusive for the poor majority. For women which have specific need for maternal healthcare, the sorry state is that even public hospitals that should be accessible are now targeted for privatization. Where government’s allotment of the budget should have housing, health, and education as the biggest, on the contrary, this is where the national budget falls short. Alarmingly, while there is a decrease of the budget for social services, there is an increase for debt servicing. What exacerbates the situation of the poor is the continuing increase in prices of basic commodities and utilities. Just recently, price of rice, which is the staple food of Filipinos (and majority of Asians), increased dramatically. For example, from the former Php25.00/kilo, it increased to Php27-Php28.00/kilo. With the natural environmental disasters that passed the country (e.g., devastations brought by strong typhoons) for the past year/s, rural and urban poor were doubly driven to poverty.

With globalization as the government’s over-arching economic policy, it can be gleamed from the above that the resultant situation is economic crisis where the majority of the population suffer. Reinforced by the continuing implementation of Labor Export Policy which encourages diaspora of the population, it is no wonder that migration to other countries is one very attractive option to “seek for greener pastures.” Remittances from Overseas Filipino Workers (OFW’s) have increased their economic significance from only about 3% of the country’s Gross Domestic Product (GDP) in 1983 to 15% at present.

Thus, to live and earn “abroad” by whatever means is now a dream for many Filipino. It is therefore a lure for Filipino women, to marry foreigners so they can go to live abroad.

Preying on Women’s Vulnerability

Culturally, the patriarchal attitude towards women is still dominant in the psyche of Filipinos. This low regard for women is apparent as can be seen in the economic and social dynamics of the society. Women are still regarded as secondary labor force, discriminated against, vulnerable to be victims of gender violence (sexual harassment, rape, sexual abuse, wife battering, etc), and commodified directly or indirectly. Rooted historically, plus factors especially the media’s portrayal of women, enshrining and enriching patriarchy is even aggravated by the government’s economic and political policies.

Poverty results to desperation. The Filipino saying “kapit-sa-patalim” which literally means “hold-on-to-knife” which means despite the risk and danger, you would do it out of desperation. And despite the risk and their vulnerability to be victims of violence, women migrant workers now outnumber Filipino men.

Some fast facts on cases of abused or maltreated women migrant workers:

- 5,000 OFWs were able to enter Syria where majority are women as domestic helpers, without proper documents and were recruited by agencies based in Dubai; because of their illegal status, they are more open to various forms of abuse
- in 2003, a Filipina married to a Korean died from falling from the 10th floor of their building; the victim’s family alleged that it was the husband who pushed her to death because they knew that she was battered by the husband
in November 2006, an OFW who was a victim of illegal recruitment in Qatar was raped and was not given her 5-month salary; she was able to escape and asked the assistance of the Philippine consulate in Qatar; unfortunately, no action from the government has been received by the victim even as she was able to go back in the Philippines

as of November 2006, there were 32 women who were temporarily sheltered in a halfway house in Qatar who had the same experience as the victim above

Despite the passage of the Anti Trafficking in Persons Act in 2002, many Filipinas were still victimized by unscrupulous individuals and agencies. The sad fact remains that there were some who were able to escape from the situation where they were made into sex slaves and prostitutes but unfortunately, because of the trauma and fear for their lives, they chose not to pursue their cases.

Colonial mentality is an added factor why white/Western men are the preference for foreign husbands. North American countries (US, Canada) and European countries (Germany, Belgium, Holland, Switzerland, etc) are also more known for their being rich countries. In the Asia-Pacific, Australia, New Zealand, Singapore, Taiwan, South Korea are the more popular target countries for foreign husbands because they are also known for being richer ones in the region.

My personal experience in my travels as part of my work in GABRIELA gave me first hand knowledge of various cases how they got to be married to their foreign husbands. In New Zealand, I met a graduate of Chemistry from a prestigious university in the Philippines. She met her husband through penpal writing and when asked to come to New Zealand to be his wife, she didn’t have second thoughts because the man said he had a big farm and since he needed a business partner, might as well be the future wife also. Through the prodding of her younger siblings who were still studying, she decided to marry him with the thought of economic relief if she can earn big from being a business partner. But after 5 years of being a wife to the rich farmer, she was already on the verge of depression. The farm was in a very isolated area, she was made to do multi-tasks in the farm aside from being his sexual partner that was why she already had 3 children in 5 years. The money she expected to send home was so minimal because of her husband’s restrictions. In Belgium, most of the Filipinas I met there who were married to Belgians got to know their husbands thru their co-workers in the Philippines who were “pioneers” in marrying Belgians. It was fortunate for most of these brides because no major problem arose from the relationship. But since most of them “went abroad” so they can send home money, but they were full time wives, they “scrimp” on their household budget and discreetly send home the money because they were ashamed that their husbands would find out. Successful marriages were definitely also realized as in the cases of some Filipinas I met in Taiwan in 2005.

**Why the Need for Laws that Will Protect Brides of Trans-National Marriages**

Where marriage used to be a sacred word for the Filipino women, “marriage” can now be an option to find “greener pasture.” Poverty is a major factor why many Filipino women are driven to migrate thru marrying foreigners. With the current economic and political situation of the Philippines, this phenomenon is a reality we have to face.
The burden of ensuring protection for brides of foreigners should first come from the Philippine government. If we were to look at our existing laws, the two already mentioned above should already deter victimization of women. But the sad fact is there is still proliferation of agencies and individuals whom we suspect to have strong connections to law enforcement agencies.

There are more laws we can cite that should be strongly implemented and could help in rendering support to migrant brides. There is Republic Act 8040 passed in February 1995 which is an Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of the Migrant Workers, Their Families and Overseas Filipinos in Distress. Another one we can mention is Republic Act 8171 passed in October 1995 which is an Act Providing Repatriation of Filipino Women Who Have Lost Their Philippine Citizenship by Marriage to Aliens and of Natural Born Filipinos.

In as much as we recognize that there are also many good and strong relationships that came out from transnational marriages, we still deem it necessary that host countries to foreign brides also extend all necessary protection for the women. Discriminatory practices to foreign brides should be eliminated. Rights and welfare of the women (and their children) married to men of the host countries should be equal to the rights and welfare of the citizens of the host countries. There should be venues whenever there are grievances by the women that should be acted upon especially when there is threat to her life, security, and property (and her children's). Should there be any abuse, attack on her person, or any situation that inflicted trouble to her, the perpetrator should be meted punishment accordingly.

**GABRIELA’s Work and Vision**

GABRIELA believes that it is the right of every woman to enter into and get out of a relationship. Thus, to enter into marriage, it should be a choice made by the women without fear, coercion, or intimidation or prearrangement against the women's will. But as seen in the current circumstances, this right is now distorted with the realities facing us.

That is why GABRIELA's vision is the elimination of the conditions that breed discrimination, abuse, and all forms of violence against women; elimination of all forms of oppression and exploitation of Filipino women. Thus, structural changes in the society should be made. Existing Philippine laws which we expect to promote women's rights and welfare will just be written documents, as we see them now without a government that believes in serving the majority of its people, not just serving the interest of a few. We believe that the women's movement is an integral part of the Filipino people's movement for change. Thus, we will continue our strategies of education and public information, towards building strong women's organizations for actions.
Domestic Causes of Trans-Border Marriages in Indonesia (Taiwan Case)

Panel I Presentation

By Institute for National and Democracy Studies (INDIES) and Association of Indonesian Migrant Workers in Hong Kong (ATKI-HK)

There are three features of trans-border marriage in Indonesia: first is “the marriages” between Moslem women with the Arabic tourists or temporary inhabitant; second is the marriage between Indonesian women with expatriates; and third is the marriage between Indonesian-Chinese women with the male from abroad (especially from Taiwan).

The first phenomenon becomes polemic in Indonesia. Especially, after Vice President Jussuf Kalla gave his opinion to support this illegal practice. Vice President Kalla said this marriage will “help” the Indonesian women to find a decent living condition and to some extent could improve their genetic. “The child from trans-border marriage could become film artist so they can help to improve their family live,” Kalla said. This opinion creates high resistance from all women’s group in Indonesia.

There are two causes of trans-border marriage in Indonesia that can be noted. First is crisis in mid-east (especially in Iraq and Afghanistan) were suspected as the rationale of this phenomenon. After the war hit Afghanistan and Iraq, the Iraqis and afghan migrated to several countries including Indonesia. Most of them chose Indonesia as temporary inhabitant because Indonesia is transit country before getting visa to Australia as their final destination. They stayed as temporary inhabitant in Bogor (West Java), in southern of Jakarta. While staying as temporary inhabitant, they married local women (most of them are Moslem). Second is the organized and promoted marriage by travel agents in Arabic countries and their partners in Indonesia to attract the tourist from Arabic countries (mostly from Saudi Arabia).

The second phenomenon (the marriages between Indonesian women with expatriates) becomes very usual, especially when the New Order Regime opened Indonesia to the foreign investment during the import substitution industry and export oriented industry. Some women from the poor areas near by factories were married by expatriates especially from Korea and Japan while some others became a mistress of the expatriates only.

The third phenomenon of the marriage between Indonesian-Chinese women with the male groom from abroad (especially from Taiwan) was the most exclusive one. Although this is not a new phenomenon at all but people in Indonesia do not have high attention and concern on this issue. This phenomenon was covered by the political, economical, and cultural discrimination issues in Indonesia. There are only limited publications exposing this reality. In fact, most of the publication was made by some Indonesian-Chinese human right groups only like Lembaga Anti Diskriminasi di Indonesia (Anti-Discrimination Institution in Indonesia).
Overall, the three kinds of trans-border marriage in Indonesia were illegal. Even though, the Indonesia government has never legally forbidden these practices. That phenomenon was in fact based on and legalized by the conservatives view (Islamic law or syariah) on women and marriage institution. Often we hear a say in Indonesia that “being married is better than being prostitute”.

**Women, “Indonesian-Chinese” and Poverty**

In this paper, we will focus the discussion to the third phenomenon on trans-border marriage between Indonesian-Chinese women and male groom from abroad especially from Taiwan. To understand this, we have to carefully look into the three aspects of visible discriminations on the trans-border marriage issues which are they are as women, as “Indonesian Chinese” and as the poor Indonesian-Chinese families.

**I. The first discrimination “because they are women”**

Women’s issues in Indonesia are strongly related to the basic structures of Indonesian society. Women are still being forced to fight the undemocratic interpretation, which produce and reproduce by the remnant of feudalism and bogus emancipation and commoditization of females body, that created by monopoly capitalism. This causes the Indonesian women live under three layer of discrimination; politically, economically and culturally.

Despite this current situation where women rights and their genuine movement are oppressed, the women struggle to demand the equality and genuine participation had a long historical background. The women struggle was historically related with the basic contradiction in Indonesian society which is the feudalism (especially Javanese feudalism) and colonialism. Therefore since “the age of movement” against the colonialization in 1920s until 1965, the women movement was well-organized and had a strong influence in political level.

The women struggle almost came to the end after General Soeharto took the power. The militant and democratic women organizations were abolished, repressed and disbanded. Some women’s leaders were killed and détente. The organizations of progressive women were used for black-propaganda. Soeharto promoted the conservatives interpretation on women and systematically forbid women participation in political arena.

After the ousted of Soeharto in 1998, there are some progression in mainstreaming gender equality in many issues and aspects. These were promoted by women’s groups and NGOs. The new regime was formally promoted the new approach on women and acknowledges some of women’s issues. For example, the present regime changed the Ministry of Women’s Role (Menteri Peranan Wanita) and introduced the State Ministry of Women’s Empowering. They also developed specific laws to accommodate the women’s demand, like Anti Domestic Violence Act in 2004, Anti-Trafficking Act in 2007. The government also tried to accommodate the civil society initiatives on women issues (NGO, mass organization, women Legal Aid, etc.

But the women’s situation was changed much. In political level, some restriction on women's political participation remain still and seems could not be removed. Worse, there are some political initiatives that systematically try to prolong the discrimination on women like Anti-pornography bill, anti-prostitution bill, etc. In economy, women still have no legitimate access to the productive forces in rural areas (land, water, and nutrition). Women whom become majority in the light industry in Indonesia still faced discrimination in wage/salaries. And in cultural field, women still had been discriminated by fundamentalism (Islamic fundamentalism) and some cultural prejudice.

Until now, women’s issues are still dominated by the mainstream and conservative-feudal interpretation of women. Domination of conservative women organization like Dharma Wanita and PKK still exist. This caused the democratic campaign to assert the basic problem of women is not confronted yet. There is also other condition that weakening the women’s struggle in Indonesia, like the common perception among activist who still distinguished the women’s issues from other sectoral issues. In other side the mass-based and genuine women organizations are still in small number and concentrated in limited areas.
2. Second discrimination “because they are “Indonesian-Chinese”

According to the population census in 2000, total population of the Indonesian Chinese estimated of 1,739,000 people. They are distributed in almost all regions in Indonesia and the region with significant population are Bangka-Belitung, Java, West Kalimantan, North Sumatra, South Sumatra, and South Sulawesi.

<table>
<thead>
<tr>
<th>Total Population</th>
<th>1,739,000 (2000 census)</th>
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</thead>
<tbody>
<tr>
<td>Region with significant populations</td>
<td>Bangka-Belitung, Java, West Kalimantan, Sumatra, South Sulawesi</td>
</tr>
<tr>
<td>Languages</td>
<td>Hokkien (Min Nan), Hakka, Tiochiu, Mandarin, Indonesian, etc</td>
</tr>
<tr>
<td>Religion</td>
<td>Buddhist, Confucianism, Christian, Muslim</td>
</tr>
<tr>
<td>Related Ethnic Group</td>
<td>Han Chinese</td>
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The “Indonesian Chinese” communities are like the “third citizen” in Indonesia (“first citizen” is army and their families, “second citizen” is common people and not Chinese). For years, the Indonesian-Chinese lived in multilayer of discrimination and restriction. This condition was created and produced by Dutch Colonialism and, worse, is still continued until today. Although some restrictions were abolished by the Indonesian government but the cultural effect and ‘cultural perception’ on Indonesian Chinese that caused by those restriction still continue until now.

Some samples of Anti-Chinese Policy in Indonesia

- PP 10/1959, which forced Chinese Indonesian to close their businesses by 1 January 1960 and relocate in urban areas.
- Cabinet Presidium Instruction No. 37/U/IN/6/1967, which prohibits further residency or work permits to new Chinese immigrants, their wives, or children; freezing any capital raised by “foreigners” in Indonesia; closure of “foreign” schools except for diplomatic corps and their families; the number of Indonesian students must be the majority and in proportion to “foreigners” in any state schools; and that implementation of the “Chinese issue” will henceforth be the responsibility of the minister for political affairs.
- Presidential Instruction No. 14/1967 (Inpres No. 14/1967) on Chinese Religion, Beliefs, and Traditions, which effectively ban any Chinese literatures and cultures in Indonesia, including the prohibition of Chinese characters. Although Chinese names are not explicitly mentioned, “newly naturalized” Indonesian Chinese were strongly advised to do so. (Annulled by former president Abdurrahman Wahid in Keppres No. 6/2000; annulment supported by former president Megawati Soekarnoputri in Keppres No 19/2002 by declaring Chinese New Year as national holiday)
- Resolution of the Provisional People's Consultative Assembly no. 32, 1966 (TAP MPRS No. 32/1966) expressly bans the use of Chinese characters in public.
- Home Affairs Ministry No. 455.2-360/1988 on Regulation of Temples, which effectively and severely restrict building or repairing Chinese temples.
- Circular of the Director General for Press and Graphics Guidance in the Ministry of Information No.02/SE/Dirjen-PPGK/1988, which further restrict the usage of Chinese language and/or characters.
Instruction of the Ministry of Home Affairs No. X01/1977 on Implementing Instructions for Population Registration and the confidential instructions No.3.462/1.755.6 of the Jakarta government January 28, 1980 both authorize special codes in national identification cards to indicate ethnic Chinese origin. The code was “A01” prefix.

Cabinet Presidium Circular SE-06/Pres-Kab/6/1967 on Changing the Term China and Chinese, requires the usage of the term “Cina” (which is considered a derogatory term by many Chinese Indonesians) instead of “Tionghoa” (as ethnic Chinese refer to themselves).

History of the Victimization on Indonesian-Chinese:

1. Massacre 1740 in Angke’s river, Jakarta.
2. “Anti-Chinese Riot in early 1900-1920s”: to prevent the influence of China-nationalist movement under Dr. Sun Yat Sen.
3. “Anti-Chinese riot in 1960s”: provoked by Indonesian Army to dissolve the political relation between Jakarta and Beijing.
4. “Anti-Chinese riot in 1998”: provoked by Indonesian Army to avert the mass pressure from Soeharto and Army to the Indonesian-Chinese.

Since Chinese Indonesians were banned from all aspects of life except from the economy and industry, they concentrated their effort in those areas and became remarkably successful. It opened opportunities for government and military officers to levy bribes from Chinese Indonesian businessmen. Bribes and corruption soon became a norm. This widened the gap between them and prabumis. The prabumis accused Chinese Indonesians with colluding with the government and thereby poisoning the entire political system. On the other hand, Chinese Indonesians felt that they were treated unfairly and the government was much more lenient toward the prabumis.

3. Third discrimination “because they are poor Indonesian Chinese”.

Dutch divided and grouped the people's resident in Indonesia based on ethnic and race. Chinese communities in Indonesian cities called “Pecinan” or “China-Town”. Every “Pecinan” lead by one captain or “Kapiten Cina”. This becomes the first effort to divide the Chinese communities into social class categorization. Most of the Chinese population still remains as workers or slave and some of them (whom were chosen as “kapiten” became the origin of “Rich Chinese” in Indonesia.

Just like their origin, the most of Indonesian Chinese still live in poverty. Picture of China Benteng Communities is one sample of the poor Chinese communities in Indonesia. They lived near Jakarta (just behind the Soekarno-Hatta Airports). They also called ‘black-Chinese’, because they’re Chinese but their skins are “black”.

Benteng Chinese’s a variant of Indonesian Chinese originally stayed outside the colonial fortress of Banten, have lived under poverty lines for many generations as peasants or fishermen. Historically racial expulsion took place time to time, causing Chinese living in the coast moved into inner land as peasants. One by one Benteng Chinese run away from Banten harbour approaching Batavia which then occupied by the Dutch and set as the capital city. The closer they stayed in Jakarta, the more probably they did not have land and capital which thus implied accordingly how Chinese enclaves stayed poor from their ancestors. These are peoples whom due to severe poverty could not afford to manage Citizenship and Civil Registration documents.
The Institute of Anti Discrimination (LADI) a non governmental organization that had organized them to manage Lateness of Birth Certificates and its requirements found that they are lacked of, such as identity cards and family cards. Chinese from Kelurahan Teluknaga, Dadap, Kosambi, Rawa Benda, Tangerang or Kelurahan Tegal Alur, Kamal (Kampung Belakang) and Kapuk (Jagal Babi)-West Jakarta also found that most of the China Benteng communities worked as part-timers of collecting re-cycling papers/plactics, wrapping or packaging electronic/food stuffs subcontracted by factories or garages spread behind the International Airport area.

Many similarities they also shared in crimes, gambling-habits and polygamy/prostitution. Hence, women status is fragil since they develop notorious habits that are these peoples did not care of Marriage certificates or making any other letters to guarantee a better family future. These social structures have been consolidated by government whose policy usually exploited Chinese in making documents. Since many believe that the poorer the Chinese the more poor the indigenous peoples. In fact the poor Chinese lived without government’s attention for Social Safety Net, Health Cards or Capital Credits from government.

Unlike the ‘Rich Indonesian Chinese’ (that still have opportunities in economy and industry), their access to the formal economic activities are very limited. Mostly the poor ‘Chinese Indonesia’ enter the informal sectors and some were become criminal (involve in drug producing or trafficking, women’s trafficking, prostitution, gambling, etc). As other poor people in Indonesia, the poor Chinese-Indonesian communities did not have enough access to the government social’s services, economic productive forces, educational and health services. Poverty among the Indonesian-Chinese gave a sufficient condition that facilitated the mail-order marriage;
- Become the brides: young female; widow or single.
- Become the agency: based in ‘Kota’ sphere (a China Town) in central Jakarta.
- Become the recruiter: usually the recruiter was still relation or as relative to the family of bride.

In China Benteng communities, the mail-ordered bride has been years developed as part of poverty culture survival mechanism. The mail-ordered bride becomes the ways to have decent life abroad.

This survival pattern as Mail-ordered bride started 7 years ago, when Kampong Belakang heard some widows pioneered to marry older Taiwanese, were successful to send Taiwanese dollars. The transfer could amount Rp. 10 million not every month, but these widows were often sent their money. According to information, their women in Kampong Belakang have finished because choosing to live in Taiwan, instead of marrying Benteng Chinese men. These brokers had network with other Benteng Chinese enclaves such as Kelurahan Sewan, Belimbing, and its surrounding areas. Many women knew the strange things about the marriage with men whose age are twice as older than the bride. Surprisingly, Kampong Belakang people do not care with the problem when they heard some problems of marriage with war-veteran men who lost their hands/legs.

On the beginning, the female side usually has background as widows who lied as virgin. The poor people remembered hearsay were spread about the function of these daughters/widows are merely to take care of older men. The gossips hindered poor people distrusted brokers yet despite of the failure to get a happy marriage, the family
victims have never complaint against the broker. Kampong belakang people get silence to undercover the unhappy marriages and the failure to send Taiwan dollar for the families.

Urban poor families may think living abroad will promise a better social change. It is inevitably difficult to stop this poverty culture due to people believe they will get better life by a marriage with the Taiwanese men. This survival mechanism has been found throughout Kelurahan Sewan, Kamal and Belimbing's where the high density Chinese populations are. The inhabitants know which families have their daughter's "introduced" to Taiwanese men, which daughters are living well and which daughters have lived in suffering. In Kampong Belakang (meaning the edge of the kampong in West Jakarta), most houses have introduced their daughters or widows to brokers to Town, when Taiwanese men 'went down' to Jakarta. It has been said allegedly that virgin women in these Kampongs are no more left.

There is a parallelism between the facts of uncompleted documents in one family with the more poor condition they have got. This is concluded from the fact that brokers will see this condition as the opportunity to recruit this category of peoples because the price of this category of people has been more expensive then the complete women. According to the LADI's research, broker will receive Rp. 84 million from the Taiwanese men if he felt compatible with his choice. On the contrary, the women families will only receive Rp. 5 million when engaging the bride or having Sangjit.

Conclusion

The 'mail-order marriage' could not be assumed as a natural ways of "trans-border marriage". There're such socio-economic condition (like poverty and discrimination) that forced poor women from the poor countries to migrate herself as the foreign bride. This phenomenon was close with the "unwanted marriage" and forced migration.

Structural condition of mail-order bride phenomenon in Indonesia is gender inequality and discrimination on women, racial and ethnic discrimination, and Poverty and crisis in Indonesia and its effect to the poor Indonesian-Chinese Communities. In this structural condition, there’re some violation of right, especially women's right and Civic Right of 'the Indonesian-Chinese'.

Sources:
- Tempo Magazine
The Impact of the Difference of Thai Brides in Hong Kong

Panel I Presentation

By Rathneeporn Kung
Thai Regional Alliance
Hong Kong

Thai Regional Alliance in HONGKONG (TRA)

Establishment

🏆 TRA was established in 2001 during the proposed wage cut for Foreign Domestic Workers
🏆 The Thai people believes in the spirit of solidarity and the need for the establishment of an effective organization was felt and thus Thai Regional Alliance Association was born. It is registered under the Societies Ordinance

Objective of TRA

• To enhance the community spirit and promoted friendship
• To strengthen the Thai migrant groups in HK into an alliance
• To protect and promote the rights and welfare of migrants
• To provide the social and cultural educational aspects
• To forge solidarity with migrants of other Nationality
What we do?

Education and Training:
- Provide course on language (English, Cantonese), computer, vocational skills, organizing, paralegal and various seminars and leadership training.
- Provide welfare services such as counseling and legal support

Campaigns:
Supports and helps the Thais workers and Thais group against the various anti migrant policies related to the rights of workers.

Foreign Bride

According to the Thai civil law statute of 1986

- Applicants must be aged 17 years on the date of marriage registration
- Applicants will get Non-Immigrant Visa: class “O”
What is visa Class “O”

- Visa class “O” means visa for foreigners temporarily staying in the Kingdom of Thailand (including foreign bride)
- Have to report to the Immigration Bureau every 90 days
- Will be permanent if stayed in Thailand continuously for three years

Impact of visa class “O” for foreign bride:

- Visa class “O” can apply to another visa but must be proved in reason to immigration.
  - if immigration is not allowed to extend visa, loose the right to apply as permanent resident.
  - Foreign brides become illegal workers especially brides from Myanmar, Laos, Cambodia, Vietnam
  Cause the rules of national securities for border workers.

THAI IMMIGRANT BRIDE HONG KONG

- Face difficulties
  - Culture
  - Language
  - Families background
  - social
  - Social Discrimination

IN GENERAL OF THE DIFFERENCE

- THAI # HONGKONG
  - CULTURE: CONSERVATIVE MORE WESTERN
  - LANGUAGE: THAI CHINESE /ENGLISH
  - FAMILY: SUPPORT INDEPENDENT
  - SOCIAL: CARING ,HELPFUL ISOLATE
THE IMPACT OF THE DIFFERENCE OF THAI BRIDE IN HONGKONG

1. Culture:
Thai culture is linked to the religion as Buddhism. By Thai way, believe in good things return as do the good things. Thai culture quite be conservative to protect women public image. Thais compare women like the elephant backfeet and men as the elephant front feet. So women should give respect, care and support husband. The man is the leader of couple family.

Hongkong is the culture of west meet east, more western than Thailand so people do not mind and care in public image. Both couple must help to share in financial support but at the same time main duty to take care the child still be women.

2. Language:
Thai use Thai as official language.

Thai language way should be talk softly tone, slowly and calm to show the attitude of personality. Especially should avoid to talk impolite way to older people.

Hongkong use Chinese and English but seems Chinese is so contrast with Thai language cause of the tone difference. The people open mind talking even different age.

3. Family:
Thaiis like to support and care for family especially the parents who still need support from their son or daughter to help and close contact with them all the time. For the family who is the middle class or poor still need financial support each other.

Hongkong family try to help themself and do not bring the problem to concern others even parents if it is not necessary to need help.

4. Social.

By Thai Nature like to help, friendly and have hospitality to others. If any one lack of help or good relation in communities, they loose of the opputurnity to have good friend support. Daily social life is plain, simple and comfort.

Hongkong is the busy city, time is limited, everything must be in hurry. No one can share personal time or help others cause social surrounding force them to be independent life. Social daily life is very tuff and rush.

The people do not have time to care and share to help by social surrounding force to be tuff and independent life.
The Situation of Vietnamese Women who get Married to Foreigners

Panel I Presentation

by Le Van Hai and Nguyen Quynh
Institute for Reproductive Health (RaFH)
Vietnam

The situation

- In the recent years, Vietnamese women (VW) get marriage with foreigners become emerging problem.

- It is considered as “a trend”, “an epidemic”, “a fever”.
Where have Vietnamese brides been to?

- Taiwan: over 120,000-140,000
- Korea: more than 20,000 (increasing dramatically)
- China: more than 20,000
- Malaysia: about 5,000
- Singapore: about 5,000
- Others

Who are they?

- Most of them come from Mekong River Delta provinces.
- The average age is 21, 10% of them was believed that under 18.
- Living in poor family
- Low education background

The reasons

- The policies
- Poverty
- Low education
- Lack of information
- Life style
- Gender inequality
- Trafficking in persons...
The difference between the North and the South

- **In the South:**
  - Most of the marriages are official with certificate of marriage and wedding ceremony.
  - The marriage brokers organize a meeting between prospective brides and grooms in a hotel with hundreds of women in each meeting.
  - The cost for agency: 3000 – 15,000 USD (IOM). The grooms and brides pay.

- **In the North**
  - The marriages are usually unofficial without certificate of marriage or wedding ceremony.
  - The marriage brokers take one or some women to the border through paths or pass the border gates.
  - The cost for agency: 200 - 500 USD (the foreign husbands pay).
  - The trick of marriage brokerage, many women are fallen into prostitution.

Time and procedure OF marriage

- Most of Korean grooms stay in Vietnam about 4 - 6 days. (IOM)
- Many marriages only take 5-7 days to do procedure.

50%-60% of Vietnamese brides in Korea are happy!
International Conference on Border Control and Empowerment of Immigrant Brides

**consequences**

- They are beaten, sexual and physical abused, human dignity offended, and labor exploited.
- Some cases were forced to take their clothes off in the presence of many men or be touched throughout their body by their husband-to-be in Vietnam.

**consequences**

- Some brides were ill-treated to disable or mad.
- Becoming trafficked victims.
- Some of them are used for child bearing purpose and considered as “delivering machine”.

**The problems**

- Most of Vietnamese brides are not enough information of destination countries.
- Their knowledge of language, culture, customs, life-style of their husband’s country is limited.
- It is not enough the necessary activities to support and protect the brides both Vietnam and foreign country.
The Vietnamese law

- The marriage and family law has 1 chapter including 6 regulations to stipulate the marriage with foreigners and protect Vietnamese citizen.
- The Vietnamese Government has degrees such as 68/2002/ND-CP, 69/2006/ND-CP, No 130 regulation...to prevent and limit taking advantage of marriage for exploitation and trafficking in women and girls.

The contribution of international and Vietnamese organizations

- To communicate to enhance awareness on migrant safe.
- To counsel the law of marriage.
- To support for rehabilitation of victims.

RaFH’s activities

- Improving knowledge of migrant safe: training courses, IEC campaigns, gatherings, club meetings, distributing IEC.
- Supporting for victims: health check up, providing food, clothes, vocational training and job introduction...
Some comments

- More attention and effort of the Government and mass organizations.
- To build an alliance and network to support for foreign marriage among countries in the region.
The number of spouses migrating to Australia has increased greatly over the past ten years, despite a tightening of border security measures. Interestingly, when considering any impact of the September 11, 2001 or October 2002 terrorist attacks in New York and Washington, and Bali, the substantive increases in arrivals of spouses and fiancées in Australia have taken place since 2001. In 2001-02, 16,527 spouses or fiancées arrived, this increased by almost 13,000 annually with 29,421 spouse and fiancées arriving in 2006-07.

In fact, the only decline in recent years took place in 1997-98 in response to measures introduced the previous years to address fraud through alleged sham marriages contracted purely for immigration purposes. As the Annual Report of the Immigration Department [1997-98] noted:

“The full impact of measures introduced in 1996 to increase the scrutiny of bona fides in spouse, fiancé(e) and interdependency cases became apparent in 1997–98, with a 29 per cent decline in the application rate compared with that of the previous year and a doubling of the average rate of refusals. At the same time, the Immigration Review Tribunal set aside 20 per cent fewer decisions to refuse applications. [DIMA Annual Report 1997-98]”.

The criteria considered when assessing a spouse visa application are the relationship is genuine, continuing and exclusive; the marriage is a legal and valid marriage, or will be in the case of a prospective marriage; and the sponsoring Australian citizen or permanent resident is able to sponsor her or his spouse [i.e. they have not sponsored a previous partner in the past 5 years].

In the case of de facto relationships, there is a “one-year relationship requirement”. The sponsor and partner need to demonstrate their genuine, continuing and exclusive relationship has existed for at least 1 year.

The grant of the spouse or partner visa has 2 stages. Initially a temporary visa is granted. After a period of 2 years a permanent visa will be granted. Citizenship may be applied for after a further 2 years.

The fiancée or prospective spouse visa has been used increasingly, with entrants more than doubling in number since 1998-9. This visa allows entrance of an intended spouse. In one way, this visa is a sensible innovation. Often people from different countries meet [either in person or through other means such as over the Internet], and forma relationship. They may feel that it would be a good idea to spend some time together living in one city and country to confirm that
the relationship is right and they do want to marry their partner. This visa allows that to take place. People are not forced into an early marriage as the only route to obtain a visa to allow them to live together in Australia.

Still, unscrupulous men do use the immigration processes as a weapon to oppress their wife, and force submission. There are cases where men have threatened to withdraw sponsorship and report the spouse to the Department of Immigration if she does not follow his ‘rules’. Others deter the woman from reporting domestic violence to the authorities with similar threats. In response to this situation, and cases of women suffering and not reporting domestic violence, a ‘domestic violence provision’ was introduced allowing abused women to apply for permanent residence on the basis of domestic violence.

It is not always clear how many of the spouse and fiancée visa involved what has been termed ‘mail order brides’. A recent article in the *Sydney Morning Herald* noted

“More than 3000 Asian-born women married Australian-born men in 2005, according to the Bureau of Statistics. These unions accounted for 3 per cent of marriages that year. One thousand Asian-born men married Australian-born women”

This higher number of Asian-born women marrying Australian-born women suggests possibly up to 2,000 Asian born women could have married Australian men in the sort of transnational commodified marriage arrangements that have emerged over the past decades.

But as Narushima states, whilst the stereotypes of Asian women as submissive and compliant have to be abandoned, the issues and feelings are deeper and more complex –

“People date people they meet. The problem lies in the extra scrutiny interracial relationships attract. If an athletic, tanned, blonde met and dated a dumpy, freckly redhead, few would arrive at a perverse motive. They’re just a couple in love, different though they appear.

Add a difference in looks to a perceived difference in culture and, suddenly, love must be secondary. The relationship must be built on lust, or offer a social benefit - improved “status” or a visa, perhaps.

People continue to use the insult “mail-order bride”. Mothers of Caucasian men continue to fret about Asian girlfriends just being “so different”. My own mother is guilty of holding the view of Asian women as obedient and meek. She once said she would be happy for her daughters to marry who they like but she advised my brother to marry a Japanese woman because she would be more likely to do the dishes and take care of him”.

Indeed, Australia is witnessing a progressive change –

From 1986 to 2001, the proportion of people marrying outside their ancestry increased between the first and third generations in every racial and language group in Australia other than the English, a study of the 2001 census results, Australians’ Ancestries found.

Change dates back over 50 years and the gradual dismantling of the “White Australia” Policy and the adoption of a non-discriminatory immigration policy. The setting initially was the aftermath of World War II –

During World War II, many non-white refugees entered Australia. Most left voluntarily at the end of the war, but many had married Australians and wanted to stay. Arthur Calwell, the first immigration minister, sought to deport them, arousing much protest.

Minister [Harold] Holt’s decision in 1949 to allow 800 non-European refugees to stay, and Japanese war brides to be admitted, was the first step towards a non-discriminatory immigration policy.

The Longitudinal study of 10,000 migrants to Australia who arrived between December 2004 and March 2006, shows that only 4% of family stream migrants rated racism as the thing they most disliked about Australia. The report further noted –
Some groups reported quite high levels of racism in Australia - 51 per cent of Former Overseas Student PAs, 60 per cent of people from mainly English speaking countries and 53 per cent of people who spoke English as their best language said that Australia had at least some racism. Furthermore, 13 per cent of those from mainly English speaking countries said Australia had a lot of racism – a figure that was more than double that for persons from non English speaking countries.

Other groups reported relatively low levels of racism. Only 19 per cent of poor English speakers and 34 per cent of those aged over 45 said that there was either some or a lot of racial discrimination in Australia.

The same study has shown that unemployment for off-shore spouse migrants fell from 30% in August 2005 to 8% 2 years later. However, women in the family stream were less likely than men to be in a skilled position [32% likelihood compared to 57%], and unemployment was higher for women family stream migrants [7% compared to 2%]. Women also earned $A11,000 less per year than male migrants in the group - $A36,000 per annum as against $A47,000 for men.

The migration and life of immigrants to Australia is against the background of stricter border security. Australia’s border control system uses 3 layers of checking –

1. At the time of application all applicants are checked against a database of people on “immigration alert”. In June 2005 there were 386,000 people on these lists.

2. An Advance Airline Processing System allows airlines to verify the bona fides of travel documents and visas, covering 98% of people flying into Australia, with overseas compliance officers based in 27 overseas cities, including Manila, Kuala Lumpur, Shanghai, Bangkok, Ho Chi Minh City, Hong Kong, Islamabad, Beijing, Colombo, Hanoi, New Delhi, Taipei and Phnom Penh.

3. Checks on arrival in Australia.

All visa Applicants are required to declare any criminal convictions. Applicants over 17 who will stay in Australia for more than one year are required to provide a criminal records check for any country where they resided for more than 12 months in the past 10 years. Section 501 of the Migration Act 1958 imposes a ‘character test’. Grounds for failing the character test are –

- the person has a substantial criminal record;
- the person is associated with a person, group or organisation that is reasonably suspected of involvement in criminal activity;
- having regard to their past and present criminal or general conduct, the person is not of good character; or
- there is a significant risk that, if allowed to enter or remain in Australia, the person would:
  - engage in criminal conduct in Australia;
  - harass, molest, intimidate or stalk another person in Australia;
  - vilify a segment of the Australian community;
  - incite discord in the Australian community; or
  - otherwise represent a danger to a segment of the Australian community.
If a person fails the character test, their visa will be cancelled. The Department of Immigration and Citizenship monitoring procedures include –

The Department works closely with Australian law enforcement and security agencies, as well as other governments, to ensure that the Department’s decision-makers have access to a comprehensive and up-to-date database of persons who are known to be of character concern. Such information can be used both in relation to considering visa applications, as well as to assess visa holders for possible visa cancellation under section 5015.

These powers have a wide scope for arbitrary use and abuse of powers. The case of Dr Mohammad Haneef, working in Queensland on a temporary ‘Long Stay Business” visa highlighted that the power to cancel a visa and exclude on flimsy grounds of alleged involvement in terrorism can be used capriciously by the Minister of Immigration, and the legal challenges open through the Courts are not strong.

In the case of temporary spouse visa applicants there is little evidence that they have been caught up in the Department’s compliance activities locating and dealing with unlawful non-citizens. Of the 18,341 unlawful non-citizens located by the Department, the majority were holders of bridging visas (38%), student (23%) and visitor (23%) visas. Spouse and fiancé visas are temporary residence visas, and temporary residence visas as a class comprised 12% located unlawful non-citizens in 2004-05.

The heightened border control and security measures appear to have less impact on women traveling to Australia to marry Australian citizens than on other visa classes. However, the tightening of the provisions relating to spouse and partner visas require the couple to demonstrate a genuine, exclusive and continuing relationship, and to be open to inspections and spot checks of their home by Departmental officers to verify details such as shared living arrangements, shared bank accounts, and a commitment to build a life together.

The most significant role of criminal law relating to spouse visa applicants is the documented evidence of increased incidence of domestic violence in marriages that may fit the description of a ‘mail-order’ marriage. Whilst the domestic violence provision and some funding of specific support services for migrant women who are victims of violence has appeared to improved the rates for reporting of such violence, there are still immigrant women who are not aware of their rights, and the protections they have under Australian law. This educational task is an on-going challenge.

(Footnotes)

2. Ibid, p15.

3. Department of Immigration and Citizenship Fact Sheet 8: Abolition of the White Australia Policy.

4. Department of Immigration and Citizenship, *New migrant Outcomes: Results from the third longitudinal survey of immigrants to Australia*, August 2007, p 47

In this presentation, I will describe some post-migration movements of Filipino women (Filipinas) who are married or divorced in Japan. The influx of Filipinas to Japan has shown a rather unique pattern compared to other women's migrations worldwide, and the majority of current residents came as entertainers working at nightclubs and other similar establishments. This nightwork has engendered their particular images on top of the generally negative images of working-class women on the move. They are commonly seen as some kind of sex workers who come from impoverished segments of the Philippines. These negative images have encouraged many women to engage in certain movements or activities in order to recreate their national, ethnic, gender-sexual, and social identities in diaspora. I will focus on two of these movements in this presentation: First is to a lawsuit in which nine Japanese-Filipino children, who are not recognized Japanese citizens, and their Filipino mothers demand the children's Japanese nationality to the Japanese government. Second is a creation of new employment opportunities for themselves in the tight job market. This is further divided into two categories: carework and teaching English in the community.

This paper is based on a research project I have conducted for nearly twenty years on Filipina-Japanese marriages and an ongoing research project, which has just started recently. As such, the materials introduced in this paper are not conclusive, and my aim is to show the Filipina migrants’ agency in dealing with various social, economic, and political circumstances as well as point out certain pitfalls and unintended consequences that are ironically born between the oppressive social structure and their own choices. I begin my discussion by briefly describing Filipinas’ migration to Japan and its consequent image production.

IMAGES OF IMMIGRANT FILIPINAS TO JAPAN

At the height of globalization and the denationalization of movements of capital, goods, images, and ideas, peoples' international migrations have actually generated high barriers in host societies. This is particularly so in the post-9.11 era and peoples' migrations are often received by tight securitization for the protection of the host society's "homeland" (Ong 2006: 195-218; Suzuki forthcoming b) – one of the themes of this conference. Despite the many successes of feminist movements in the past several decades, women's geographical and economic mobility continues to be received negatively, if not condemned, especially that of women of (perceived) humble backgrounds.

While many other countries experiencing labor shortage have accepted foreign workers under various contracts, Japan has kept its doors shut even to this day to foreign workers with no recognizable profession or skills. Filipinas have come to Japan on different visas, but the majority who came from the 1970s served as entertainers in night establishments.
Despite their services that were remunerated with pay, they were not legally recognized as workers. As entertainers in night businesses from a Third World (read: poor) country, these women were commonly conceived as engaging in some kind of sex work. At bars and nightclubs in Japan, one of the most important tasks is communication with the customers which is accompanied by other services – verbally welcoming them, handing wet cold or warm towels for refreshment, making drinks, lighting cigarettes, offering food, and singing and dancing with them. Prostitution has taken place at some establishment and sexual gestures are commonly displayed. However, their operations have been grossly misunderstood by many people in the world as well as in Japan and paid sex is not a fix feature at many clubs. Together with Japanese men’s stereotypes as “chauvinists,” “sex animals,” and “merciless samurai” as in the “yellow peril” discourse, these Filipinas’ sexuality has been suspected to have become a commodity and their morality depraved amid paid sex outside marriage, the recruiters’ or their own lies or deception, and physical, sexual, and economic violence.

Although real cases of abuse need to be legally and practically attended, similar to the discourse of domestic workers abroad, unattached working-class Filipinas in Japan who are conceived as “sex workers” have been met with the “3-D” stigmas of disease, depravity, and drugs (Ong 2006: 211). These women may have been benefitted from the work of those who have tried to “uplift” their status at home and abroad. Simultaneously, the pervasive views of Filipinas and attached stigmas thereof in Japan and elsewhere have in fact paradoxically reinforced the patriarchal values and control as well as the market logic and discipline (see Ong 2006: 195-218; Ferguson and Gupta 2002). These have also reduced the existence of the Filipinas to helpless women in need of rescue and rehabilitation. Meanwhile, their status and entitlements as workers have been legally denied. The struggles of (formerly) married Filipinas in Japan as immigrant women of humble background are situated in these limited economic opportunity and social context. Below, I first introduce the case of nine Filipina mothers who sued the Japanese government for not granting their children Japanese citizenship.

DEMANDING NATIONALITY

The term “JFCs” (Japanese-Filipino Children) has been used among people who are dealing with Filipinos in Japan. Although some use this term to refer to any child born to a Filipina mother and a Japanese father, others limit the application of the term to those born out of wedlock. Many of these JFCs have been slipped into a legal interstice between the family and nationality laws in Japan and are not eligible to Japanese citizenship.

The citizenship of children born to foreign parents is determined by several factors. Japan subscribes to jus sanguinis and if the parents are legally married (i.e., united under the family law), the children are entitled to Japanese citizenship. If parents are not married, the nationality of the mother becomes crucial: When the unwed mother is Japanese, the fact of giving birth to a child while someone – doctor, nurse, or midwife – is witnessing the delivery grants the child Japanese citizenship. When the unwed mother is a foreigner, the child must be legally acknowledged by her Japanese father before it is born, or the father’s recognition of the fetus (taiji ninchi) grants it Japanese citizenship. After birth, under the nationality law only when the parents marry and the Japanese father adopts it, the child can gain Japanese nationality (see JM’ and Tsutsumi 1999 for details). Many young Filipinas who were romantically engaged with Japanese men were unaware of these legal conditions at the time of pregnancy and delivery. During pregnancy or after delivery, these women were (and are even now) unable to marry their partners either because their partners are already married or for other reasons. Under such circumstances, while living in Japan, the children can only become Filipinos by registering at the Philippine Embassy. As most rights and entitlements are usually observed through one’s belonging to a nation-state, these children are forced to lead disadvantaged and less protected lives in their paternal homeland.

In order to redress their situation, nine JFCs, consisting of five boys and four girls aged between six and twelve (in 2006), formed a group of plaintiffs and filed the lawsuit against the Japanese government. These children were in fact recognized by their fathers but only after they were born, and their parents were (are still) not married. In March 29, 2006, the Tokyo District Court ruled that the present provision is a violation of Article 14 of the Constitution, which guarantees the equality of people before the law (Asahi Shinbun 2006). This was actually the second time that the district court granted citizenship to JFCs and the first time took place in April 2005. In the second case, the judge argued that the father had given allowance to his son and spent time together on weekend (Asahi Shinbun 2006). The point was not whether or not the family was tied before the law. Instead, the judge focused on the presence of a common-law relationship and announced that the nationality law was unconstitutional under global flows of people and changing
values and lifestyles. When I contacted the mother of one of the nine plaintiffs on March 29, I learned that the children had gotten together and celebrated their victory while jumping around the house all night long without sleeping.

The mother was nonetheless calm and vigilant and told me that they would fight until they would win in the final decision. Similar to the first case, the Tokyo High Court unfortunately overturned the ruling of this case on the bases that the historical and cultural grounds and that the decision was to prevent illegal claims from happening (Japan Times 2007). The judge at the Tokyo High Court claimed that the law was justified and that the court did not have the authority to grant Japanese citizenship to the children. The Supreme Court will review the case en banc (Asahi Shinbun 2007).

An interview is scheduled to be conducted on Sept 19, 2007. Further details will be provided after this date.

RECREATING ECONOMIC AND SOCIAL SUBJECTIVITIES

“Filipinas’ image is bad,” is an expression I have frequently heard since the early 1990s when I began fieldwork among Filipinas in the Metropolitan Tokyo area. While laboring women’s sexuality and morality on the move are constantly suspected everywhere, their gainful opportunities are severely limited. This may be particularly so in Japan, where the vast majority of Filipinas (used to) work in the night businesses. Their employment continues to be limited within such businesses and other work at the low rungs of the occupational hierarchy. They are hence lowly paid. Recently however, they have begun to expand their economic niches in the areas of caregiving and teaching English.

In January 2002, during his trip to ASEAN nations, then Japanese Prime Minister Jun’ichiro Koizumi proposed the possibility of establishing a comprehensive Japan-ASEAN EPA (Economic Partnership Agreement) to which Philippine President Gloria Macapagal-Arroyo promptly responded with a proposal in May of that year (METI 2006). Official negotiations began in November 2004 and the Japan-Philippines Economic Partnership Agreement (JPEPA) was signed in September 2006, waiting ratification by the Philippine Senate at present. Learning about the JPEPA, since the mid-2000s local Filipina/os – those living in Japan – (mostly women married to Japanese) have begun to enter the field of care and Japanese labor-power companies, non-governmental organizations, and others have offered them training and work opportunities.

These Japan-based careworkers do not have the 750-hour training that the Philippine government-certified caregivers, nor do many of them have a college degree that is required for the eligible candidates under the JPEPA. Instead, local Filipina/os have undergone training to become heru p´ (helpers) in the field of care. Heru p´ are placed below the expected careworkers under the JPEPA, but they must have completed the 130-hour training at prefecture-certified institutions. Although obtaining certificate is not terribly difficult (if one understands the Japanese language), having acquired this certificate personally empowers Filipina/o trainees. Upon completion of the training, Filipina heru p´ felt as follows: “I have passed the exam in Japanese. At last, I feel that I stand at the same line as the Japanese!”

The fieldwork that I have conducted thus far suggests that the jobs performed by Filipina heru p´ are not easy. Oftentimes these low-rank careworkers – Filipinas and Japanese alike – are placed in the night shift where one attendant may oversee twenty patients by herself for sixteen to eighteen hours. A Filipina showed me a bruise on her upper arm because a patient could not control his/her grip. Some of their Japanese colleagues gossip about Filipina heru p´, about “their” need for money because of the Filipinas’ presumed former occupation and their Third World origin. At the same time, others
have experienced something more positive. The Filipina introduced above mentioned to me that the medical doctor and neighbors she met changed their attitudes towards her and said, “Oh, you’re working as a heru p’? That’s respectable (erai ne).” She also said that “Even X (a Filipina group, leader, who is known as kempeitai (military police) among local Filipinos) told me, ‘That’s GOOD!’” She is proud to receive such words of praise, which is something she never received when working as a bar hostess. Currently, there are about 800 local Filipina/os estimated to hold the heru p’ certificate. Not everyone is making use of their certificate; but, those who are working as heru p’ express that they now have a socially recognizable job in a foreign society.

The future of their newly gained pride and social recognition are yet uncertain. In order to respond to the increasing and diverse demands of people who need care, the Ministry of Health, Labour, and Welfare has recently proposed to eliminate heru p’ as a job category. The ministry wants them to upgrade their knowledge and skills by passing the national exam for careworkers (kaigo fukushishi) in Japanese. Also, Filipinas are again placed in a feminized reproductive field. Unlike their previous entertainment work, which usually generates higher income, and which in the words of many Filipinas is easy and allows them to enjoy glamour like celebrities, carework is characterized by low pay, “3-D” (dirty, difficult, and dangerous) tasks, and high turnover rates due to undesirable work conditions. Thus, even if they have been empowered with the sense of dignity and left the status of second citizen (as reflected in the words of a Filipina introduced above, “stand at the same line as Japanese”), their economic mobility is still limited. And they need to survive in unfavorable work conditions. There are three Filipina/o careworkers’ groups that I know in the Tokyo, Nagoya (central Japan), and Osaka areas and especially the one in Tokyo is active. It has organized workshops to improve their skills and knowledge for a better future for themselves as well as to speak in public in order to introduce their availability as workers.

Another trend in Filipinas’ economic and social mobility is to teach English. Filipinos are educated in English from elementary school as a legacy of colonization by the USA. Although their actual proficiency levels vary, this linguistic skill has in fact allowed them to find jobs abroad. Their ability to speak English especially in societies where the majority are incompetent and even feel inferiority complex towards those who speak the language of globalization and power – such as Japanese and Taiwanese – Filipinas can mobilize their colonial education for their own advantage. In fact, there have been some English teachers in Japan for several decades in formal and semi-formal education institutions such as at the university I work and at YMCA/YWCA. Increasingly today, the need to learn the language has become stronger in order for Japanese to sustain its political-economic power in the global economy and technological fields. Until now, they learn English as a mandatory subject from junior high school and the Ministry of Education sends native (or semi-native) assistant English teachers (ALTs) to Japanese high schools nationwide. However, the majority of the Japanese have not acquired communicative skills to a degree that they can converse with ease. In order to ameliorate this situation, the ministry is currently planning to introduce the language to fifth and sixth graders in elementary schools. This may engender employment opportunities for English-speaking Filipinos in Japan.

Some Filipinas have in fact landed (sometimes negotiated hard with local educators) ALT jobs in local junior high schools. Being an ALT provides them with relatively high and stable salaries and a Filipina ALT at junior high school I know receives 300,000 yen (or USD 2,600 @ $1=¥115) a month. Another Filipina ALT receives 200,000 yen (USD 1,739) per month. The former has got her job by directly negotiating with the Board of Education in her locality while the other through a labor-dispatching agency, which is known to take care of their employees’ visas when necessary. While I’m not yet certain why there is such a large discrepancy in their pay, both Filipinas are basically happy with what
they can get for the amount of work they contribute.

Teaching at formal institutions is perhaps more difficult, as it requires a college degree and/or higher levels of linguistic skills. It seems that a more common form of English teaching that Filipinas take up is at home and in the community. Some have been contacted by Japanese mothers at kindergartens where their children attend or by neighbors who learned about Filipinas' linguistic skills. In addition to these personal contacts, there are a Filipino non-profit organization in Tokyo and other Filipino individuals that periodically offer workshops for teaching English as a foreign language. Some individual trainers hold a master's degree in language pedagogy. Others have learned pedagogical methods and skills by attending workshops for professional teachers and are now organizing sessions to disseminate the knowledge and skills they have acquired and tested on their pupils.

One of these workshops is named CHOBET, community and home based English teachers, specifically targeting at Filipina mothers who do not have decent work opportunities but are willing to do something new. The organizer is well aware that such an opportunity is a way to counter the women's defiling images and their possible negative impacts on their children and families. The levels of their English vary and many are grammatically, phonetically, and practically good only to teach small children. Others have higher skills and are creative in making necessary props to promote communication. At some neighborhood classes, some of these teachers are well appreciated by small children and their Japanese mothers for their teaching, which is often fun with lots of songs and play. Although teaching nowadays requires many gadgets – books, CD players, toys, and many other visual materials, which are costly and which teachers sometimes have to make by themselves, some of the Filipina teachers are gaining confidence and much desired social respect from the Japanese majority. Whether or not they can further move upwardly is yet to be seen. At least for now, these women enjoy the title, “sensei (teacher),” which in many Asian contexts is usually a marker of respect and empowerment.

CONCLUSION

I have discussed certain acts of Filipina residents in Japan in the aftermaths of the significant influx of entertainers and their subsequent marriages. These women's lives have been colored by the denigrating images of "sex workers" and helpless women. Job prospects for non-career women migrants are limited mostly to reproductive work everywhere. Yet these women are not helpless or demoralized as in their representations. They have indeed been trying to squeeze into the tight job market by reading and making use of the changing political-economic climate in both host and home societies.

As I have shown, on the one hand, the carework some Filipinas have taken up offers them opportunities to buttress their pride as women immigrants living under the shadow of the sex worker image and gain possible legitimate and respectable incorporation into the job market of the host society and the elite Filipino community there. On the other hand, their willingness is at risk in many ways and the most immediate is their heru p’ certificate may become nullified amid the Japanese government's upgrading schemes of carework. While paid less for performing hard tasks of caregiving, these heru p’ are also simultaneously dovetailed into the cheap labor scheme.

Teaching English is perhaps a more empowering field for gainful employment. Although not many Filipinas are qualified or have the necessary skills to undertake this possibility, some have landed jobs in formal institutions where their pay is generally better than doing other jobs. Though Japanese society is not free of discrimination, these women also enjoy the socially respectable title of the sensei. While the vast majority of Japanese continue to suffer from inferiority complex towards the English language and thereby feel distanced from the global (Western) power, Filipinas even if their actual proficiency is limited can gain certain social and economic statuses.

The JFCs and their mothers who are fighting to gain the children's Japanese citizenship are now at the stage of challenging the legitimacy of the Japanese Constitution. If they win, their acts will produce significant social, political impacts on and empowering forces for other people in Japan and beyond. At least for now, their challenges have made visible the serious consequences of some Japanese men's irresponsibility and indifference.
To discuss acts of empowerment of immigrant women with less resource does not offer a sweeping scenario of victory and their acts may take place along with disempowering circumstances. For any change for better to take place, it is nonetheless important for the immigrant women, advocates, and scholars together continue to collaborate to achieve our common goals and defy any forms of discrimination and disempowering forces.

WORKS CITED


(Footnotes)

1 By “movement,” I do not mean social movements, i.e., feminist movements. It refers to collective acts for their goals which are more mundane at present than those aiming at a social transformation.

2 In March 2005, the Japanese government tightened the issuance of entertainer visas to an unprecedented degree due to the criticism mainly from the US government, which identified the visa as a foil for human trafficking, leading to feed international criminal syndicates and terrorists (US-DOS 2004). This legal change has resulted in the significant decrease in tens of thousands of Filipinas, and at the end of 2006, the number of new Filipino entrants on entertainer visas was 8,607 (MOJ 2007).

3 Dual citizenship is allowed in Japan up to the age of 21.

4 See Suzuki (forthcoming a) for details.

5 Some have been working as nurses’ aides and licensed and unlicensed herup’ (see the next paragraph) at hospitals and care institutions much before than this date. The longest period a Filipina worked as a herup’ I know was nine years.

6 There are three levels: One (ikkyk’), Two (nikykyk’), and Three (sankkyk’). The vast majority of Filipina/o herup’ are at level Two.
What makes HK competitive? Most people would probably agree that it lies in both our system and the people. We have a fine, orderly and efficient society. Human capital is a different story. HK has no natural resources. Our success in the past owed a lot to the entrepreneurship and hard work of the people. In the 1950s, refugees from Shanghai brought capital and industrial expertise, and helped set up manufacturing and textile industries.

In the 1960s and 1970s, immigrants provided a source of cheap labor, which minimized costs and ensured the competitiveness of products. Our industrial revolution started with cotton textiles and garments, and soon spread to plastic goods, toys, electronic products, watches and clocks. Capitalizing on its excellent harbor and strategic location, HK continued to expand its role as an entry port.

Figures from HK’s Census and Statistics Department showed the British colony’s population jumped from 3.93 million to 5.11 million between 1971 and 1981 - one of the most prolific immigration periods in HK’s modern history. Illegal immigrants made up a significant part of that number. In the period between 1983 and 2001, a total of over 720,000 Mainland new arrivals were admitted under the scheme, which was equivalent to about 11% of the population of 6.72 million in 2001. They provide a steady supply to the labour force, contributing to some 30% of the annual growth from between end-1999 and end-2001. They made up 2.1% of the total labour force in the third quarter of 2002. As far as the overall unemployment rate is concerned, there is little difference whether it is calculated with or without the unemployed new arrivals due to their relatively low number.

Stories began to spread on the labour farms of those who had secretly fled to HK, inspiring and emboldening others to attempt the journey. With more and more people willing to try their luck, all kinds of tips and information on crossing the border was exchanged underground.

It was like a systematic training, from studying the topography along the border, practising swimming skills, to preparing a sort of special food for the journey - a mix of flour, honey and chocolate powder that stays fresh for a long time. However, at the end of the day, less than half would succeed.

According to HK police figures from the era, many more than 300,000 people crossed into HK and obtained permanent residency between 1971 and 1980 (excluding 1975-76), while at least another 180,000 were caught in the New Territories and sent back to the mainland to receive a couple of months of so-called moral education in farms. While
the mainland was embroiled in political chaos in the 1970s, HK flourished. It was a golden time for the city’s manufacturing industries, rising to become an economic powerhouse of Asia. New immigrants contributed huge amounts of labour and amid the boom emerged countless rags-to-riches stories.

Soon after they arrived, most of them have to do tough physical labour with low pay in their early days in the city. They are usually separated from their families, do not have much money, face a language barriers and sometimes suffer discrimination. All of these, plus a different cultural background, prevent them from smoothly integrating into this society.

Yet after several decades, the early immigrants have become an important power in today’s HK society. Thanks to their hard work and perseverance. They were the first ones who opened factories and did trade on the mainland after China opened its doors at the end of the 1970s, and they know how to take advantage of their background and understanding of mainland society. In the mind of them, although this society has its cruel side, it offers them most important things - freedom and opportunity. Anyone can achieve his or her dreams.

In the early 1980s, HK society moved into finance and services. The demand for human resources changed from a cheap labour force to management skills and knowledge. As HK moves further into a knowledge-based economy, which relies heavily on talents, but seems the government lacked long-term human capital policy.

There are only two ways to address human capital: either we train our own people or we import talents from outside, or both. The former rests on education system, and the latter is governed by our immigration policy.

However, historically HK immigration policies have been ad hoc, largely shaped by external political events, and mostly concerned with keeping people out. In the last 150 years, HK has experienced four major influxes of migrants.

The first took place in 1861 at the end of the Tai Ping rebellion. As the colonial secretary noted in 1887: Hundreds sleep in the streets because the $2.50 a month they could earn in HK was much more than they could get in their village.

The second influx took place after the 1911 revolution, when the population doubled in a few years. It spiraled again in the late 1930s when the Sino-Japanese War began. The fourth major influx happened during and after the Cultural Revolution. In 1973 alone, 56,000 illegal immigrants arrived from the mainland. This led to the replacement of the open-door policy, and a strict regime of repatriation came into place, which led to many heart-breaking cases in the 1980s and 1990s.

Until recently, immigration policy has never been considered in light of the needs and economic development of HK. As a result, most of the migrants over the last two decades are low skilled, with a low education. Such a pattern is a burden to a knowledge-based economy. The recent admission of talent schemes have not been successful, partly because the criteria for admission is stringent and the process rather cumbersome.

The low fertility rate in HK is another concern, as 15 years from now there will be insufficient people for the universities or a sufficient workforce to support the tax system and the community that has a large ageing population. Another concern is the need for proper integration of migrants. In 1999, in order to justify its decision to seek an interpretation from the Standing Committee of the National People’s Congress, the government ran a campaign, which created a fear that migrants would compete with HK people for jobs and social services.

One long-term impact of this is a divisive community and prejudice. In fact, most of the ride-of-abode claimants are children. They fill the gap of young people resulting from our low fertility rate. Properly educated, they would be a potential pool of talent. New arrivals represent only about 10 per cent of Comprehensive Social Security Assistance recipients, and the public perception that most are economically unproductive is unwarranted.
HK's New Arrival

Since the handover of HK to the PRC, people moving to HK from mainland China are no longer considered “foreigners” by the HKSAR. The term “new immigrant”, previously applied to migrants from the Mainland, has been officially changed to “new-arrivals”. They are defined as people who have resided in HK for a period of less than seven years. A recent study by the Census and Statistics Department (CSD) has also looked at people who have resided in HK for less than three years, terms as "very new arrivals.

One in 20 women in HK is a new-arrival. The number of new-arrival women has been increasing since the 1990s. The apparent result of the policy negotiated between the HK and Mainland government from 1983 to 1995, which give priority to increasing numbers of Mainland one-way permit applicants wanting to emigrate to HK to reunite with their families.

Various schemes admit people from the Mainland and overseas. For the admission of foreign professionals, there are no quota or job sector restrictions. Successful applicants are allowed to bring along their dependants. Admission schemes for Mainlanders are more restrictive.

QUOTA SYSTEM

HK has always been an immigrant city, a fact that seems to have been forgotten or ignored in recent years. The current daily OWP (One way permit) quota was increased from 105 in 1993 to 150 in 1995 to facilitate the entry of long-separated spouses and the settlement of CoE (Certificate of Entitlement) children with right of abode under the Basic Law in anticipation of its implementation from July 1997.

The present 150 daily quota is allocated among CoE children (60), spouses separated for over 10 years (“long-separated spouses”) (30) and other categories of applicants (60). Mainland authorities decide how to allocate this remaining 60 places, normally allocated among spouses separated under 10 years, unsupported children coming to join relatives in HK, persons coming to HK to take care of their unsupported aged parents, unsupported elderly people coming to join relatives in HK and persons coming to HK to inherit legacies. However, HK government has very little control over who comes in, and news on bribery over these 60 “uncontrollable” quotas oftentimes be heard in HK.

Except for CoE children, the priority of an individual applicant in each category is determined by reference to a Points System, introduced by Mainland authorities in May 1997. Most are spouses and children of HK citizens. And the mainlanders admitted under the scheme now made up 93 per cent of the city's net population growth.

HK - mainland border - crossing transport and facilities has greatly improved, but the gap in social security between the two regions is widening. On the mainland, fewer and fewer people enjoy inexpensive housing or health care services provided by the government, and the unemployment or retirement benefit is unlikely to catch up with price increases.

However, in HK, citizens may enjoy cheap public housing and health care services that are almost free, children are provided with nine years of free education, and CSSA (Comprehensive Social Security Assistance) payments are quite adequate. These factors have combined to make HK’s the best social security net in all China. Therefore, though the cost of living is lower on the mainland and it in theory suits retirees ideally, not many badly - off people want to settle there.

To move forward, there is an urgent need to come up with comprehensive, positive and proactive immigration policies that take account of the social and economic needs and demographic change of HK. Such policies should be transparent.
and made after wide consultations.

Systematic studies on the profile of new migrants should be carried out. Positive steps should be taken to eliminate labels, prejudice and discrimination and to integrate migrants into the community. Apart from economic and political considerations, a humane society should take into account moral and humanitarian concerns as well.

**POPULATION POLICY**

It is often said that HK’s greatest asset is its people. Renowned for hard work, resilience and entrepreneurial spirit, their efforts are credited with creating one of the world’s greatest economic success stories.

But sustaining this success for future generations will be a major challenge as a low birth rate, an ageing population and longer life expectancies cause critical changes in demographic characteristics.

On 1st July 2002, the then Chief Executive Mr. Tung Chee-Wah announced in his Inaugural Speech: “There is an urgent need for development of a comprehensive population policy, and we will work on this within this year. This population policy will be designed to fit HK’s long-term social and economic development, will complement family requirements, and will address the interests of different sectors in our community.”

Following the Chief Executive’s announcement, the then Chief Secretary for Administration, Mr. Donald Tsang was tasked to oversee the development of the proposed population policy, set up a Task Force on Population Policy which he chaired with members from all relevant Bureau and Departments.

Chief Executive Donald Tsang has joined a long line of politicians lamenting falling birth rates. Already, many developed economies have birth rates below the commonly accepted population replacement level of 2.07 children per woman. HK’s current fertility rate is 0.9 birth per woman, one of the lowest in the world. Tsang has told HKers they should have three children each and the debate has turned to the incentives to induce more kids.

The Capital Investment Entrant Scheme was announced last year after an in-depth review of the territory’s population policy led by Chief Secretary for Administration Donald Tsang in 2003.

Under the Capital Investment Entrant Scheme, applicants are required to invest at least HK$6.5 million in real estate or financial institutions. The scheme was announced at 2003 year after an in-depth review of the territory’s population policy led by then Chief Secretary for Administration Donald Tsang.

Applicants must also prove they had the money for at least two years prior to their application. To qualify for right of abode, an entrant cannot reduce the investment or take any earnings, apart from cash dividends, interest or rents, for seven years. The applicants must also show they are able to support themselves and their dependants, without relying on their investments.

**Seven years residence requirement**

The population policy further enhanced the discrimination against the new arrivals from Mainland China, it adopt the principle of “seven-years” residence requirement for providing social benefits heavily subsidized by public funds in 2004. To consider tightening up the eligibility criterion for CSSA so that such benefits should be available only to residents who comply with the seven-year residence rule (except for children under the age of 18; current residents in HK will not be affected by this rule).

The rationale behind the government is that CSSA is a non-contributory scheme funded entirely from General Revenue. Eligibility based on a seven-year residence requirement reflects the contribution a resident has made towards our economy over a sustained period.
Rising social welfare costs prompted the government in 2004 to implement a new policy requiring migrants over the age of 18 to live in HK for seven years before becoming eligible for welfare under Comprehensive Social Security Assistance. The rule was a drastic departure from the previous one-year requirement.

The number of mainlanders settling in HK through the one-way permit scheme decreased by 30 percent between 2001 and 2004. In 2004, one-way permit entrants averaged only 104 a day, way below predictions that migrants would top the daily quota of 150. Academics suggested that it might be the result of the discriminatory and stringent policies in HK.

Mainlanders were also not included on the list of eligible participants when the administration introduced its new Capital Investment Entrant Scheme in 2003 - whereby foreigners who invest at least HK$6.5 million in HK for seven years can apply for right of abode.

A brief look into HK’s past will reveal that stringent immigration policies have backfired before. The city suffered a severe labor shortage in the 1980s after the government imposed stricter controls, which contributed to high inflation rates that continued well into the 1990s, according to a HK University report in 1999.

Discrimination against mainlanders: From the Government to the Society

Nevertheless, stringent policies may not be the only thing deterring mainlanders. According to a recent conference on diversity in the workplace, discrimination against mainlanders continues in many HK businesses.

“Darker skinned minorities and mainland Chinese are discriminated when it comes to recruitment, equal remuneration and harassment in the workplace,” said Shalini Mahtani, the founder of Community Business, a local charity that emphasizes equal opportunity in the workplace.

In fact, 91 percent of mainlanders living in HK have experienced discrimination, according to a study in 2004 by the Society for Community Organization, a non-governmental organization. Forty-four percent said they experienced discrimination when looking for a job, while 17 percent said they faced discrimination in the workplace. About 36 percent of mainlanders living in HK said they experienced discrimination when seeking government aid, such as health benefits or police attention.

These figures have increased considerably since the last study, conducted in 2001, according to the organization.

Participants in the study also expressed concern at the government’s upcoming legislation on race discrimination in the workplace, which does not protect “ethnically Chinese” from discrimination by locals.

Almost 99 percent of mainlanders polled responded that they hoped the proposed bill would be changed to protect migrants.

However, the Home Affairs Bureau has explained that “discrimination by a local Chinese person against a new arrival from the mainland” does not constitute racial discrimination, and “discrimination on account of a person’s new migrant status is outside the intended scope of the proposed legislation.” An associate professor of Applied Social Sciences at HK Polytechnic University, Chan Kam-wah, says HK is too closed-minded about who it allows to enter its borders. He pointed out that there are still many mainlanders who want to come to the city but do not meet requirements.

“People who are concerned about the population deficit are assuming HK is a closed system,” Chan said. “The problem is whether we decide to accept new arrivals.”

As the mainland and HK systems integrate, Chan said, HK will have to be more open to new arrivals.

“The ‘super HK’ thinking is outdated. HK may still progress a little bit, but the major cities in the mainland are growing [economically] much faster,” he said.
The Tragic Case of Kam Suk Ying

With the growing focus on HK’s poverty problem, there have been accusing fingers pointed at mainland immigrants who have been arriving in the territory by the hundreds every week since 1995.

But although poverty, alongside domestic and social problems, is often associated with mainland immigrants, other legislators and social workers are warning against scapegoat.

The killing of a Kam Suk Ying and her two young daughters in Tin Shui Wai earlier in 2004 raised disturbing questions about HK’s ability to tackle serious social problems - especially domestic violence. Six months after the death, a report published by an independent panel of inquiry has revealed how numerous and complex those problems are.

Although the circumstances that led to the violent deaths of a mother and her two children in Tin Shui Wai are not fully discover by the report. However, this family tragedy raises serious questions about how social problems are handled. This was a family in need of help. The father was unemployed and relying on social security payments. His wife had recently arrived from the mainland. She, too, was jobless and faced the added burden of being ineligible for welfare. They lived with their six-year-old twin daughters in a public housing flat.

More worrying were signs that the pressure on the family was beginning to tell. The mother had been receiving counseling from social workers and in the weeks before the killings had spent time at a shelter for women. It seems she returned to the family home shortly before she and her children were killed. On Sunday, police found the mother and children lying dead from chop wounds in the flat. The father was also seriously injured.

The Social Welfare Department was aware the family had been having problems. Police had received two reports from the woman before the killings. One concerned an allegation of indecent assault on the twin daughters, the other an alleged assault on her by her husband. An inquiry should be held into the handling of the case and to see whether the tragedy might have been avoided. There are surely lessons that can be learned.

The social welfare sector has been hit hard by government efforts to rein in spending to tackle the budget deficit. Millions of dollars has been cut from the welfare budget, putting pressure on the provision of services. Among support centers under threat of closure are those helping new migrants and single-parent families. Comprehensive Social Security Assistance payments were cut by 11 per cent in June to bring them in line with deflation.

While, as with every other policy area, savings had to be made, some of the cuts were unwarranted. One of the most disturbing was included in the government’s population policy, also announced last year. This is the rule that new arrivals from the mainland cannot claim welfare payments until they have been here seven years. Previously, they could claim after 12 months.

This policy came into effect in 2004. It denies immigrants financial help at the time they most need it. It is a shortsighted measure that makes it all the more difficult for new arrivals to adapt to life in HK and quickly integrate into society. It places a terrible burden on their families and helps to foster an environment in which serious social problems are bound to arise.
Every day, 150 migrants from the mainland arrive in HK to start a new life. Most are coming to join family members already here. Within the quota, there are 60 places for wives who have been waiting at least 10 years to join their husbands.

Unfortunately, their expectations of what life in HK has to offer tend to be far too high. Many suffer hardship during the early years. If adequate social welfare services are not provided, we can expect further tragedies.

As a consequence of Population policy 2003

The 2003 population policy papers own analysis shows that the unemployment rate among migrants, over time, is not higher than that of the general population. The wages of the newest arrivals, however, are generally lower - at about 60 per cent of the overall median. These migrants tend to have lower levels of education, but eventually enter the workforce at the same rate as the rest of HK, often opting for the least desirable jobs.

It is a basic service for survival and it should not be offered according to their residency status, and residents in HK are entitled to that and their rights are protected under the Basic Law. To the extent that they suffer hardship or unemployment, it is in the early years after migration. To now say that they need to be here for seven years before qualifying for help would be to deny access to the social safety net to some of the city’s most vulnerable residents, in the years when they need it most.

Even if these migrants’ main motive is to reunite with their spouses and parents, it is doubtful that the new rules will discourage them; rather, they will just make life more hard for a group that already occupies the bottom rung of HK society. It is somewhat reassuring to hear that the Social Welfare Department has the leeway to suspend the rules in the neediest cases. But a better solution would be to rethink the matter.

The policy paper raises many questions but leaves some of the most important unanswered. It highlighted the greying of HK’s population, which will bring heavier burdens on the social security and health-care systems, and result in fewer resources available for purposes that are more productive.

The paper also noted the ongoing influx of mainland migrants under the one-way permit scheme. While making much of the need to integrate new migrants into HK society, it contains few concrete plans to help this happen.

As a result, the population policy paper is regarded as one of the more heartless proposals delivered by the government at 2003 spring, it meets with howls of protest from social welfare agencies, religious group and academics.

RIGHT OF ABODE SAGA

In the spirit of the Universal Declaration of Human Rights of the United Nations, we assert that the union of family is a basic human right while every government has the responsibility to protect each family and to ensure the right of everyone to be united with their family. This is actually a way to maintain the normal and healthy development of society, a society in which children will not face discrimination because of the time and location of their birth.

In 1984, the Joint Declaration of the British and Chinese Government on the Question of HK declared that “persons of Chinese nationality born outside HK of such Chinese nationals (who were born or who have ordinarily resided in HK
before or after the establishment of the HKSAR for a period of 7 years or more)" “shall have the right of abode in the HKSAR, and, in accordance of the law of the HKSAR, be qualified to obtain permanent identity cards issued by the HKSAR Government, which state their right of abode.” (Annex I, chapter XIV)

In 1990, the National People’s Congress Standing Committee (NPCSC) passed the Basic Law, which has included the fore mentioned declaration into Article 24.

These separated families saw the light of hope for reunion when the Basic Law came into effect on 1st July 1997 (the handover of HK to Mainland China). Large amount of Mainland-born children of HK parents rushed to the Immigration Department on the first business day after the handover, demanding that their right of abode in HK as stated in the Basic Law be realized. Within a week, 400 illegal immigrants surrendered themselves to the Immigration Department.

Court battle started after the Provisional Legislature passed the 1997 Immigration (Amendment No) Ordinance on 9 July 1997. It required that children born in the Mainland should obtain a “Certificate of Entitlement” before they can come to HK. The law was backdated to take effect on 1 July 1997. This brought a number of Mainland children resort to the court to object repatriation.

The Court of Final Appeal (CFA), the highest court of HK (HK) handed down its verdict on the right of abode cases on 10 January 2002. Among the 5,114 abode-seekers, about 500 claimants won their case while the other 4,600 have to face deportation and family split. This judgment is also expected to affect cases of another 5,000 abode-seekers involved in this two-year legal battle.

The Basic Law that came into effect on 1 July 1997 and was again confirmed by the CFA on 29 January 1999, whether or not their parents had HK citizenship at the time of their birth, granted the right of abode of these children. Their right to family union, however, was deprived by the government’s request on a reinterpretation of the related Basic Law Article by the National People’s Congress Standing Committee on 26th June 1999.

On 29th January 1999, the Court of Final Appeal (Judgment 129) ruled that:

· The right of abode of the persons of Chinese nationality born outside HK of persons who became permanent residents of the HKSAR on 1st July 1997 were decided by the Court and their rights should be unaffected by the subsequent NPCSC interpretation;
· The right of abode and hence the right to family reunion should be recognized as a core “right” which cannot be subjected to the quota system;
· Abode-seekers were not required to have One-Way Permit to obtain a Certificate of Entitlement or to enter HK.

Intensified public debate and anxiety started after 28th April 1999, when the government claimed that the number of mainland children coming to HK because of the CFA verdict was 167 million. The media was flooded with threatening headlines like “HK explodes”, “The land will sink” etc. The society was split. In May 1999, the government turned to the National People’s Council of the PRC for and explanation of the Basic Law.

On 26th June 1999, the National People’s Council in an act, both “authoritative” and “final”, deprived the right to residence of these mainland children.

On 3rd December 1999, ruled again by the same Judges in the same courtroom of the CFA, the verdict of 129 was repealed, under the immense pressure of the SAR government. The knife of the repeal tore the flesh and bone of these families apart.

The government produced figures on the cost to HK in terms of roads, housing, schools, hospitals and welfare payments - requiring an extra $700 billion in government spending. It assumed that all of the 1.6 million entitled to the right of abode - a highly dubious figure in any event - would want to come and, once here, not a single one would get a job or contribute to the economy.
The mechanism in the Mainland China for such application however, is not effective and reasonable enough to settle the problem of family separation.

The problem of separation of families between Mainland China and HK has existed for few decades. Under the current One-Way Permit scheme, which offers right of abode for Mainland Chinese to stay in HK, the quota is limited to 150 persons per day. For family reunion of Mainland-born children, only those under 16 and born after either of their parents obtained permanent residency in HK, or those whose parents were over 65 without other children in HK, could line up for application. Many of the abode-seekers in the court case got no chance for application because they were born before either of their parents obtained permanent residency in HK.

Many others had been applying the One-Way Permit for more than 10-20 years. They failed in the application when they were under the age of 16. Once above 16 years old, they are not even eligible to get an application form because of over-age. Without effective and reasonable mechanism for settling the problem of family separation, they have given up career and studies in the Mainland and came to HK after the Judgment 129 with hope of family union. Many others have no choice but to stay in the Mainland alone and wait in the long queue of the One-Way Permit.

Soon after the government lost its case in the CFA, she started to paint a doomsday scenario whereby 1.7 million mainlanders with right of abode would flood HK, crippling social services and overcrowding the labor market. However, Doomsday never materialized. Instead, the number of mainlanders settling in HK through the one-way permit scheme decreased by 30 percent between 2001 and 2004.

The HK government issued an invitation to Beijing to interfere in our internal affairs by interpreting the Basic Law, creating a precedent that the central government then used last year to rule out universal suffrage in the 2007 and 2008 elections. The decision to ask Beijing to interpret the Basic Law damaged HK's high degree of autonomy, eroded the standing of the Court of Final Appeal and now is shown to have been economically unsound, as well.

Even in 1999, there were people who saw the arrival of mainland immigrants not as a curse, but as a blessing.

The government’s own economist, Tang Kwong-yiu, speaking in Legislative Council at 2005, said the birth rate had dropped faster than expected and would accelerate the ageing problem. But, he said: The right-of-abode judgment, which initially would bring 1.67 million mainlanders to HK, could help alleviate the ageing problem significantly.

Economists from the private sector, too, held similar views. The HK Centre for Economic Research said the city needed to ensure a continuing supply of labour to sustain economic growth. Fear of immigrants, it said, should not be used as a basis for government policy.

But the government would not listen. The former Chief Secretary (Nowadays, the Chief Executive of HKSAR) Mr. Donald Tsang Yam-kuen thinks the ageing problem will be solved if each couple has three children. His views again being heavily attacked by the media and general public, as being short sighted and mindless.

What depresses is that both the government and people in HK, deliberate or not, forget that it is them who violate the law. Yet, also they preach about rule of law to these mainland children who are legitimate residents of HK. HK people are used to “face up to established reality” and “naturally” they sided with the government. It sounds “natural” for them taking in all the threats and exaggerations of the government as well as the misrepresentation in the media. The number of 167 million became a hanging ghost in the back of their minds.

**MAINLAND PREGNANT WOMAN**

At the end of November 2006, the internationally feted mainland pianist Lang Lang was granted residence in HK as the first of 83 successful applicants for the quality-migrant admission scheme.
The Immigration Department kept its doors open late to accommodate his arrival here from overseas. Just a week later, December 2006, the Hospital Authority is harboring thoughts of shutting its doors to Lang Lang’s pregnant sisters by raising hospital maternity fees by between 50 and 150 per cent.

These different attitudes to different people capture the ethos of HK society - it is a club for rich cousins only. In essence, HK wants to enjoy the many benefits, while trying to evade the costs, of being part of China.

The story began with the Court of Final Appeal judgment in the Chong Fung-yuen case of July 2001 - which ruled that any Chinese citizen born in HK had the right of abode in the city. The child born in HK to Chinese citizens has automatic right of abode, regardless of the parents’ status.

In the Chong’s case, the court made its decision after reviewing the numbers of Mainland Chinese children born in HK since July 1, 1997, whose parents neither had the right of abode nor lived in HK at the time of birth. Based on that survey of 43 months, it concluded that its judgment posed no significant risk to the city. Following the court’s judgment, the number of such births in HK has risen from 709 in 2000 to 9,273 in 2005, a 13-fold increase. From 2000 to 2005, the HK government did nothing in either registering or surveying of such births, so that those born in HK are recorded, traced and taken into account when planning future education and labour-supply needs.

However, HK government is likely to embrace only those who can bring with them fame and cash, including artists, athletes, tourists and entrepreneurs. After all, mainland talent has been nurtured by state money, and mainland tourists and entrepreneurs could spend their cash to boost the mainland economy.

Before 2004, the subsidized public healthcare services are available not only to permanent residents, but also foreign domestic helpers, migrant workers and Two Way Permit holders who are spouses or children under 11 years of age of HK Identity Card holders.

But the population policy in 2003 suggested that its necessary for the government to ensure that there is a rational basis on which the social resources are allocated, in particular against our current austere fiscal situation when available resources are increasingly limited and demand is continuously rising. To apply the same principle of residence requirement in respect of public healthcare services to Two Way Permit holders and other visitors and to consider how this policy could apply and be implemented for the rest of the population.

According to the Census and Statistics Department, the number of mainland women who gave birth in public hospitals in HK increased from about 8,700, or 25 percent of all local births, in 2003-04 to 12,300, or 31 percent, in 2004-05. In 2005-06, one-third, or 13,347, of the 40,752 babies born in HK public hospitals were to women who did not hold HK identity cards, most of whom were from the mainland. More than 40 percent, or 26,132, of the 65,000 births in the SAR in 2006 were born to mainland mothers.

The Hospital Authority was criticized by the Audit Commission for being too slow in collecting outstanding medical bills from mainland mothers. The bills surged from HK$3.3 million in 2002-03 to HK$15.8 million in 2004-05.

As a matter of fact, in September 2005, the hospital fee of a mainland pregnant woman was tremendously raised a double, from $3300 per day to $20,000. Pregnant women from the mainland who deliver their babies in public
hospitals in HK are charged HK$20,000 since September 2005, under the obstetrics package, which covers delivery and maintenance fees for the first three days of hospitalization.

However, some of these women reportedly wait until the last minute before going to hospital, knowing they will not be denied services in an emergency situation. Thus the increase of pricing doesn’t make any difference for those who cannot afford to pay the obstetric package. The data from Hospital Authority reveals that between January and September 2006, 8,388 non-HK resident women gave birth in public hospitals, a decrease of about 20 percent from the 10,478 cases in the same period of 2005.

In order to deal with the growing number of mainland women giving birth in HK and to ensure proper, prioritized treatment for local mothers. To combat the situation, the HA has recently decided to further increase the fee from HK$20,000 to HK$39,000, while those who do not register for pre-natal examination will be subject to a HK$9,000 surcharge. The fee entitles a woman, on a subsequent visit, to a package that includes attendance at a specialist clinic, antenatal tests and four days in hospital. Once admitted to hospital, she must pay a refundable HK$33,000 deposit to cover additional expenses or a longer stay.

From 1st February 2007, mainland pregnant women, who are suspected of entering HK to give birth, or are coming to HK for other purposes, they will be asked by immigration officers to produce booking confirmation with local hospitals. Those who fail to do so will be denied entry and repatriated, he added. During the new measure’s trial period from January 24 to 31, as many as 785 pregnant visitors were interviewed by the Immigration officers, and 49 of them were sent back since they could not produce the valid booking certificates.

Amid the rising number of mainland mothers giving birth in the SAR, HK is exploring a new type of business: medical tourism.

The Trade Development Council and China Travel Services have agreed to design tours for mainlanders that include a “must-go” attraction - private hospitals. The idea is to attract mainland tourists who can afford HK’s quality private medical services - which are unavailable in most parts of the country, even for the relatively few that can afford them.

The influx of Mainland Pregnant women is actually a directly related to the Individual Visit Scheme which was introduced in July 2003, after the fatal attack of SARs, resulted in economic depressions, high unemployment rate and public discontent. It allowed Chinese tourists to forego package tours and come individually to HK on weeklong visas, has generally been regarded as a boost to the economy. The scheme. Initially, it applied only to people from selected parts of Guangdong, but six months ago, it was extended to all of the province and two months later, to the provinces of Fujian, Jiangsu and Zhejiang. Nowadays, many more provinces are included in the scheme. Tourism Board figures show that in the first nine months of 2004, 8.98 million of the 15.76 million tourists who came to HK were from the mainland and a third arrived under the Individual Visa Scheme. In the same period last year, 5.64 million visited, while the total for 2003 was 8.47 million.

CONCLUSION

Discrimination is widely spread among the HK society against the New Arrivals from Mainland China. Many Hong Kong people are so shortsighted and hold a negative attitude toward these mainlanders. People only think they come here to eat up our welfare and resources. But in fact, they can be our assets.

New arrival women are subjected to discrimination, and typically find only low paid work with poor working conditions.

The interrelations between women, poverty and social welfare have been a global topic for more than 20 year. “Social welfare” is the system established by government to help people in poverty meet their needs and escape from poverty. However, whether HK social welfare system can effectively help the poor is a matter of debate.
Women in poverty suffer from low self-esteem, and additional impediment to achieving self-sufficiency. The cultural background of the mainland women, being subordinated to male in family, further worsened their status in family, domestic violent, and the lack of gender perspective within disciplinary forces, and the government support units follows with sex and physical abuse, sexual violence, and child abuse. It remains true that victims rarely complain, often choosing instead to endure the violence, by avoidance and pretending nothing happened.

We must convince the community at large that improving the lives of women will benefit the society as a whole.

(Footnotes)

1 “certificate of entitlement” (E\YukIff) means a Certificate of Entitlement to the Right of Abode in the Hong Kong Special Administrative Region issued under section 2AB(6)(a) and includes a certified duplicate issued under section 2AC(6)(a); (Added 124 of 1997 s. 2) Source: Website of HK Immigration Ordinance: http://www.hklii.hk/hk/legis/en/ord/115/s2.html#certificate_of_entitlement

On September 9, 2007, thousands of female immigrants and NGO activists gathered in front of the Executive Yuan to protest the “financial certification” requirements of naturalization provided by the Nationality Act. In accordance with the Act and its subsidiary regulations, a marriage immigrant is not allowed to get ROC (Taiwan) citizenship without providing the certificate proving that her family has either (1) NTD 410,000 deposit; or (2) monthly income more than NTD 34,000.

In fact, immigrants and the relevant NGOs have opposed the “financial certification” requirement for a long time. The requirement constitutes one of the primary obstacles for the immigrant sisters to get the National ID Card (the Card), which is Taiwan citizens’ exclusive prerogative.

Many immigrant sisters and their family members opposed the requirement squarely because it is the undue burden to them: many working class and farmer families can’t afford to provide such financial income certificate. They don’t have such remarkable deposit; neither can they provide any kind of “income certificate” for they are not the formal employees of businesses or government agencies. However, they can live well and they mostly have lived for more than 3 years in this island. In reality, they don’t constitute the public charge of Taiwan society in that they generally are ineligible to most social benefits before getting the Card. They have supported their families by their own hands for a number of years, without any meaningful assistance from the government. Now immigrant sisters determined to be a “real” Taiwanese, how could the government, which never gave a hand when immigrants needed them, tell them that they are unqualified public charge?

The Government has never even considered eliminating the financial requirement. The officials presented a lot of reasons, but the real, underlying concern is that they are reluctant to accept those poor immigrants to become Taiwan citizens. The immigration policymakers are discriminating against those low-income foreigners and their Taiwanese family members alike. Nonetheless, this xenophobic and discriminatory measure paradoxically appears to be a benevolent policy in terms of government’s policy statement. It indicates how great a discrepancy between immigrant families’ real life experiences of financial certification policy and policymakers’ understandings thereof.

The financial certificate requirement is simply a tip of the iceberg. A great number of laws and policies stand in the way of immigrant sisters’ entry, living, and naturalization. This article can only show partial picture of Taiwan immigration laws’ exclusionary and discriminatory theme.
I. **Laws Against Marriage Immigrants**

Why do Taiwan’s “foreign spouses” concern with the citizenship that much? The main reason is that under Taiwan’s social and legal context, resident aliens, no matter how long they lived in this island, are subjected to immigration authorities’ interrogation, raid, deportation or threat of deportation, detention and so forth. Also, resident aliens generally are ineligible to most government/social benefit; the immigrant spouses from mainland China even have no right to work for the first 6 years! There are other sorts of express or subtle oppressive measures against those marriage immigrants. Therefore, they’ve learned that they can’t be a full-fledged respectable person living in Taiwan without the Card!

Put simply, Taiwan’s immigration law does not establish a well-functioned “permanent resident” system toward the marriage immigrants. It does not treat those immigrants as “quasi-citizens” or even “probationary Taiwanese”. Instead, virtually all non-citizens, including marriage immigrants, economic immigrants, and other foreigners, are being classified into the same category—excludable aliens. Thus, to get citizenship is the sole method for them to get secured status.

**A. Entry Barrier—Denial of Family Union Right**

1. **The Arbitrary Interviewing System**

Like most nation-states, Taiwan government filters immigrants via the so-called “interview” mechanism. The consulates located in respectful foreign countries are in charge of interviewing foreigners applying for immigration visas; The National Immigration Agency (NIA) is responsible for interviewing every mainland Chinese entering Taiwan territory. The former interview processes would be implemented abroad and the latter were at the airport.

The interviewing officials’ legal jurisdiction is to determine whether the marriage is a sham one. However, they virtually enjoy unconstrained discretion in making “pass” or “fail” decisions. There’s no precise legal standards defining or discerning “sham marriage”; their decisions to fail the applicants generally don’t need to give precise reasons and records of findings; the interviewing proceedings are secret and confidential so as to avoid any meaningful public scrutiny. Worse, due to the aforementioned conditions, plus the imminent enforced removal or exclusion, the post-hoc administrative and judicial reviews appear meaningless.

In addition, the basic mindset of those interviewing officials seems antagonistic toward immigrant applicants from Southeastern Asia and mainland China. The applicants have not been regarded as our sisters or potential equal members; rather, they are largely presumed law-breakers, criminals, or resource-predators. That’s why the officials are tempted to show hostility or even humiliating attitude in interviewing the applicants, notwithstanding the fact that those women are Taiwan’s “another half.” When journalists or social activists inquire government officials’ attitude and arbitrariness, they oftentimes responded with a very arrogant and proud stance: We are defending the scarce resource and the quality of population of Taiwan! In responding how to correct the erroneous decision and potential abuse of power, they even said that “interviewing system is functioning well inasmuch as the rate of erroneous deportation is under 50%.”

Ironically, even the NIA or consulate officials can’t guarantee the effectiveness of the interview mechanism. How can the officials distinguish real marriages from sham marriages in a short period and in light of few dialogues? Since it’s a standardless and essentially unreviewable decisionmaking, who can evaluate whether the excluded one is indeed the traffickers’ accomplice rather than a primitive, shy and stammered woman?

Recently, because of the US Department of State’s annually released “Trafficking in Person Report”, the government increasingly put emphasis on the dubious interview mechanism, especially when the government is impotent to eliminate the international trafficking syndicates and reluctant to provide more humanitarian protection to the victims of trafficking. Alleging that we filtered out more “illegal immigrants” therefore became the cheap strategy to answer the American Boss’ inquiry. Nevertheless, they did these things at the expense of family unification rights of immigrant sisters and their Taiwanese husbands.
2. **Numerical Limitations**

The Immigration Act and the Act Governing the Relationship between Taiwan People and Mainland Chinese both provide that the government may set numerical limitations for immigrants. The Immigration Act even provides that the quota could be varied in terms of geographical and national differentiations. There’s no exception for citizens’ spouses or other immediate relatives. That is, the right to family unification is contingent on the amount of resource to be preserved for “Taiwanese only.” It also likely depends upon which country your wife’s birthplace is. Border control obviously takes precedence of human rights to a great extent, notwithstanding the involved constitutional rights of ROC (Taiwan) citizens (the husbands).

To date, the quota regulation, despite its racial-national discriminatory nature, has not been a restriction on foreign spouses other than mainland Chinese. To those marriage immigrants from mainland China, however, the numerical limitation provision could be a nightmare! In accordance with the current quota—3,600 per year—the newly married cross-strait couples must wait more than 30 years to get the Card!

3. **Denial of Family Union Right**

Government officials always consider the immigration affairs as simply border control or foreign affairs policy, which has nothing to do with “rights”, “law”, or “justice.” In terms of Taiwan’s legal framework, whether a general “right to family union” existed is itself far from crystal clear.

So far, Taiwan has no comprehensive civil rights legislation regarding family union; neither the ROC Constitution explicitly guarantees such a right. But the main interpreter of the Constitution, the Constitutional Court composed of Grand Justices has occasionally recognized the importance of family union. The most remarkable example is its Interpretation No. 242 (1988) which announced that the Article 22 of the Constitution—the provision guaranteeing the “unenumerated rights”—protects husband and wife’s right to live together! Accordingly, the Constitutional Court held that the marriage law unconstitutional as applied to certain unique situations.

In this vein, it’s fair to say that the general right to family union has been acknowledged as a constitutional right; it must be an exception to restrict such a right. Also, if the government wants to limit such a right, it must bear the heavy burden to justify the restriction as necessary, proportionate, and legitimate.

However, the Executive appears categorically denying the existence of such rights. We have an “Administrative Appeals Act” providing that anyone’s legal right violated by government agencies may appeal to the Boards of Appeals, and then the Board would review the legality of the administrative decisions at stake. In many occasions, when the Ministry of Interior rejected the immigrant spouse’s admission application on whatever ground, the (either foreign or mainland Chinese) spouses or the Taiwanese husbands file the administrative appeal. The Executive Yuan’s Board of Appeals took the cases filed by the spouses, but dismissed the cases in the name of the husbands without touching the merit! Is it weird?

The Executive Yuan’s Board of Appeals explained the differentiation—the rejection at least appears adversely affecting the spouses’ right to travel; it nonetheless has nothing to do with the Taiwanese husbands’ right. Whether or not you can live with your wife is in essence not a “legally protected interest” or “entitlement”, it is at best a de facto interest. Therefore, the husband has no standing to sue the government’s decision of rejection. As a result, only the foreigners living abroad may bring suit against the government. It also embodies the Executive branch’s fundamental attitude—there’s no such right as “family union.”
If we look at how the reviewing court responded the Executive Yuan’s legal interpretation, we’ll be more thrilled by the government’s stubborn, hard-lined position. Taipei High Administrative Court has set aside the Executive Yuan’s decision in 2004 on the ground that the applicant’s husband of course has standing to sue. However, I keep tracking how the Executive Yuan’s Board of Appeals deal with this issue after the reviewing court’s judgment, it’s surprise that the Board insisted on the same position—the husbands have no standing to appeal the rejection decision for “living together” is not a legal right at all.

It seems obvious that the judiciary and the executive hold different attitude toward this issue. The judiciary should have the final say on what the law is. Nonetheless, the courts’ relatively progressive attitude has not provided sufficient remedies for immigrant sisters and their husbands because most admission decisions are still made exclusively by the administrative agencies. Only a tiny part of cases has the chance to be reviewed by courts. The xenophobic government is still the sovereign in this regard.

Moreover, this “family union is not a right” mindset in fact represents the essence of the policymakers’ stance—immigration policy has nothing to do with law and justice, it could be arbitrary, capricious, and unilateral. This kind of mindset appears shared by policymakers and inferior law enforcement officials alike. I believe that this mistaken attitude will persist for a long time unless the public opinion or the courts adopt the strongly contrary stance.

### B. Deportation and Detention without Due Process

In modern democracies, one of the most critical features to distinguish citizens from aliens is that the latter is subject to deportation. As long as the punishment of “banishment” or “exile” has faded away, only foreigners could be expelled from the national territory.

For one thing, deportation is no doubt the nation-states’ prerogative against the non-members; for another, deportation could make devastating effect on resident aliens. Especially immigrants have largely rooted in the host country for a very long time, to deport them is tantamount to destroying their (and their family members’) life. Furthermore, since other innocent residents, citizens or noncitizens, have already established interwoven relationships with those potential deportees, the deportation decision will likely hurt innocent ones simultaneously. In sum, unlike excluding someone’s entry in the first place, deporting a resident alien is worth more human rights concerns.

Under Taiwan’s immigration laws, marriage immigrants are subject to deportation to the same extent with other aliens. The law does not make any differentiation among various categories of foreigners, and there appears no difference in practice either. Immigrants, especially marriage immigrants’ special needs and situations have been rarely, if ever, taken into account in making and enforcing deportation orders.

#### 1. Unfair Grounds for Deportation

I like to introduce some of the harshest and most unfair provisions regarding deportable grounds here.

First, to get a contagious disease such as AIDS, SARS, or even syphilis could be the reason to be removed, without regard to how the resident aliens have been infected. An Act even provided that any HIV-positive alien “shall” be deported (in comparison with the Immigration Act’s “may” provision).

Many foreign spouses were expelled due to the infection of HIV, even though they were infected by their Taiwanese husbands. Later, the Legislature amended the law to exempt the foreign spouses from the mandatory deportation order so long as she is able to prove that it’s her husband to infect her. But they are still subject to the Immigration Act’s “discretionary” deportation. Since foreign spouses have no right to get infectious disease such as AIDS, they tend to conceal their infection.
Second, the catchall provisions—forbidding foreigners engaging any activities inconsistent with the specific admission purpose—in immigration laws have been erroneously interpreted to restrict any foreigners’ freedom of expression. Those officials absurdly alleged that foreigners are inherently prohibited to conduct any political activities in host countries, so that they are not allowed to attend any political expressive action. Practically, the immigration authority has expelled or threatened to expel some foreigners taking part in social or political protest. Though only few aliens have been deported simply because of getting involved in parades or demonstrations since the martial law has been lifted, the occasional and selective use of this weapon does have its chilling effect. In many occasions where immigrants went to the street to protest the relevant policies, the true stakeholders, foreign spouses, were reluctant or hesitant to speak in front of the masses simply because they don’t have the Card.

The immigration authority frequently misused this sort of “inconsistency” provision. Mainland Chinese spouses would be removed if they work somewhere without authorization. However, there’s no statutory language explicitly providing “unauthorized work” to be the deportable ground. The immigration authorities always charged them as “engaging in activities inconsistent with the admission purpose” and accordingly sent them back to mainland China. The more ridiculous case is that several mainland spouses were deported because of group gambling, a misdemeanor could be fined up to NTD 9,000 at most. The ground to deport them was also the “inconsistency” provision!

In any event, deporting marriage immigrants in terms of “inconsistency” provision is in essence mumbo jumbo! Marriage immigrants came here to be permanent residents! They were meant to stay here in doing everything like citizens. Since their purpose must be general, how could the government say that they can just do certain “specific purpose”? Or, does it imply that the immigration authorities consider marriage immigrants as reproduction instrument only so that they cannot do anything other than taking care of her family directly?

The third problem is that divorce or the death of their Taiwanese spouses (mostly the husbands) could automatically lead to the expiration of the visa and the right of stay. Since few (if any) immigrants have obtained the permanent resident status, they must renew the resident certification annually or two years apart. Once the marriage relationship terminated, the immigration authorities in general would not renew the certificate regardless of the reason why the marriage ends. Even the immigrant sisters were a battered woman, and domestic violence was the cause of divorce, she must go back to her homeland. Likewise, in case that her husband passed away, she can’t reside in this island any longer, notwithstanding the fact she’s lived here for more than 10 years! It appears that the law barely tolerates immigrants’ existence solely because of the wedlock...or more precisely, because she belongs to a Taiwanese man?

This legal practice is not only unfair to those divorcees and widows; it also creates the incentive for foreign spouses to tolerate domestic violence and other abusive actions. Squarely because her fate—whether they can keep residing in this place—totally depends on the state of matrimony, the husband therefore gets a critical leverage to control and even abuse her. She can’t afford to “vote by foot”—just leave the wedlock—unless she is courageous to pay the huge price of leaving this country. In order to protect immigrant spouses from domestic violence, the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM) introduced a bill amending the existing Immigration Act, which provides that an immigrant divorcee is eligible for permanent resident status if she has been a battered woman with court’s protective order. Nonetheless, when the Legislature will pass the bill is still very hard to say, partly because such “reform” is not most legislators’ priority.

2. Absence of Due Process

Since deportation decision influences immigrants’ liberty and life so much, it is natural to design some procedures in ensuring the impartiality and accuracy of the decision. As for the transient detention measure, it is more needed to have due process guarantee in that detention restrict people’s personal freedom.

In light of Taiwan’s constitution, government cannot constitutionally restrict people’s personal freedom or bodily integrity without court’s order in the first instance. No matter in criminal detention or in civil custody, a court’s prior involvement is mandatory except there’s very emergent situation. A couple of administrative detention measures—including prosecutors’
authority to detain the suspect—have been struck down by the Constitutional Court. Moreover, Article 8 of the ROC Constitution, which guarantees the personal freedom, does not limit to protect citizens. It is agreed that personal freedom is a universal human rights, the constitutional guarantees therefore must be applied to the noncitizens as well.

In addition to restriction of personal freedom, the Constitutional Court also required all administrative decisions infringing the rights or liberties of people must satisfy the minimal due process requirement. Especially “the right to be heard” and “the right to judicial review” are the most paramount mechanisms among others. Though the Administrative Procedure Act exempts the “foreigners’ entry and leave” from the procedural requirements of the Act, the relevant measures still have to comply with the constitutional standard of minimum standard.

Sadly, if we evaluate Taiwan’s immigration laws and practices in terms of the aforesaid constitutional requirements developed by the Constitutional Court, it appears that the immigration laws and practices are in another planet! They are almost totally repugnant to every constitutional principle regarding due process!

In making and enforcing deportation decisions, immigration authorities don’t need to hold any hearing; neither do they have to make specific record of fact-finding. The more notorious thing is that the post hoc judicial review is virtually useless because deportation decisions are usually enforced very soon, even to foreign spouses. The total time for going through all administrative and judicial remedies could be more than 2 years; no deportee can afford such a lengthy process. It is fair to say that Taiwan’s immigration authorities have unilateral, virtually absolute power to remove whoever they want to expel. I have studied a number of deportation cases and wondered if they can pass the judicial muster, but the reality is that no judge has the chance to review them.

Detention will be another tragedy. The governing statutes authorize the NIA officials to detain aliens before enforcing the deportation orders. No court order is necessary in detaining any aliens. The detainee even has no right to habeas review. Worse, the immigration authorities can indefinitely detain the aliens without sending them back to the country of origin. Oftentimes, the absurd reason of detention is simply that the detainee can’t afford (or is unwilling) to pay the airfare.

C. Denial of Social Rights

In practice, the government denied to give foreigners many government/social benefits, especially the social welfare benefits. They are eligible for the National Health Care Insurance, but they can’t apply for social assistance program benefits designed to help the poor, the disabled, and the abused people. However, the relevant statues do not exclude aliens explicitly. The government officials take for granted that social welfare benefits are for citizens only, even this assumption is without any statutory ground!

In terms of policy analysis, it still makes no sense to deny territorially present aliens in applying for social welfare, because most of these benefits are need-based and have nothing to do with citizenship/alienage.

Ironically enough, the government refused to give immigrant sisters the right to social benefits; it nevertheless created a special fund called “Fund to Take Care of Foreign Spouses” (the Fund) as the funding source of marriage immigrants’ social benefits. Many local governments refused to give foreign spouses any statutory benefits turn out beginning to give the benefits they refused to give initially. In terms of legal logic, if the foreigners are ineligible for those benefits by law,
how could they turn into eligible for the same benefits simply because there is more money? The reasonable inference is that legality doesn't matter as it appeared; "resources allocation" and "foreignness" are the core, real concerns.

It is worth mentioning that the Fund was not created by any statute but only an administrative measure. Therefore, the government can withdraw it anytime and determine its allocation at will. It's not the immigrant sisters’ “entitlement” but simply the “mercy” from the benevolent (so to speak) government. The fact that policymakers are willing to create an ad hoc Fund but reluctant to include immigrant sisters into the official, formal social benefit system also embodies their mindset and background assumption: immigrants could be the “subjects” to be taken care of; they can’t be the equal, dignified “person” or “right-holder”. The former may passively receive benevolent almsgiving; the latter will actively claim rights!

Marriage immigrants from mainland China face the other significant obstacle—highly limited right to work. Generally, these mainland Chinese immigrants cannot work in the "union stage" (usually the first two years) at all; after the "union stage", they are in the "residence stage" (at least 4 years in length) in which they can work under very limited situations, such as the family income is under the poverty line. They will get the full-fledged right to work since they go into the “Lengthy Residence Stage” (after another 2 years in length). In case that the Taiwanese husband is a low-income person, the immigrant wife would be under pressure to work and earn money. However, as long as the law categorically prohibits the right to work in the union stage, mainland Chinese spouses got to take the risk of being deported in order to support the family (or/and her original family in mainland China). The news coverage indicates that government likely opens the gate a little bit further, to give mainland Chinese spouses virtually full-fledged right to work in the second stage. The Labor Affairs Council and the Mainland Affairs Council appear agreeing such direction, but the Ministry of Interior still (as usual) hold the most conservative stance.

In comparison with marriage immigrants in the rest of the globe—in which they can work without limitation—the policy treated mainland Chinese immigrants as second-class aliens. Many of them would be far more vulnerable in terms of economic condition...if they really obey the law. Unauthorized working is the one of the primary reasons for the immigration authorities to deport mainland Chinese spouses. That also makes them worse for immigration authorities were tempted to target them in order to get feats.

Such a restriction is unnecessary and illegitimate. Right to work not only adds the income of immigrants, but also indicates the human dignity in a capitalist society like Taiwan. Deprivation of such right is equal to denying their right to pursue happiness. Furthermore, mainland Chinese spouses’ works, like other foreign spouses, could fill the rent of Taiwan's social security net and therefore increase the overall productivity. In fact, no empirical studies thus far can determine whether and to what extent mainland Chinese spouses will reduce the native-born Taiwanese’ working opportunities. The policy is made not upon economics or sociology, but on political hostility toward mainland China.

**D. Summary**

The aforementioned legal situations of foreign spouses suggest the reason why they are so eager to get the Card! Without the Card, immigrants’ residential status can’t be secured at all. They could be removed arbitrarily and without any meaningful remedies; they may be detained indefinitely before the immigration authority enforces the deportation order. In addition, without the Card, their residency is almost at the mercy of Taiwanese spouses; the likelihood to tolerate abuse
and domestic violence is pretty high. Once they encountered some tragedies, they are entitled to very few, if any, social benefits.

In short, the existing immigration laws and policies in Taiwan do not treat noncitizens—including resident aliens—with equal respect and concern. Immigrant sisters lack the necessary legal protection to earn a living and maintain their normal, reliable life. Citizenship—and the Card—is thus the precondition and minimum equipment to live in Taiwan in an acceptable way. It is not a “plus”, not to mention a luxurious “honor”; but the basic of the basic of the basic!

However, there are a couple of legal obstacles to being a Taiwanese citizen. In certain respect, the law is even stingy in giving the naturalized immigrants full citizenship. I will describe the story in the next Part.

III. LAWS IN THE WAY OF FULL-FLEDGE TAIWANESE CITIZENSHIP

A. Obstacles to Naturalization

Taiwan’s immigration laws (including the statutes themselves plus the affiliated regulations) impose several requirements of naturalization. In addition to the period of continued residency (3 years in length), coming-of-age, and the good moral behavior requirements, there are two substantial obstacles worth mentioning here.

One is the “test” requirement for foreign spouses (not including mainland Chinese spouses). The Nationality Act provides that an immigrant sister must pass the test of basic language skill and basic knowledge regarding citizens’ rights and obligations.

AHRLIM has strongly protested this requirement when the Legislature just passed it to be an additional, new condition of naturalization. The test requirement presumed the inferiority of immigrant sisters and the superiority of “us”—we can examine “your” quality. It implicitly suggests foreign spouses’ unwillingness or incapability to learn Chinese; it also implies that they need to be educated to be members of our political community.

These assumptions are contradictory to the truth. The reality is that virtually every immigrant sister is anxious to speak, apprehend, read, and write Chinese (including Mandarin or other primary languages fashionable in Taiwan) fluently. After all, there’s no “Vietnam Town”, “Thailand Street” or other kinds of enclaves for immigrants to live by their mother tongue in Taiwan. The reason why some sisters still can’t speak Chinese well is not their laziness or refusal of integration, but they lack the necessary resource and support to learn language. Working class or farmer families are earning livelihood desperately all the time. To attend “language class” is more than a luxury to them. How can the government (and part of the general public) condemn their poor Chinese before it creates a friendly, accessible learning environment?

Ms. Chio YadrungrýR, an immigrant sister from Thailand, responded in an op-ed article: Since the new generation of native-born Taiwanese is being criticized for their horribly poor Chinese, how can you ask immigrants to have so-good Chinese ability? Moreover, who determines the content of the test? How to design and implement a test appropriate for measuring the “basic knowledge”? As long as Taiwan's political and legal status is always unclear and ambiguous, our government structure is chaotic, plus the weird pheromone in which many politicians slander the Constitution for their political capitals, how could the law ask the immigrants to have such knowledge about “citizens' rights and obligations”? As a faculty member teaching constitutional law in law schools for a couple of years, I myself can’t be sure what our “rights and obligations” are.

As a result, absurd enough, the test contains lots of questions totally irrelevant with the notion of “citizenship.” It includes fiddle-faddle questions such as the speed limit in free way, the legal condition to feed pets, and so on and so forth. I, among other native-born Taiwanese, would not pass the test without reading designated materials. Does it mean that we are unqualified to be a Taiwanese? Why doesn't the government just enact a new law requiring all citizens, native-born or immigrant, to take a citizenship renewal test annually to ensure the quality of national population?
Notwithstanding other countries similar provisions, Taiwan does not guarantee noncitizen-immigrants equal protection of the laws, which must be the justification of the “test” requirement. In many countries, resident aliens could enjoy most legal entitlements other than right to vote (and access to the ballot); they thus generally don’t need to worry about discrimination, deportation, urgent need, or even poverty simply because of their alienage status. Citizenship in these countries could be regarded as a “plus” or “honor” for immigrants inasmuch as citizenship is not the necessary and minimum condition of livelihood. By contrast, Taiwan’s test requirement to naturalization indeed set a threshold of basic human rights. It is totally unreasonable and unfair in Taiwan’s social and legal context.

Also, the “financial certificate” requirement previously mentioned involves the same evilness as test. In facing immigrant sisters and other social activist groups’ charge, the government’s official response—it’s so benevolent enough, in policymakers’ eyes—is usually consists of:

a. The requirement is nominal, simply the basic living standard in Taiwan. Immigrants without such minimal financial support could not live well.

b. Some officials implied (or even expressed) that the foreign spouse or her husband can borrow money to get bank saving certificate.

The reality is that this class discriminatory provision made many immigrant families unlikely to get the Card in the foreseeable future. It sent a very clear and demeaning message to them that you (the foreign spouses and their Taiwanese husband) are too poor to be a Taiwanese.

Don’t forget that the financial requirement is the condition of “naturalization”, rather than the condition of marriage or admission. The fact that the immigrant families can live well for more than three years in this island, whether they can earn NT 410,000 per year, has demonstrated that the threshold is unnecessary, it is not even the minimum standard of livelihood.

Worse, the government stated that the financial requirement is to concern about immigrants’ livelihood on one hand, it generally refused to include them into the social benefits programs. The so-called benevolent rhetoric is at best hypocritical—especially when we heard the “borrow-money-to-get-certificate” suggestions from government officials.

### B. Second-Class Citizenship—Discrimination AFTER Naturalization

Getting the Card doesn’t guarantee the wonderful land. Except social discrimination and obstacles, the law even discriminates against the naturalized citizens in certain regards.

The most remarkable is that the previously mainland Chinese spouse are ineligible to be any public officials for 10 years since she/he got citizenship. The law not only excludes those pre-mainland Chinese to be high-ranking or politically charged officials, but also denies their eligibility to be inferior civil service employees. Moreover, in terms of the personnel authorities’ interpretative rulings, they even cannot be the contract-based temporaries! A pre-mainland Chinese woman Ms Hsieh whom who has got the citizenship and the Card, wanted to work for the government. She amazingly passed the very-hard-to-pass civil service examination and was assigned to be a primary personnel official in an elementary school. However, the government turned out discharging her for she was from mainland China and her ROC citizenship is not old enough.

This is squarely a discrimination based upon national origin. And the national origin discrimination is legally equivalence of race discrimination, which is prohibited by the ROC Constitution and the International Convention on the Elimination of All Forms of Racial Discrimination simultaneously. Although the Constitutional Court had never show sympathy to aliens and mainland Chinese people yet, we (including Ms Hsieh, 2 practicing attorneys and I) determined to file a
constitutional lawsuit against this second-class legislation for we all consider that “naturalized citizens” must be treated as “born citizens”.

Nonetheless, the Constitutional Court rendered a horrendous decision. In its Interpretation No. 618, the Constitutional Court upheld the law on the ground that the judiciary must defer to the political branches’ decision because foreign or cross-strait relation involved. Worse, the Court explained that the substantive reason for this sort of second-citizenship legislation is that mainland Chinese has been exposed to Communist indoctrination over years; therefore, they need more time to understand Taiwan’s liberal democratic constitutional order.

What an insulting decision to Ms Hsieh!! Note how Ms Hsieh pursue her goal of life and face the countless of challenges—to migrate to a foreign land, to take and pass the civil service examination, and to file constitutional litigation. Can you Grand Justices sitting in Court find another native-born Taiwanese more active, courageous, independent, and law-abiding to be a citizen in a democracy? To me, this second-class citizenship ruling is as notorious as the U.S. Supreme Court Dred Scott decision holding black slaves not person but the property of the slaveowner. The endorsement effect of Interpretation No. 618 is devastating in that the final arbiter of our legal system confirmed the national origin discrimination’s legitimacy. That might further alienate every pre-mainland Chinese citizens—since this country treats us like this, why should I love this country?

**IV. Concluding Remarks**

In this article, I did not mention the indirect and social exclusionary factors against marriage immigrants, such as societal discrimination based upon accent or national origin. Simply introducing and analyzing how legal mechanism exclude those immigrant sisters is horrible enough to probe the exclusionary tendency deeply rooted in Taiwan’s immigration policymakers.

The interviewing, exclusion, deportation, and detention measures may be the most obvious examples revealing the border-control feature. But the refusal of social benefits and right to work, the test and financial certificate obstacles to naturalization, plus the post-citizenship discrimination against immigrants form mainland China likewise show the reluctance of Taiwan government to accept immigrant sisters. The policymakers made every direct and indirect effort in “discouraging” their arrival. They must insist that Taiwan is a country supporting “human rights”, “liberal democracy”, “freedom of marriage”, and “equal opportunity for everyone”, and that’s why they dare not to ban international marriages directly. Nonetheless, their action and rhetoric indicate that they indeed don’t know what they were talking about in speaking of those aforementioned slogans.

Last year, after a negotiation between several government officials and ALHRM members, Mr. Chen-Chi Wu, the Director General of NIA, told us that he respects our effort in advancing immigrants’ human rights, and then sincerely (I believe) reminded us that keeping the quality of Taiwanese population must be paramount. It’s crystal clear that border control is the sole and supreme concern of Wu and other immigration policymakers.

**(Footnotes)**

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Canada’s Mail Order Bride Industry

Panel 2 Presentation

By Evelyn Calugay
PINAY - Montreal

The mail order bride phenomenon has spawned a multi million dollar industry that markets women from Third World countries to men in the industrialized nations of the West. It has close ties with International prostitution rings as well as the tourist sex trade.

The phenomenon of mail order brides is not new. It existed for several centuries around the world, before its present proliferation to the popularization of new technologies. MOB is linked to the “three historical phenomenon of, filles du Roy”, picture brides and arranged marriages. In all three cases, brides in different historical eras crossed the oceans to take a husband. In the past, marriages were arranged through private initiative to ensure the survival of family lineage abroad, today the mail order bride industry creates and maintains a commercial market, with one of its objectives being to make a profit. It also transforms the intra-cultural practices into inter-cultural transactions. This fundamental changed means a bride is transported into a foreign environment, on a personal as well as cultural and social level. This intercultural specificity of the mail order bride trade places the bride in a new situation of isolation and vulnerability.

Methodology

The industry has evolved within the context of a free market in the absence of Canadian regulation. It is evolving into an almost clandestine trade. Like other First World countries, Canada is one of the most desirable immigration destinations for the promoters of the mail order bride trade. The expansion of information technology, the Internet and email has transformed MOB business practices significantly by replacing or supplementing the catalogue system. Today, the MOB trade essentially operates through the Internet. Websites are also more efficient because access to data banks means that brides can be selected on a made to measure basis, to suit the wishes of the prospective husband. Every bride offered on the site is given a number. The bride introduces herself by her given name and mentions her age, a few physical characteristics, some distinguishing personality traits as well as her qualifications and interests. Her description generally includes at least one photograph of her face and often a full-length photograph. She concludes her ad by expressing her wishes as to the type of man she is looking for, with a short description of the qualities she would like to find in him. Several websites require the prospective husband to give the maximum and minimum age, height and weight of the bride he is seeking. Numerous websites also include the bride’s measurement, i.e. the size of her bust, waist and hips. An interested prospective husband will subscribe either to the site or to the catalogue. The adventure begins when the prospective husband subscribe to a service allowing him to select the women with whom he wishes to correspond.

First, he will select women who conform to his requirements and then he writes to a number of them. During the courtship period, the prospective husband generally sends a bride a few presents such as money, flowers, necklaces, watches and brassieres. He also communicates with her by telephone.
During the immigration process, correspondence, gift and telephone bills are provided as evidence of existence of a genuine relationship between the prospective husband and the bride. So the MOB agency recommends that the prospective husband meet the bride in her country.

First, the prospective husband can decide to go and meet his bride and her family. Second, the prospective husband can take part in a bridal tour, which consists of going to a Third World country to meet women that are ready to marry.

During the immigration process evidence of the prospective husband’s stay in the bride’s country, photographs of the engagement and wedding ceremony, as well as bills for the festivities are also provided as evidence to persuade immigration officers that the couple’s relationship is genuine.

**Cost and Profit**

The costs to a prospective husband of a MOB are generally high making the industry lucrative for the intermediaries. In 1994, a study estimates that a prospective husband would pay out between USD $10,000-$15,000.00 for a bride. After choosing his bride, the prospective husband must pay the fees associated with immigration procedures, in particular the fees for spousal and permanent residence. He will usually have to pay his bride’s travel expenses to Canada. MOB agencies sometimes require brides to pay a fee for finding them a husband from the First World.

Once the choice of bride has been made, the marriage will take place in the bride’s country. Following a wedding in a foreign country, he returns to Canada alone. He must then initiate the immigration process, which includes applying for immigration by the bride as a member of the family class, obtaining a spousal visa and providing an undertaking of sponsorship. This procedure raises the issue of the validity of foreign marriages. If the application of the bride now the wife is accepted, she is given a spousal visa granting her permanent residence status in Canada. She may then join her husband in Canada.

**THE BRIDE’S SITUATION ONCE IN CANADA**

Several possible scenarios await the bride once she arrives in Canada. First, she may find that she has a satisfying marital relationship with her husband. In most cases, a relationship of subjugation keeps the woman under the power of her husband. In fact, often she tries hard to keep his bride in a state of dependence and vulnerability. For example, she does not know how to drive, she does not participate in activities such as running errands and shopping and she has no money. This state of dependency may go so far as to force her to stay in the marriage even if the relationship is abusive. Her linguistic and cultural isolation, lack of social network, economic dependence, religious beliefs, cultural constraints and above all fear of deportation are all factors causing her to stay in the relationship with the husband at any cause. The stigma attached to a failed marriage encourages the bride to keep secret the problems she is experiencing in her marriage.

In the worst-case scenario, the husband is a pimp who takes away the bride’s passport and forces her into prostitution. He holds the bride in debt bondage because he paid for her to immigrate to Canada and he forces her to participate in slavery like practices to obtain her freedom.

**INEQUALITIES BETWEEN COUNTRIES AND INDIVIDUALS**

1. Economic

   The first inequality exploited by the MOB trade is the economic inequality between First and Third World countries. First World countries are lands of plenty sought after by people, motivated by a desire to improve their lots and that of their families. Immigration admission criteria, based mainly on educational and financial qualifications, make it difficult, if not impossible, for people from the Third World to acquire residence, and then citizenship, in the countries of the First World. In this context, the MOB Industry has taken advantage of North American pro-family immigration policies, which favor the traditional family unit under reunification of the members of that unit. The MOB Trade uses the institution of marriage to create an express route to Canada without which it would be impossible for these women to gain access.
2. Sexism on a Global Scale

As a result of sexism, women are considered to have less value than men. As women as still a second-class citizen in many third world countries, the MOB trade can take advantage of the poor treatment suffered by the women who are essentially reduced to a role of breeders by painting an enticing picture of a better future in the First World. In countries afflicted by economic hardship, women are even more like to bear the cost of poverty, they are the less skilled of the workers and therefore, the least likely to find work in economies with high unemployment.

Mail order brides actually become merchandise, victims of bilateral sexism. They are victims of sexism both in their countries of origin and in the countries where they settle.

3. Inequalities Between the Sexes

The sexual inequality between the bride and the husband is reinforced by great number of factors. First, the sexism prevalent in her country of origin has convinced the bride the she is a second-class citizen. Second, the anti feminist stereotypes leading husbands to turn to the MOB trade imply that the objective of a relationship between a man and a woman is the control and domination of the wife by the husband.

4. Ethnic Stereotypes

The MOB industry uses the crudest stereotypes to promote women as merchandise by reinforcing ethnic stereotypes, the racist techniques employed by the MOB agencies influence not only the manner in which husbands treat the brides but also the fate reserve for women from different ethnic group all over the world. The exploitation of these stereotypes influences the balance of power between countries since the first world demand for foreign brides help the economy of the third world.

Finally, the ethnic stereotypes promoted by the MOB trade accentuate the hierarchy in which the consumer-husband, who belongs to the dominant group, is in a position of power vis-à-vis the bride, who is a member of a visible minority.

5. Economic Disparities

The nation-to-nation disparities also exist between husband and bride. He has enjoyed prosperity, the security of a regular income and benefits, as well as economic and social policies that provide a safety net during hard times, she has experienced poverty, malnutrition, unemployment, economic crisis and government corruption. The relationship of economic subordination between the country of the bride and that of the husband is reproduced in the private sphere, between the two individuals.

The husband completely finances all the steps leading to immigration by the bride. In Canada, he generally controls the family income and expenditures. The immigrant bride often remains the sole economic support of her family in her country of origin. The husband has sole control of the resources to assist the bride's family. The economic dependence of the bride keeps her extremely vulnerable.
6. Generational Disparities

One of the most disturbing aspects of the MOB trade lies in the great age difference between the brides and the husbands. The husbands were looking for very young and uneducated wife whom they could keep under their control and dominate. They were afraid the brides will become like women from the First World if they were more mature in age. For the part of the bride, they expressed their discomfort at receiving frequent disapproving looks in public places where they felt they were being judged for parading with their “sugar daddy”

7. Educational Disparities

The bride may have little or less education than her husband. The bride may have completed higher education, but her trade or occupation is not recognized in the general criteria for immigrating to Canada. Consequently, she must resort to marriage in order to immigrate to a country in a First World.

8. Other Disparities and Relevant Factors

The difference in status between the husband and the bride is that he is a citizen living in his own country, in a familial culture. The bride, even if she has permanent residence, must cope with the unknown and problems of adjustment associated with being an immigrant in a New World.

WOMEN’S RESISTANCE AGAINST MOB INDUSTRY and an Anti-Women and Racist IMMIGRATION POLICY

Currently because of the insignificant influx of Foreign Brides/Mail Order Brides in Canada, existing women’s groups all over the country is carrying resistance on these issues. We are at this stage of documenting cases that comes into our attention.

ACTIONS TAKEN

1. Educate, organize and mobilize women to fight for their rights in the host countries and in their country of origin.
2. Lobby two levels of government (Federal and Provincial) to change the restrictive immigration policies that affect women.
3. Educate and work with other progressive groups to gain solid support in our struggle to change our conditions as immigrant-migrant women.
4. Militant actions and political campaigns are launched against racist and anti women's policies of the host country.
5. Asserting our rights as an advocacy group to be included and invited in government consultations for policy change.
6. Participates in research studies on the conditions of immigrant-migrant women.

PINAY is a Filipino word used to describe a Filipino women living outside of the Philippines, usually, when Filipinos meet Filipino women outside their country, they ask “Pinay ka ba?” (Are you PINAY?)

PINAY, the association is a non profit organization of Filipino migrant and immigrant women workers created in 1991, in response to the need to organize and empower Filipino women in Quebec. Since then, it has played a role in the fight for the rights and welfare of Filipino migrants and immigrants, especially Filipino domestic workers and their families living and working in Quebec.

PINAY believes that the conditions that push millions of Filipinos seeking to work abroad are linked to the injustices we face in Canada. It has developed a wide and diverse network of national and international women's organizations.

Primary Objectives of PINAY
1. To advocate and promote the rights and welfare of Filipino women migrant workers.
2. To participate and support the women's movement in the Philippines working for social change and peace based on justice.

Evelyn Calugay is currently the Chairperson of PINAY
Foreign Brides (FBs) are women who perform transnational marriage and migrate subsequent to their marriage. Transnational marriages are largely comprised of arranged marriages of which the grooms are from more advanced countries than the brides. The arrangements are made through companies recruiting mail-order brides as well as through services provided by less organised agencies or even individuals. For instance, the 1999 report of U.S. Immigration and Neutralization Service mentioned that over 200 US-based businesses paired 4,000-6,000 American men each year with foreign women, primarily from Asia and Eastern Europe and the number had doubled in 2004 (cited in European Connections&Tours, Inc. against Alberto Gonzales, 2006). The companies utilise internet for men to access photo catalogues where the men book “romance tour” in order to select their brides whom are unlikely to have access to internet themselves. Likewise, although arranged by less organized agencies, Taiwanese men have the opportunity to screen a selection of prospective brides in person and enjoy the romance cruise once they travel to Indonesia. Since 1992 to 1999, more than 5200 Chinese Indonesian from West Kalimantan province only have married Taiwanese men utilising this kind of arrangement (Yentriyani, 2004). The number of transnational arranged marriage in this province has been increasing and besides Taiwan, the demand for the brides has also come from Malaysia and China (“Brides Demand Increases”, Pontianak Post, 2006).

Despite the growing number of FBs, information about the status of their human rights is still limited. Several human rights reports did mention FBs, but only in paragraphs that are easily overlooked or that reduce the complexity of situation faced by FBs to particular issues relevant to the rights focused by the reports. Availability of international human rights instrument specifically addressing the issue of FBs arguably raises the visibility of their situation, particularly when it is followed by regular reporting mechanism.

To generate the discussion to design a human rights instrument specifically on FBs, this paper (a) examines the provision of rights recognised in present instruments, particularly within the Universal Declaration on Human Rights (UDHR), International Convenant on Civil and Political Rights (ICCPR), Convenant on Economic, Social and Cultural Rights (ECOSOC) and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and (b) explores abuses experienced by FBs in order to identify problems that need to be
addressed by the coming instrument. The paper is divided into five sections reflecting the recognised rights and problems faced by FBs in accessing and enjoying the rights.

A. Right to Marry and Protection against Forced Marriage and Child Marriage

Article 16 of UDHR recognizes that both men and women are entitled equally the right to marry. This right is confirmed in article 23(2) of ICCPR and article 16(1a) of CEDAW. In these three instruments, as well as in the article 10(1) of ECOSOC, the provision of the right is followed by the recognition of equal rights between men and women to enter into marriage freely and with full consent. But, for many of the women performing transnational marriage, free and full consent is a luxury. It is difficult for a daughter to object to the marriage arrangement if her family have received the money from the man. In this situation, violence will be applied if necessary to gain the women's compliance to the arrangement. In one case of transnational marriage in Indonesia, the woman managed to run away seeking help from a local legal aid organization; but this was only possible after six days of her forced marriage (“Trafficking Almost Happen”, Pontianak Post, 2006)

Moreover, most of the transnational marriages have more subtle nature in the employment of force. For daughters of poor families, the pressure to accept marriage arrangement is prevalent. Being the dutiful daughter, marrying and leaving the house with a person she barely knows is considered as a form of sacrifice for the family. The sacrifice is particularly relevant when option to help the family economy is limited due to her low education and skill. The marriage, hence, is not a free decision, but a necessary step to have a lesser mouth to be fed in the house. She is also expected to be able to send money back home after the marriage, either by earning money herself or from her husband, if she is lucky.

Another concern relating to this issue is the practice of child marriage despite strong objections internationally because it puts girls in a high risk of physical, psychological and sexual disturbance and violence. The concern on this matter is shown, for instance, in the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage submitted to the United Nations General Assembly in 1965. The recommendation encourages the member states of UN to prohibit marriage by any person under the age of fifteen years although dispensation is possible when granted by competent authority. CEDAW takes up the agenda of prohibiting child marriage by stating in the article 16(2) that “[t]he betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage”. Following the CRC/Convention on the Rights of the Child article 1 that “a child means every human being below the age of eighteen years…,” it is arguable that any legislation in favour of terminating child marriage should take the standard of 18 year old as the minimum age of marriage. Hence, all member states that have ratified CEDAW and/or CRC have the responsibility to revise their marriage law in compliance to the standard.

However, the pressure to be a dutiful daughter by performing marriage is also put on those who are not “of full age” according to UDHR or “marriageable age” in the words of ICCPR. Between 1996 and 1999, more than 180 FBs to Taiwan from Indonesia were at the age of less than 16 years. The figures might be higher because, as admitted by the local authority at the marriage registration office, the birth certificate might have false information about the age in order to have the marriage legalised (Yentriyani, 2004)
B. Rights to Mobility and to Protection from Trafficking and Forced Prostitution

The UDHR article 13 recognizes the right of everyone (1) to freedom of movement and residence within the borders of each state and (2) to leave any country, including his own, and to return to his country. These rights are reconfirmed in ICCPR article 12, and in line with this provision, article 3 and 15(4) of CEDAW recognizes the equal right of women and men in enjoying and exercising their right to this fundamental freedom. Most of the time the right to mobility is exercised in order to have a better living condition, which is also another right recognized by various international human rights instruments.

Whilst recognizing the rights to marry and to mobility, there is a suspicion that the marriage is exploited for gaining legal entry into a country. The European Union calls this fraud marriage as “marriage of convenience”:

“Marriage concluded between a national of a member State or a third country national legally resident in a member State and a third-country national with the sole aim of circumventing the rules on entry and residence of third-country nationals and obtaining for the third-country national a residence permit or authority to reside in a member State” (EU Council,1997, p.29)

To combat fraud marriages, countries of destination usually adopt legislations enabling them to scrutinize the couple thoroughly. In the process of obtaining visa and permanent residence license, FBs have to deal with not only unfamiliar procedures but also unfriendly attitude of the officers suspecting them of fraud marriage. In Indonesian cases, some FBs have to face the insults during the interview for visa; officers question the brides’ intention on the marriage in a manner as if the brides are ripping off the men. During the waiting period for permanent residence license, the brides also have to endure fear of possible rejection to their application every time they return to Indonesia to renew their visa. The rejection may result in their separation from the husband as well as the children. This experience of FBs, hence, may lead to the violation of the right to enjoy protection on family as a natural and fundamental group unit of society; a human right that is recognized in UDHR article 16(3), ICCPR article 23 (1), and CEDAW article 16.

Another crucial concern is that transnational marriage has been used for the purpose of human trafficking, despite the unavailability of information on number of women victims. Even the Department of Economic and Social Affairs of the United Nations Secretariat claims that “some companies use the lure of immigration as a pretext for trafficking the women into prostitution… recruiting women with promises of marriage but instead trafficking them into the sex trade” (EU Council,1997,p. 30). Having said so, the Secretariat then encourages all member states to take up measures to protect women from trafficking without violating their right to marry and migration.

International call to combat trafficking has been more than a millennium, although at first it focused more on the practice of “white slave” (Irwan, 1999). It was not until 1921 that the term “trafficking” was adopted in the official document of International Convention for the Suppression of Traffic in Women and Children, which recognized that women regardless their skin are vulnerable to trafficking. In 1949, the United Nations adopted the International Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution and Others which initiated further discussion on the relation between trafficking and prostitution and on the issue of consent. In 1979, CEDAW article 6 reaffirmed state’s responsibility in ensuring the protection against trafficking and exploitation of prostitution of women.

The understanding on trafficking and its complexity has been progressing through the work of the various UN mechanisms, such as the Commission on the Status of Women, Committee on the Elimination of Discrimination against Women, Special Rapporteur on Violence Against Women, on Child Rights, and on Migrant Rights. In 2000, UN adopted the Convention against Transnational Organized Crime which contained the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The protocol not only identifies the rights of victims of trafficking to protection but also specifies the state’s responsibility in providing not only
International Conference on Border Control and Empowerment of Immigrant Brides

protection to victims but also in prevention and cooperation to combat trafficking. In article 3(a) of the protocol, trafficking in persons is defined as:

“recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

In case of Indonesia, when the writer concluded her research in 2000, there was no reported case of Indonesian Chinese woman married to Taiwanese man who was forced into prostitution. However, in her recent visit to the province of West Kalimantan from which most of the brides come, the writer was told that there has been an increased demand for one-night-stand by men to ensure the virginity of the women. The men will pay extra to the matchmaker but without guarantee that he will marry the girl he slept with. This raises a concern about the possible practice of trafficking in women for the purpose of sexual exploitation.

It is also arguable that such marriage is a form of trafficking in women because of various aspects. Firstly, the women are in powerless position of exercising “free consent” and hence, the brides are mostly not consulted in the decision making of their marriage. Secondly, the marriage replicates the practice of trading. It benefits mostly the third party, namely the matchmakers. The men have to pay up to USD 40,000 for accessing the service of the matchmaker who would search and arrange meeting with prospective brides, do the paper work and conduct modest wedding parties. Sometimes the payment includes the airfare ticket for the bride. Less than 2% of the money paid by the men is given to the bride, individually or to her family. Thirdly, because of the unequal bargaining position, the bride almost knows nothing about the husband. There are brides who find out later that the husbands live in remote areas or in poverty or that they are married in order for the family to have someone to look after the husbands’ parents or relatives who are sick or disabled or, even worse, that their husbands are abusive. The brides, subsequently, have to live in a condition different to what have been promised by the matchmaker and even, some have to endure a servile marriage within which both physical and sexual exploitation is prevailing.

C. Equal Rights During the Marriage and at Dissolution

Emphasizing the urgency to protect individual’s right to a nationality as recognized in UDHR (15), the United Nations in 1957 adopted the International Convention on the Nationality of Married Women that urged member states to protect women’s right to acquire, change or retain their nationality independently from their husband. In the same spirit, CEDAW advocates for assurance that “neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. (Article 9a).”

In many countries, the legislation has made it possible for the foreign bride to retain her nationality after the marriage and to acquire the husband’s nationality at her own request. However, claiming the nationality of their children may be problematic despite article 9b of CEDAW advocating women’s equal right with men to the nationality of their children. Many countries applying jus sanguinis (bloodline) principle for the establishment of one’s nationality tend to recognize only paternal bloodline. Many others do not recognize double citizenship so that although matrilineal is recognized, the children may not acquire their mothers’ nationality if they were born not in the mother’s country of origin and if they are entitled to the father’s nationality. The unrecognized right of women to their children’s nationality may deter them from enjoying the same rights and responsibility with the men as parents. Indonesia, for instance, recognizes maternal bloodline and double citizenship for children only recently (Indonesian Law No. 12/2006).
The unequal bargaining position between the foreign bride and her husband also deters her from enjoying the equal rights during marriage and its dissolution that has been guaranteed by UDHR article 16(1), ICCPR article 23(4) and CEDAW (16c). This includes women’s rights:

- **to have the same rights as parents** (CEDAW, 16d)
- **decide freely and responsibly on the number and spacing of their children and to have access to information, education and means to enable them to exercise these rights** (CEDAW 16(e));
- **to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation** (CEDAW 16(f));
- **of personal rights as husband and wife, including the right to choose a family name, a profession and an occupation** (CEDAW 16(g), ECOSOC 6)
- **of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration** (UDHR 17, CEDAW 16(h))

The last three rights mentioned above are particularly difficult to be accessed by women whose legal status in the country depends on the sponsorships of their husbands.

**D. Right to be free from torture and slavery**

As previously mentioned, there is a risk faced by FBs who barely know their husbands’ background, especially in servile marriages. One of the most striking features of this marriage is the occurrence of domestic violence in the form of physical, psychological and sexual abuse. Domestic violence seriously violates woman’s right to integrity, liberty and frequently, her right to life. Amnesty International USA describes domestic violence as a form of torture, particularly in the absence of the state’s effective protection from such abuse. The situation is deeply rooted in a global culture which denies women equal rights with men, and which legitimizes the violent appropriation of women’s bodies for individual gratification or political ends (Fact Sheet on Domestic Violence, 2005). Hence, FBs who endure domestic violence are deprived of their right to be free from torture despite the fact that it is clearly mentioned in UDHR article 5, ICCPR article 7, in the International Convention Against Torture and in Declaration on the Elimination of Violence Against Women issued by the United Nations in 1993.

Within the servile marriage, bride is perceived to be a source of labour and children by her husband and his kin. She tends to be viewed as a chattel by the family, a source of potential costs and benefits, to be controlled by them while under their jurisdiction and disposed of as they see fit. (Taylor, 1993). FB is particular vulnerable to this practice since her legal status is dependent on the sponsorship of her husband. The threat of deportation is regularly used to maintain her submissiveness and servitude. Hence, FBs often find themselves working 24 hours, providing service for everyone at home, taking care of the house and the children as well as earning income for the family. In various countries, the pervasive acceptance to the concept of dutiful daughter and obedient wife has hindered the state from providing the protection for FBs from this slavery-like practice despite being widely-promoted by various international instruments- although none specifically mentioned foreign brides - such as the 1926 League of Nations Slavery Convention, UDHR article 4 and 24, ICCPR article 8, the UN 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1930 ILO Convention concerning Forced or Compulsory Labour, and in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Servile marriage deters FBs from enjoying the same rights as other women such as the right to family planning and other reproductive rights, to social life, to physical and mental health, to adequate living condition, to property, to education, and to empowerment. The situation is aggravated by the fact that many FBs are isolated from the rest of the society because they are perceived as outsiders and subsequently, they often experience racial based discrimination. Call against racism can be found in UDHR and in the International Convention on the Elimination of All forms of Racial Discrimination. In this respect, it is unfortunate that the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families does not include the issue of FBs.
E. Advancing the Rights of FBs: Conclusion

Article 1 and 2 of UDHR mention that all human beings are born free and equal in dignity and rights, and that everyone is entitled to the rights without discrimination on whatsoever basis. Therefore, all the rights and freedom set forth in the Declaration, as well as in other instruments, are also applied for the FBs. Besides general provisions, there are several articles in the Declaration, as well as elaborated in other International Instruments of Human Rights, particularly ICCPR, ECOCOC and CEDAW, as well as other relevant instruments that are particularly concerning the rights of FBs, including the rights to marry, to mobility, to nationality, to be free from trafficking, torture and slavery as well as same right with men during the marriage and at its dissolution.

However, FBs are perpetually facing many barriers in enjoying and exercising their rights. The lack of bargaining position of the brides due to the fact that they enter the marriage in exchange for economic gain, the perception of women’s role as dutiful daughters and obedient wives, the lack of protection for the brides at both the country of origin and destination for equal rights during marriage and at its dissolution as well as for rights to be free from violence, and the perception of FBs as outsiders, are the contributing factors. This situation is prevalent; many of them have to endure forced marriage, child marriage, fraud marriage, trafficking, domestic violence or servile marriage.

The complexity of these contributing factors makes it necessary to rethink the urgency of having a human rights instrument that specifically addresses the problems of human rights of FBs. Because the available provisions of rights are scattered in various human rights instruments, and only a few that directly mention transnational marriage (in many cases mail-order bride), a specific instrument may raise the international acknowledgement to the problems and the rights of FBs in a comprehensive manner. Through the establishment of the instrument, member states are expected to pay more attention to the problem and take necessary measures to advance the protection of the rights of FBs as integral part of the state’s responsibility in enforcing human rights.

References

A. United Nations’ Documents

All International Human Rights Instruments concerning FBs are retrieved from UN official sites (www.un.org). These include:

- Universal Declaration on Human Rights (UDHR),
- International Convenant on Civil and Political Rights (ICCPR),
- International Convenant on Economic, Social and Cultural Rights (ECOSOC)
- Convention on the Elimination of All forms of Discrimination against Women (CEDAW)
- Declaration on the Elimination of Violence Against Women
- Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage
- Convention on the Rights of the Child
- International Convention for the suppression of traffic in Women and Children,
- International Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution and Others
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, attachment to the Convention against Transnational Organized Crime
- International Convention on the Nationality of Married Women
- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery,
- ILO Convention concerning Forced or Compulsory Labour
- International Convention on the Elimination of All forms of Racial Discrimination.
- 1926 League of Nations Slavery Convention
**B. Books**


**C. Online Resources**


The number of spouses migrating to Australia has increased greatly over the past 10 years, despite a tightening of border security measures. Interestingly, when considering any impact of the September 11, 2001 or October 2002 terrorist attacks in New York and Washington, and Bali, the substantive increases in arrivals of spouses and fiancées in Australia have taken place since 2001. In 2001-02, 16,527 spouses or fiancées arrived, this increased by almost 13,000 annually with 29,421 spouse and fiancées arriving in 2006-07.

In fact, the only decline in recent years took place in 1997-98 in response to measures introduced the previous years to address fraud through alleged sham marriages contracted purely for immigration purposes. As the Annual Report of the Immigration Department [1997-98] noted:

“The full impact of measures introduced in 1996 to increase the scrutiny of bona fides in spouse, fiancé(e) and interdependency cases became apparent in 1997–98, with a 29 per cent decline in the application rate compared with that of the previous year and a doubling of the average rate of refusals. At the same time, the Immigration Review Tribunal set aside 20 per cent fewer decisions to refuse applications. [DIMA Annual Report 1997-98]”.

The criteria considered when assessing a spouse visa application are the relationship is genuine, continuing and exclusive; the marriage is a legal and valid marriage, or will be in the case of a prospective marriage; and the sponsoring Australian citizen or permanent resident is able to sponsor her or his spouse [i.e. they have not sponsored a previous partner in the past 5 years].

In the case of de facto relationships, there is a “one-year relationship requirement”. The sponsor and partner need to demonstrate their genuine, continuing and exclusive relationship has existed for at least one year.
The grant of the spouse or partner visa has two stages. Initially a temporary visa is granted. After a period of two years a permanent visa will be granted. Citizenship may be applied for after a further two years.

The fiancée or prospective spouse visa has been used increasingly, with entrants more than doubling in number since 1998-1999. This visa allows entrance of an intended spouse. In one way, this visa is a sensible innovation. Often people from different countries meet [either in person or through other means such as over the Internet], and form a relationship. They may feel that it would be a good idea to spend some time together living in one city and country to confirm that the relationship is right and they do want to marry their partner. This visa allows that to take place. People are not forced into an early marriage as the only route to obtain a visa to allow them to live together in Australia.

Still, unscrupulous men do use the immigration processes as weapons to oppress their wife, and force submission. There are cases where men have threatened to withdraw sponsorship and report the spouse to the Department of Immigration if she does not follow his ‘rules’. Others deter the woman from reporting domestic violence to the authorities with similar threats. In response to this situation, and cases of women suffering and not reporting domestic violence, a ‘domestic violence provision’ was introduced allowing abused women to apply for permanent residence on the basis of domestic violence.

It is not always clear how many of the spouse and fiancée visa involved has been termed ‘mail order brides’. A recent article in the Sydney Morning Herald noted

“More than 3000 Asian-born women married Australian-born men in 2005, according to the Bureau of Statistics. These unions accounted for 3 per cent of marriages that year. One thousand Asian-born men married Australian-born women”

This higher number of Asian-born women marrying Australian-born men suggests possibly up to 2,000 Asian-born women could have married Australian men in the sort of transnational commodified marriage arrangements that have emerged over the past decades.

But as Narushima states, whilst the stereotypes of Asian women as submissive and compliant have to be abandoned, the issues and feelings are deeper and more complex –

“People date people they meet. The problem lies in the extra scrutiny interracial relationships attract. If an athletic, tanned, blonde met and dated a dumpy, freckly redhead, few would arrive at a perverse motive. They’re just a couple in love, different though they appear. Add a difference in looks to a perceived difference in culture and, suddenly, love must be secondary. The relationship must be built on lust, or offer a social benefit - improved “status” or a visa, perhaps. People continue to use the insult “mail-order bride”. Mothers of Caucasian men continue to fret about Asian girlfriends just being “so different”. My own mother is guilty of holding the view of Asian women as obedient and meek. She once said she would be happy for her daughters to marry who they like but she advised my brother to marry a Japanese woman because she would be more likely to do the dishes and take care of him”.]

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1 Yuko Narushima, “Time to halt the spread of that noxious weed, the ‘oriental flower’”, The Sydney Morning Herald, 17 September 2007, p 15.
Indeed, Australia is witnessing a progressive change –

From 1986 to 2001, the proportion of people marrying outside their ancestry increased between the first and third generations in every racial and language group in Australia other than the English, a study of the 2001 census results, Australians’ Ancestries found.\(^2\)

Change dates back over 50 years and the gradual dismantling of the “White Australia” Policy and the adoption of a non-discriminatory immigration policy.

The setting initially was the aftermath of World War II –

*During World War II, many non-white refugees entered Australia. Most left voluntarily at the end of the war, but many had married Australians and wanted to stay. Arthur Calwell, the first immigration minister, sought to deport them, arousing much protest.*

*Minister [Harold] Holt’s decision in 1949 to allow 800 non-European refugees to stay, and Japanese war brides to be admitted, was the first step towards a non-discriminatory immigration policy.*\(^3\)

The Longitudinal study of 10,000 migrants to Australia who arrived between December 2004 and March 2006, shows that only 4% of family stream migrants rated racism as the thing they most disliked about Australia. The report further noted –

*Some groups reported quite high levels of racism in Australia - 51 per cent of Former Overseas Student PAs, 60 per cent of people from mainly English speaking countries and 53 per cent of people who spoke English as their best language said that Australia had at least some racism. Furthermore, 13 per cent of those from mainly English speaking countries said Australia had a lot of racism – a figure that was more than double that for persons from non English speaking countries.*

*Other groups reported relatively low levels of racism. Only 19 per cent of poor English speakers and 34 per cent of those aged over 45 said that there was either some or a lot of racial discrimination in Australia.*\(^4\)

The same study has shown that unemployment for off-shore spouse migrants fell from 30% in August 2005 to 8% 2 years later. However, women in the family stream were less likely than men to be in a skilled position [32% likelihood compared to 57%], and unemployment was higher for women family stream migrants [7% compared to 2%]. Women also earned $A11,000 less per year than male migrants in the group - $A36,000 per annum as against $A47,000 for men.

The migration and life of immigrants to Australia is against the background of stricter border security. Australia’s border control system uses 3 layers of checking

1. *At the time of application all applicants are checked against a database of people on “immigration alert”. In June 2005 there were 386,000 people on these lists.*

2. *An Advance Airline Processing System allows airlines to verify the bona fides of travel documents and visas, covering 98% of people flying into Australia, with overseas compliance officers based in 27 overseas*

\(^2\) Ibid, p15.

\(^3\) Department of Immigration and Citizenship Fact Sheet 8: Abolition of the White Australia Policy.

\(^4\) Department of Immigration and Citizenship, *New migrant Outcomes: Results from the third longitudinal survey of immigrants to Australia*, August 2007, p 47
cities, including Manila, Kuala Lumpur, Shanghai, Bangkok, Ho Chi Minh City, Hong Kong, Islamabad, Beijing, Colombo, Hanoi, New Delhi, Taipei and Phnom Penh.

3. Checks on arrival in Australia.

All visa applicants are required to declare any criminal convictions. Applicants over 17 who will stay in Australia for more than one year are required to provide a criminal records check for any country where they resided for more than 12 months in the past 10 years. Section 501 of the Migration Act 1958 imposes a ‘character test’. Grounds for failing the character test are –

- the person has a substantial criminal record;
- the person is associated with a person, group or organisation that is reasonably suspected of involvement in criminal activity;
- having regard to their past and present criminal or general conduct, the person is not of good character; or
- there is a significant risk that, if allowed to enter or remain in Australia, the person would:
  - engage in criminal conduct in Australia;
  - harass, molest, intimidate or stalk another person in Australia;
  - vilify a segment of the Australian community;
  - incite discord in the Australian community; or
  - otherwise represent a danger to a segment of the Australian community.

If a person fails the character test, their visa will be cancelled. The Department of Immigration and Citizenship monitoring procedures include –

The Department works closely with Australian law enforcement and security agencies, as well as other governments, to ensure that the Department’s decision-makers have access to a comprehensive and up-to-date database of persons who are known to be of character concern. Such information can be used both in relation to considering visa applications, as well as to assess visa holders for possible visa cancellation under section 501.3

These powers have a wide scope for arbitrary use and abuse of powers. The case of Dr Mohammad Haneef, working in Queensland on a temporary ‘Long Stay Business’ visa highlighted that the power to cancel a visa and exclude on flimsy grounds of alleged involvement in terrorism can be used capriciously by the Minister of Immigration, and the legal challenges open through the Courts are not strong.

In the case of temporary spouse visa applicants there is little evidence that they have been caught up in the Department’s compliance activities locating and dealing with unlawful non-citizens. Of the 18,341 unlawful non-citizens located by the Department, the majority were holders of bridging visas (38%), student (23%) and visitor (23%) visas. Spouse and fiancé visas are temporary residence visas, and temporary residence visas as a class comprised 12% located unlawful non-citizens in 2004-05.

The heightened border control and security measures appear to have less impact on women traveling to Australia to marry Australian citizens than on other visa classes. However, the tightening of the provisions relating to spouse and partner visas require the couple to demonstrate a genuine, exclusive and continuing relationship, and to be open to inspections and spot checks of their home by Departmental officers to verify details such as shared living arrangements, shared bank accounts, and a commitment to build a life together.

The most significant role of criminal law relating to spouse visa applicants is the documented evidence of increased incidence of domestic violence in marriages that may fit the description of a ‘mail-order’ marriage. Whilst the domestic violence provision and some funding of specific support services for migrant women who are victims of violence has appeared to improve the rates for reporting of such violence, there are still immigrant women who are not aware of their rights, and the protections they have under Australian law. This educational task is an on-going challenge.
Human trafficking has emerged as an important transnational, regional and national issue. It is estimated that between one and two million people are trafficked worldwide each year and that the majority are women and children. The proportions of the trafficking problem in terms of the illegal revenue generated, the disregard for human rights and its scale all figure in any analysis of the issue and state responses to it.

The Foreign Bride phenomena

Today’s slaves are predominantly female and usually work in private households, starting out as migrant domestic workers, or “mail-order brides”. Most come willingly at first, seeking to improve themselves, escaping poverty and hardship, but some have been deceived by their employers, agencies or other intermediaries, have been debt-bonded, and even trafficked.

Domestic slaves, and abused “mail-order brides” find it difficult to extract themselves from their situation. In a foreign country, far from home, many of the victims do not even speak the language of the country they live in, let alone know the laws and customs of the land. Their employer or husband will usually have a hold over them, threatening them or their relatives with further abuse and reprisals should they dare to complain or leave. Many of them do not know where to turn for help and do not dare go to the police for fear of deportation. In addition, the police in host countries is often less than sympathetic to an escapee, especially if he or she has no papers or they are not in order.

This form of domestic slavery is a human rights violation of the first order, an appalling crime which needs to be paid more attention to. Yet, unfortunately, we are not much closer to solving the problem of domestic slavery.. It is intimately linked to trafficking in human beings, a subject which has captured the attention of many governments especially with the pressure put by the US government to address the issue as a crime.
Although, officially, slavery has been outlawed in most countries for over 150 years, it continues to exist, albeit in a different form. While “traditional” slavery, for example, involved a notion of people as property, who were “owned”, “modern” slavery rarely involves notion of ownership. What is common to traditional and modern slavery is that the slaves are forced to work (through mental or physical threat) with no or little financial reward, are physically constrained or have restrictions placed on their freedom of movement, and are treated in a degrading and inhumane manner.

“Mail-order brides” find themselves in a similar situation to exploited migrant domestic workers, chose to live and work in the home of men who like the submissive “old-fashioned” values from the east, and often forced into domestic servitude or worse. Such wives and live-in domestic workers in general are both vulnerable to the violence of the domestic sphere, which can include physical violence, sexual harassment, rape and even forced motherhood.

In addition, “mail-order brides” just like domestic workers are vulnerable to the exploitation of recruitment agencies, or marriage brokers who can charge exorbitant fees and even inflict debt bondage on women in order to maximise their profits. This form of transborder marriage is big business, highly structured and organized.

Global recruitment processes and problems

The magnitude of the “mail-order bride” business is often underestimated. There are more than 800,000 such sites on the internet, with, in America, two “mother” sites: goodwife.com (regrouping 353 sites), which describes itself as “The Mail-Order Bride Warehouse” and receives 12 million visits per year, and planetlove.com (regrouping 318 sites), which totals 10 million visits per year. The use of agencies is, especially internet ones, is the usual operating mode in the “mail-order bride”-business.

Unlike the au pair placement industry, there seems to be no self-regulation, much less government regulation. Many internet agencies encourage their male clients to view their brides as a commodity to be bought and sold rather than as a human being; a recent “auction” of three Vietnamese girls on the Taiwanese site of the company “ebay” (which immediately took the auction off the internet when it found out the nature of the “items” for sale) shows where this attitude can lead.

Some type of regulation of the “mail-order bride” agencies, especially the internet ones, is also necessary. Whether this regulation should be governmental, or whether the industry should start self-regulating itself, is a difficult question to answer. When an unscrupulous agency was outlawed in the Philippines, the “mail-order bride”-sites simply relabelled themselves as “pen-pal clubs”. However, it is in the interest of the more serious agencies to accept some type of regulation.

In addressing the issue of regulating and making the players more accountable, it is important to look at the issue within an international context and a global perspective. We need to analyse the exploitation of the women from a “three-in-one” package of wife, worker and domestic worker. What a great deal for men as it comes within the sanctity of marriage embedded in a patriarchal institution protected by religion and culture! The marriage institution is protected very much through family laws that are civil and religious as in the case of syariah and the catholic church. These laws very often favor and protect the men. Thus the foreign bride is caught in a web of patriarchal laws, norms and
institutions. It is even more difficult for her to extricate herself when she is discriminated, unequal and her very status in the country is determined by her husband.

**Trends**

We see a movement from an individual bride-taking to a more sophisticated and commodified bride trade, which involves buying, selling and exchange of goods, using photo albums, auctions and a parade of girls or advertisements like this: - ‘Cash and Carry’, ‘Ladies are certified and guaranteed by doctors to be virgins’, or ‘One dollar Brides’. In the recent case of a Vietnamese bride who ran away, the distraught husband wanted his money back or a refund of goods. Last year the Vietnamese authorities protested on the alleged Vietnamese bride auction in Kuala Lumpur. Other offers come in the form of tours and luxury cruise packages, where a single man can choose a foreign bride “on the spot” to accompany him on his trip for about S$23,500 (US$15,000). Hence the evolving of a number of matching agencies (70 in Singapore) which remain largely unregulated and unmonitored.

A report of the US Immigration and Naturalization Service to Congress put it as the relationships and marriages that result from the use of international matchmaking organisations. At the one end of the spectrum is the view that the “mail-order bride” business is an international personal ad service used by consenting adults, and is thus neither unethical nor unlawful.

The other end of the spectrum challenges the inequities of these transactions and identifies the “mail-order bride” phenomenon as an international industry that often traffics women from developing countries to industrialised Western countries. Unlike dating services of personal ads, the “mail-order bride” transaction is “one where the consumer-husband holds all the cards.

In using these services, the male customer has access to and chooses from a pool of women about whom personal details and information are provided, while the women are told virtually nothing about the male customer – or only what he chooses to reveal about himself. The fact that the potential husbands are not screened (for example, for marital or criminal records, especially those involving domestic violence) makes “mail-order brides” particularly vulnerable to abuse. In Singapore, a 64-year-old cobbler lied about his marital status and income and gave a faulty cheque to the matchmaking agency. The agency failed to verify his marital status and income, which resulted in the man having sexual intercourse with the prospective bride at a hotel before leaving her at the agency and refusing to marry her.

The above reality is becoming a major concern in Malaysia. Recent trends reveal that there is a huge jump in the recruitment and marriages not pertinent to one particular nationality but affects all the different races in the country. While in Singapore the focus is more on getting women from Vietnam and China, in Malaysia it is from various countries including India, Indonesia and Thailand.

Way back in 1999, Tenaganita assisted 35 women to return safely to south India. These women were recruited for marriage to young men. Instead they were forced to marry very old men. The women had to take care of the men during the day and at night forced to prostitute themselves. One root cause of such marriages was that the families of the women wanted to escape for the high cost of dowry demanded from the men in their own countries.

### Statistics – Foreign brides marrying Non-Muslim Malaysian men

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between 2000 and june 2006, the number of foreign brides have doubled. this increase co-incided with the huge influx of imported labour from previously 2 countries to 17 countries, now constituting 17% of our work force.

- an exponential increase in the number of vietnamese brides, an increase from two to four figures, in 2005, the numbers are 42 times that of 2001. a diversion of these brides from taiwan? chinese brides are five times the number in 2006, from that of 2001.

- in singapore, in 2005, 6520 men took foreign wives (a quarter of all the grooms), the highest in 10 years. of the 1723 non-muslim inter-ethnic marriages registered in 2004, 42% were between singaporean men and foreign women.

today it is not just women being brought and paraded in the villages for marriage to rural and older men but to be the “noon day china dolls” for businessmen. the women have to entertain the men in the afternoons or evenings. they become the regular woman for a particular man. the women’s passports are held by the agents.

various abuses / complaints

- fake marriages – foreign women given real marriage certificates which act as visas while the women work illegally.
- bigamy in order to stay in country – august 2007, a vietnamese national, tran thi gai, 29, had married three singaporean men within a space of five year, was found guilty of bigamy by the singapore court and was sentenced to jail for 11 weeks.
- agents offer false marriage certificates, making it a problem when registering birth of children.
- clients complaints of pressure selling by short 6-day packages.
- complaints of agents running away with the dowry.

discriminatory practices

in comparison to the domestic worker form of domestic slavery, this is the most difficult area to regulate. nevertheless, as in the other two cases, it would be important for governments to ensure that “mail-order brides” are not forced to stay in abusive relationships solely because they are dependent on that relationship for a visa. thus, residence permits (not dependent on the stability of the relationship) should be issued to these women as soon as possible.

in malaysia, foreign brides can apply for permanent residence (pr) status after two years, but in reality it takes up to 10-20 years. the situation becomes worse if she belongs to the lower income group.

when there is a crisis between the couple, abuse, separation or divorce during the application process period, the foreign bride is left without recourse. foreign brides, as a domestic violence survivor face enormous difficulties in leaving an abusive relationship and sometimes forced to remain in it due to their fear of deportation and retaliatory violence, unfamiliarity of culture and legal means, isolation and language barriers, fear of leaving her children behind, and/or fear of returning home with ‘nothing’ but a stigma.

<table>
<thead>
<tr>
<th>nationality of non-muslim brides</th>
<th>2001</th>
<th>2005</th>
<th>% increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>china</td>
<td>351</td>
<td>1711</td>
<td>387</td>
</tr>
<tr>
<td>vietnam</td>
<td>28</td>
<td>1185</td>
<td>4132</td>
</tr>
<tr>
<td>thailand</td>
<td>681</td>
<td>931</td>
<td>37</td>
</tr>
<tr>
<td>indonesia</td>
<td>1386</td>
<td>2036</td>
<td>47</td>
</tr>
</tbody>
</table>


The denial of her right to remain in the country as a spouse, led to the compromise of her right to be with her children, as it completely subjected to the father’s consent and approval.

Malaysia is home to nearly 3.5 million migrant workers (both documented and undocumented). The government including politicians and enforcement agencies blame the migrants for the soaring crime rate and for bringing in diseases. These workers are recruited for the demeaning jobs, the 4 D jobs, dirty, dusty, dangerous and difficult jobs. The media also helped to propagate this negative image and low status. We have an infamous vigilante volunteer force (RELA) who are given powers to crackdown on undocumented workers, where they were hunted down like animals. Foreign brides by virtue as a foreigner faces a similar prejudice and discrimination.

Confiscation of passports, though technically in violation of the Passport Act of Malaysia, is the government’s prescribed method of controlling contract labourers. This practice also happens with foreign immigrants when their husband or agent withholds their passports.

Migrant workers are not allowed to marry during their term of contract. Female migrant workers who wish to marry a Malaysian man will need to give up her work visa, return to her own country, come back on a social visa, get married and then get a spouse visa.

Foreign immigrants, because of their status as foreigners do not enjoy the same health services as local people. They have to pay double the amount of fees, and sometimes they are turned away at hospitals because they do not possess documents.

Foreign immigrants face a lot of difficulty in obtaining jobs, as they require employers to provide work permits. If they do, the provident funds for saving purposes are less than that of nationals.

Children with a foreign parent are at times discriminated at schools just because her mother is a foreigner (Malaysiakini, Extra school fees for kids with foreign moms, 22 Oct 2005)

**Using International Instruments**

Within this context, how have international instruments addressed and provided provisions to the foreign bride and its structured recruitment? The international community’s most recent response to trafficking is found in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

The first international legal instrument to address trafficking was the International Agreement for the Suppression of the White Slave Traffic of 1904 drafted by the League of Nations. This agreement was followed by the 1910 International Convention for the Suppression of the White Slave Traffic. The 1904 Agreement defined trafficking for prostitution as a moral problem related to “slavery.”

The language of both the 1904 and 1910 Conventions is instructive in that the intent of the instrument was to suppress “white slavery,” a code word for prostitution. After World War I, the League of Nations affirmed the earlier language of the 1904 and 1910 Conventions but added children to the International Convention to Combat the Traffic in Women and Children in 1921.

In 1933, the International Convention distinguished adult women and female children in the Suppression of the Traffic in Women of Full Age in 1933. The 1933 Convention departed from earlier agreements by criminalizing “procurement” for prostitution—even with the consent of the woman. When the UN passed the 1949 Convention, the criminalization provision remained and set the standard for anti-trafficking instruments for several decades.

By the early 1990s, trafficking again was a significant issue on the public agenda. Much of the renewed interest in trafficking among western governments was an extension of growing concern with transnational crime, particularly with such activities as money laundering, drug trafficking and the trade of weapons, human organs and people. In
fact, it has been argued that most analyses of the international trafficking of women have focused on the role of organized crime groups in the supply and delivery of women into local sex markets.

The focus of the UN Protocol is on criminalization, deportation and border control strategies, resulting in a supply-side approach that places primary responsibility on law enforcement and pays scant attention to the demand side of the problem or to factors of economic inequality between developing and developed nations. The total neglect of a fundamental actor—the trafficked person—in many ways reinforces the structural factors that give rise to human trafficking.

It reveals the distance between new UN rhetoric concerning economic, social and cultural rights and non-discriminatory treatment of women on one hand and the enforceability of the instruments of international law on the other, which continues to depend on former notions of state sovereignty, notions that historically have been framed and carried out by predominately male UN assemblies. In so doing, the Protocol contradicts and compromises the gains that have been made to ensure gender equality through the international legal system.

Thus the UN Protocol on Suppressing of trafficking in persons seems to distance itself from the UN Convention CEDAW. CEDAW aims to attack the root causes of inequalities and discriminatory practices and defines women's rights moving from gender, sex, race and class. Its only weakness was that women in migration were not given due focus and emphasis. Only last year, did the Committee on the Status of women agreed that specific reports of women in migration would be received and reviewed.

Thus is it then important that when we address the issue of foreign brides, should we not see these various instruments collectively? There is a need to go beyond criminalization. It becomes narrow in perspective and lacks the space for the empowerment of the women caught in this reality. The protective dimension in the trafficking protocol brings about a paternalistic perspective while CEDAW promotes non discriminatory practices. The nondiscriminatory approach was designed to “revise the legal system in such a way that sex will no longer be a basis for the allocation of benefits and burdens in society.”

The first objective of a non-discriminatory approach to international law is to create and promote a new language of gender equality while the second is to acknowledge and make amends for former discriminatory laws. This shift from “protecting” and limiting women’s roles to explicitly acknowledging, correcting and setting new benchmarks for future legal and public policy affecting women is significant; globally, the treaties provide evidence of social attitudes moving gradually toward the equal treatment of women in all spheres of daily life.

The UN system has been criticized frequently for its contradictions on issues of the poor and women. On the one hand, the UN created CEDAW and has provided a vital platform for advocating women’s equality in the international order. However, the UN has failed to take a decisive stand on the failure of the dominant development paradigm (neoliberalism) to address structural inequalities and the adverse impact of austerity packages on women.

Although the deeper structural issues of women’s social and economic rights are outlined clearly in CEDAW, the Trafficking Protocol hardly mentions the structural economic inequalities that create the endless supply of women vulnerable to the trafficking market in Africa, Eastern Europe, Asia and Latin America.

Although admittedly the problem of enforcement of economic and social rights at the international level is highly contentious, the Protocol’s failure to give even minimal attention to the supply and demand aspects of trafficking is troubling.

In its current form, the Protocol overemphasizes the criminalized aspects of trafficking and relegates the rights and needs of women and children to a subordinate position in the international legal framework.

Women must be recognized as subjects of rights, especially those relating to freedom of movement, employment and the right to legal counsel, private claim of action and restitution in criminal proceedings. Because trafficking
predominantly affects women, the anti-trafficking model will perpetuate “protective” notions of women’s treatment in international law until changes are made in these areas.

**Gaps and challenges ahead**

1. There seems to be lack of documented data and evaluative research on critically looking at the issue of foreign brides to the international instruments and how effectively they have been used in Asia. Thus research is very crucial if we want to carve out our strategies to address the issue.
2. A regional mechanism needs to be set in place to monitor and collate data for action.
3. A critical review of national legislations in different countries that discriminate women in the marriage institution with a feminist perspective is needed to look into how the ratification of international instruments has been translated into action by states.
4. To explore a different framework (perhaps a different protocol) that specifically addresses the empowerment of foreign brides and the protection of their rights rather than only the criminalization aspect of the bride trade.
5. It is unclear how organizations have used the Convention on Economic, Social and Cultural Rights to make governments and non state actors accountable. Maybe we need to see and critically evaluate how we can use this convention.

Thank you.
I would like to thank the organizers of this very important International Conference on Immigrants Brides for the invitation. I am a Filipina married to Japanese and have been living in Japan for fourteen years.

My presence today, speaking in front of you representing the Filipina Circle for Advancement and Progress (FICAP) an organization of Filipinas who are married to Japanese and the Filipino Migrants Center (FMC), a resource and service center providing assistance to the Filipinos who are in distress in Japan, would give you a better understanding why there is a need to work hard to organized immigrants Women in Japan.

Brief background of the Japanese Filipina wives situation;

At present there are more less 240,000 Filipinos in Japan. Out of the total number there more or less 100,000 Filipinas who are married to Japanese. Others are working as entertainers, domestic helpers, trainees, caregivers, students and diplomats. There are also 30,000 undocumented Filipino migrants.

I myself, went to Japan to work to help my family in the Philippines. I overstayed my VISA and became undocumented and later met my husband and get married. I experienced to work in the company that paid me Y900 per hour. Then I observed that my Japanese language skills had not progressed. There was no opportunity for me to communicate with Japanese workers because we were all too busy at work. I decided then to work in the snack bar, a job entertaining overworked Japanese men, helped me polished my Japanese language. It also awakened me that entertaining job is the modern day comfort women. Later, I quit working in the snack bar and started my own dress repair work. While going around Nagoya’ snack bars to picked up dresses to be repaired, there I saw and met many battered women who are working at night, abused by their husbands verbally and physically, women who are exploited by their abusive manager and guests. And this victims have no place to seek help or assistance.

EMPOWERING IMMIGRANT WOMEN THROUGH ORGANIZING

It was 1997 that took a major twist in my life, when I started to organized FICAP in Nagoya, Aichi prefecture in Japan. The objective is to organized and educate Filipinas who are married to Japanese about their rights and welfare. While membership increased in number we found out the most of the members are victims of domestic violence, when asked...
how did they met their husband, some are being bought to the promoters by about 2million yen, or their customers in the snak bars, or fixed marriage and many other ways of marrying Japanese man.

My phone rings as early as 5am and on the other end is battered wife seeking refuge after fleing from her abusive husband. A bar hostess calls at 6:00 am to complain the manger of the bar where works has been withholding her salary for several months and has been forcing her to prostitition. A call from a construction worker who met an accident at work. This is my day starts most of the time as the leader of the goup.

FICAP’s case consultation on domestic violence, education, labor, health etc. we started holding a forum on wome’s rights, labor rights, and other issues that affects the Filipino Migrants for them to know how to face their problems. We were able to network with the lawyers group, labor union, develop good relation with the local government office, like the welfare office, NGOs and other Japanese concerned groups that supports migrants.

June 2000 when we saw the need to put up a center, The Filipino Migrants Center (FMC) that would served as a service and resource center in Nagoya and around Japan for the immigrants. Since the establishment and up to the present FMC became the venue also for the academe, students, local government and other groups to gather information about the problems of the migrnats. At present it also houses migrant workers organization that helped byFMC. The League of the Filipino Seniors,(LFS) an organization of Filipino seniors in Japan, (FICAP), Philippine Society in Japan, (PSJ), KAFIN-Kalipunan ng Nagkakaisang Filipino sa Japan. All of the are promoting migrants rights and welfare and to the creation of multi-ethnic and multicultural Society in Japan.

Program of the Filipino Migrant Center; Crisis intervention, education Research and information, Campaigns and Advocacy, Networking and Solidarity, and Women Empowerment.

Let me go back to my topic which is, organizing and empowerment of immigrant women. Again as an immigrant bride in Japan my experience as wife, migrant worker, an empowered immigrant joining you advancing women’s rights to free themselves in any forms of exploitation. Thank you very much.
My Journey of Empowerment as an Immigrant Woman in TransAsia Sisters Association, Taiwan

Panel 4 Presentation

By Chio Yadung (Thailand)
Executive Secretary of TransAsia Sisters Association
Taiwan

Preface

There are five major ethnic groups in Taiwan now. Immigrant women form one of the five groups. Who are immigrant women? Immigrant women are women from other countries who marry Taiwanese and move to Taiwan. In such international marriages, the immigrant women experience a complex, new, but also lonely life. The customs, abilities, skills, degrees and languages that they have are neither used nor seen in Taiwan. Consequently, the immigrant women encounter many problems relating to adaptation, languages, literacy, social discrimination, right to work and so on. My own story is a very good example.

Eight years ago, the first day I married and moved to Taiwan I was happy and scared at the same time. I told myself that I would accept my destiny no matter what would happen to me in my new life. However, because of the language barrier, I had difficulties communicating with my husband’s family. Misunderstandings and problems occurred. I did not have any friends to consult with at that time and I did not know what to do. I would shut myself in the room and cry every day. I was having a hard time.

Later on when I went back to my family in Thailand, my mother asked me if they had mistreated me. I told her that it was not that they were not kind to me but that I couldn't understand what they were saying. I had a feeling that they didn't like me which made me feel so sad. I spent three months with my family. During my stay at my parents’ place, I was thinking about what I should do to understand Taiwanese culture and to get along with my husband’s family. After long and careful thought, I decided to go back to my husband in Taiwan. When I came back to Taiwan, I was still nervous and worried about our future.

The problems that I experienced such as having no friends or not knowing the Chinese language are also the problems that other immigrant women experience, and are always the major problems. How do the Taiwanese look at the immigrant women? In brief, I was luckier than many other immigrant women because I learned of the “Foreign Brides Chinese Literacy Program” and the later TransAsia Sisters Association, Taiwan (TASAT).

The “Foreign Brides Chinese Literacy Program” was established on July 31, 1995. The people from the Meinong People’s Association witnessed the difficulties that immigrant women from Southeast Asian countries experienced in daily life. For example, because they didn't understand Chinese, the immigrant women had difficulties even
when they had to take their children to the doctor. The people from the Meinong People’s Association then decided to help the immigrant women by initiating the “Foreign Brides Chinese Literacy Program.” By learning Chinese, the immigrant women could be freed from constraints, form a support network for each other and communicate with the society. The program not only provided the immigrant women the opportunity to learn the local language, but also created a closer connection between the immigrant women who were in a similar situation. The immigrant women in this program became sisters, friends and family. They were the support for each other in this foreign land. The program helped break through the common bias and discrimination against immigrant women.

In the first place, the people who founded the program understood very well that the immigrant women were not illiterate. Rather, the problem was that their native languages and capacities were deemed useless in Taiwan. This language program was thus titled “Literacy Program” to stress that immigrant women were not “seen” or “heard” in the Chinese-dominant Taiwan. Moreover, the term “Foreign Brides” implied xenophobia and discrimination against immigrant women, where immigrant women are not only seen as foreigners forever but also as Taiwanese men’s subordinates. Immigrant women are by no means incompetent. Yet, the sudden change in environment as the result of marriage migration makes their previous learning in their mother tongues useless and consequently they appear illiterate.

I believe that the immigrant women can achieve the objectives of the “Chinese Literacy Program” with the help of mutual solidarity.

The enlightenment of the “Chinese Literacy Program”

The purpose of the “Meinong Foreign Brides Chinese Literacy Programs” was, via learning Chinese, to empower immigrant women to speak for themselves and form an organization to fight for their rights. As the Chinese program developed a more systematic curriculum, it started to offer various training workshops for volunteer teachers and to work with other community organizations.

In 2002, the “Meinong Foreign Brides Chinese Literacy Programs” cooperated with Yungho Community College in Taipei County in establishing another “Foreign Brides Chinese Literacy Program” there. The volunteer teachers of this program were from the Feminist Research Club in this community college. Yungho Community College became another base of empowerment for immigrant women. That was when I started to participate in the program. When I joined the Chinese class, I learned more about the spirit of the “Chinese Literacy Program”. I also experienced the four emotions, namely, joy, anger, sorrow, and happiness. The following is my story of the four emotions and my story of growing up.

I didn’t even know how to write my name in Chinese then. With a strong motivation to learn Chinese characters, I studied hard. I concentrated on learning Chinese without other thoughts. The sad days gradually passed by and I got to know other immigrant women from different countries and the Taiwanese volunteer teachers. Once I knew the language and the culture, I felt so happy and found life so much more interesting. I had confidence about living in Taiwan. Together with the other sisters, I learned the lifestyle here, and we chatted and helped each other. The most exciting thing was that I had good friends to go shopping with. Our teacher cared about us so much that she called and visited us, took us to the Chiang Kai-shek Memorial Hall, and we ate and drank together. My classmates said that the teacher took good care of us and suggested that we gave something to her as a gift. By chance my husband was going to Thailand then, so after discussion, we decided to ask my husband to buy golden pillows for the teacher as a gift in returning her love. In order to get the teacher’s favorite color, we asked her about her favorite color. She wondered why we asked that and I just said nothing. When we got the golden pillows, Rong-Xi, one of my classmates took them back and packaged them as candies. She even made some handmade flowers. We presented them to the teacher as a gift on the Presentation Exhibition Day. A semester passed quickly, and I was learning happily.
As I read my own story of the past, I feel like I’ve grown up! It is like how I felt when I was in high school when I wanted more rights and wanted to do whatever I felt like. After taking part in the “Chinese Literacy Program,” the immigrant women have stronger motivation to learn and to participate more. Therefore, we worked with other organizations and held more activities, such as:

1. At the end of 2002, the Awakening Foundation and Rotary Club organized a “Foreign Mothers’ Parenting Education School.” The volunteers of the “Foreign Brides Chinese Literacy Program” at Yungho Community College took this opportunity to cooperate with three community colleges in Panchiao, Wenshan and Zhongshan by conducting training workshops. I participated in the parenting education workshop and learned how I should take care of, assist and educate my children. At the same time, we opened a babysitting class at Yungho Community College. In order to solve the problem of having no one to babysit the kids while their mothers attended the class, the curriculum we designed includes the Southeast Asian songs and games so that our kids and other Taiwanese kids can have some idea about Southeast Asian culture.

2. On March 16, 2003, the Awakening Foundation hosted an activity called “Sisterhood of Southeast Asia and Taiwan.” This is the first encounter between the immigrant women from Meinong and Taipei. This activity was an awarding ceremony for the “Let New Immigrant Women Speak for Themselves Writing Contest” organized by the Awakening Foundation. Several immigrant women from Meinong and Yungho participated in the competition and won awards. They were invited to recite their compositions in front of the attendees. The immigrant women from Meinong were also invited to share their situations and feelings through a drama performance. This was the first time that the immigrant women put on a play in public to show how they felt. With the help of “La Mama Theater,” the immigrant women shared their stories by acting which deeply touched everyone in the audience.

3. In 2003, Panchiao Community College also opened a parenting education course and a Chinese class. It later became another base of empowerment for immigrant women.

With the establishment of TransAsia Sisters Club at Yungho Community College, we learned how to work as a team

The immigrant women from “Chinese Literacy Program” continued to cooperate with other groups, give courses and empower themselves. In order to provide opportunities for the immigrant women to practice working as a team, a TransAsia Sisters Club was established in September 2003 at Yungho Community College. Through the club, I learned more about Taiwanese society, laws and parenting. The best part was that I got to know a very good teacher from this program. She gave me many useful suggestions and told me about the Taiwanese values and lifestyles. At that time I met some friends from Thailand. In the first class, the teacher asked us what a society was. I still remember that Pan-Sha went on the stage and wrote it down in Thai. The classes were really fun and interesting. We could also explain things to the newcomers in our mother tongue so they could understand better. We went to the front of the class to explain new vocabulary, led the class in reading the text, and worked in small groups. Later I learned that this was so called adult education. The curriculum designed by volunteer teachers included many issue discussions. It also allowed us to express our opinions by plays or storytelling so everyone
could understand better. Besides, the teachers took us out for field trips to experience the Taiwanese society. We learned the Immigration Act little by little. Eventually, I was elected to be the class leader and started participating social activities such as giving speeches (to talk about my life when I just arrived Taiwan) and communicating with other people. My husband’s family saw my progress and my capacity. They are happy with that and they support what I am doing. My mother-in-law told me, “We could hardly understand what you meant in the past, but now you can take your children to the doctor on your own.” I have won their trust.

At the end of 2003, the most impressive thing was the protest against the establishment of the National Immigration Agency. The reasons that we protested were because the agency would be composed of police officers, they would be granted the power to enter any immigrant woman’s house for the purpose of investigation, and they would be able to carry guns and to ask inappropriate questions such as the color of your husband’s underpants. To defend our rights, we went to protest against this institution. Several organizations and many immigrant women participated in this protest and performed a drama. I was scared and afraid of being arrested. But I kept telling myself that I would be alright with so many people with me. I saw so many immigrant women and organizations stand up and speak out. To know our rights better, I joined discussions held by the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM). AHRLIM was established on December 12, 2003. TASAT is a member of the alliance.

With the formal establishment of TASAT, we speak for Immigrant Women

After several years of empowerment in the “Chinese Literacy Program,” a group of immigrant women decided they wanted to have their own organization. But here came a lot of questions. Why do we need to establish an organization? What will be the principles and objectives? What will the constitution of the organization be like? What will be the responsibilities of its officers? What is the procedure for official registration? How much should the membership fee be? What should we name our organization? The immigrant women discussed and expressed their opinions about every detail. The volunteers helped them draft the constitution of the “TransAsia Sisters Association, Taiwan.” Later on, they divided the tasks into several working groups, including membership recruitment, preparation for the founding assembly, and fundraising.

TransAsia Sisters Association, Taiwan was finally established on December 7, 2003 at the Women’s Center in Kaohsiung. The immigrant women and the volunteers in Taipei chartered two buses to attend the founding assembly. According to the by-laws of TASAT, which came out of the immigrant women’s discussions, at least two thirds of the board members should be immigrant women. The first executive board was composed of immigrant women from Kaohsiung and Taipei, the volunteers, and some representatives from friendly organizations such as the Awakening Foundation. The secretariat of TASAT was set up in Meinong. Due to a limited budget, TASAT could only afford one full-time staff person at the beginning. The work and projects of TASAT mainly depended on the volunteers and the immigrant women. As for the Taipei office, since we couldn’t afford the rent for a permanent office, most projects were held and based in the different Community Colleges until July 2005.

From July 10 to September 20, 2004, TASAT held a two-month Southeast Asian Language Program. This program was funded by the Department of Civil Affairs of Taipei City Government. TASAT opened Bahasa Indonesian, Vietnamese and Thai language courses at Zhongzheng Community College and the Household Registration Office in Beitou District. The program recruited the family members of immigrant spouses, counselors for foreign spouses and community members. The students said they like the design of the curriculum and the teaching approaches. The immigrant women learned from being teachers and became more mature and more experienced. When we were making the lesson plans, we encountered many obstacles. For example, what should I do if the computer had no Thai software input? Thai letters looked like pictures (such as 0*1*5H0) and if we wrote them by hand the students would not recognize them. Therefore, we had to look for Thai software. Meanwhile, we discussed the outlines and contents of the courses. We thought about what to include in the contents so the students could understand what our country was like. We had limited time. We had to give the
lesson plans to the Department of Civil Affairs to send for printing. Fortunately, Shu-Xia, a Taiwanese volunteer who kept me company all the time, found the Thai software. She called and told me the good news and taught me how to install the software. I had a problem installing the software because the operating system on my computer was not Windows XP. Therefore, I had to go to Shu-Xia’s place to type the text. It took me three nights to do it and then I had to proofread and make corrections up until the last day. This was our first time to be teachers and we had so much to do. Fortunately we had a team that we could work with. With the help of the volunteers, we transformed every obstacle into a chance to learn. Many students attended our courses and that gave me confidence to communicate with people on the basis of my culture.

From September to December, 2004, the Taipei Yungjian Public Library held a “Storytelling Mothers at Taipei Yungjian Public Library” activity. TASAT was invited to join this activity. Rong-Xi from Indonesia and I represented the immigrant women to tell stories to the kids at the library. Later, from March to July, 2005, Yungho Community College opened the “Southeast Asian Culture Program.” Shu-Ting (Vietnam), Rong-Xi (Indonesia), and I were the lecturers. With the help from other immigrant women, we represented TASAT to give courses on Southeast Asian languages, cultures and multiculturalism for 18 weeks. This program was not a typical introduction for tourists. We introduced Southeast Asian geography, history, ethnography, climate, food, costumes, languages and customs. The students were the Taiwanese family members of the foreign spouses, people who were interested in Southeast Asian cultures, counselors and volunteers.

In July 2005, we set up the Taipei Office. The immigrant women in Taipei finally have their own home. The home was created by every immigrant woman. We do not have to take the plane to go back home. We can cook the food from our countries and share with each other. This is a very warm home.

In September 2005, we published a book titled Don’t Call Me Foreign Bride. We expressed our feelings and opinions in the book. At the beginning we faced a lot of difficulties because of not understanding Chinese. The hard times that we had can be seen because of this book. Moreover, from this book, the public can see our efforts and competence.

From September 2006, the volunteers of TASAT in Panchiao started to help other Community Colleges, like the one in Sanchong, to open courses for the immigrant women. We hope to find more locations to train and empower the immigrant women and volunteers.

Gradually, the public has become more interested in Southeast Asian cultures. I was invited to give lectures and teach Thai language very often. For example, I was invited to teach Thai at Taipei City New Immigrants’ Hall on July 20, 2004; on November 16, 2004, as part of the activity “Healthy City – With You, Taipei is Different” we were given an award because of the multicultural education course we gave; on December 2, 2004, I was asked to be the Thai culture lecturer in the Study and Curriculum Developing Workshop of the Preparatory Teachers for Southeast Asia Multiculturalism Education; on February 25, 2006, I was the Thai culture lecturer for the Catholic Church Training Workshop; on April 15, 2006, I taught Thai language at Taipei City New Immigrants’ Hall again; on April 25, 2006, I worked as the Thai translator at the Taipei City New Immigrants’ Hall; on May 10, 2006, I gave a lecture on Thai culture at the Southeast Asia Forum at National Chiao Tung University; and on July 26, 2006, I taught Chinese to immigrant women at the “Foreign Brides Chinese Literacy Program” at Yungho Com-
munity College. From May 2006 to March 2007, I gave speeches on Thai culture at Shih Hsin University, National Chiao Tung University, Jong Jen Elementary School and Xinyi Junior High School.

After a long time, I learned and grew up so much that I could take other immigrant women with me to give presentations. I can share my experiences on giving speeches and teach the immigrant women how to design a course. I have become a volunteer now! In the beginning, I never imagined that I could do this. In my own country, I had never participated in any social work and I did not have many experiences. I had the opportunities to learn only after I joined TASAT. TASAT gives everyone opportunities to learn, to serve the society, to advocate policies and to develop ourselves.

While TASAT is empowering many immigrant women, we are aware of the restrictions that other immigrant women from Southeast Asian countries and China face. When an immigrant woman applies for naturalization, she will have to overcome several obstacles which are stated in the Nationality Act. The obstacles include having a medical inspection, staying in Taiwan for a certain period of time, abandoning her original nationality, providing proof of financial status and passing the Chinese proficiency exam. The one that troubles the international marriage families most is the requirement of proof of financial status. The families have to hand in documents which state that they have more than NT$410,000 (approx. US$12,500) in their savings, or the receipt for withheld amount for income tax purpose must show they earn twice the minimum wage each month NT$34,560 (approx. US$1,050), or they must prove they own real estate which is worth NT$5,000,000 (approx. US$151,515). Many international marriage families are forced to borrow money from agents and are taken advantage of by loan sharks. This worsens the economic situation of these families. In fact, immigrant women from Southeast Asian Countries have to have been living in Taiwan for more than three years, or more than eight years for immigrant women from China, before they can apply for naturalization. They give birth to children and educate them, they take care of their parents-in-law and work hard to make a living. But this is not enough for the government. They are asked to produce proof of financial status before they can be recognized as Taiwanese. The economy in Taiwan is not good at the moment. It is not easy for a Taiwanese to provide such financial proof even after she or he has worked for several years, not to mention many immigrant women and their families.

Before the immigrant women become naturalized as Taiwanese, they will have many difficulties in daily life. For example, the police can give them hassles anytime; the husbands have to apply for cellphones for them since they don’t have IDs; they are not allowed to apply for credit cards; they cannot have a house under their names. Worst of all, if an immigrant woman’s husband and his family refuse to help extend her residence permit, she can be deported and separated from her children. Those restrictions show the immigrant women that they do not have rights to do what they want within their international marriages.

The efforts and devotion of the immigrant women can be seen in every corner of Taiwan. We study hard to learn the local languages, we learn the Chinese characters, we learn the Taiwanese culture, we adapt to married life in Taiwan, we bear and raise children, we take care of parents-in-law, and we take care of everything at home. Besides, we are also a part of the labor force in Taiwan. In order to make money to support our family, we dig the oysters by the sea, go fishing, serve customers at street-side stalls or in stores, wash dishes, sell vegetables in the market, farm and plant, build houses and so on. You actually see immigrant women everywhere in Taiwan.

Only after an immigrant woman has been married to a Taiwanese for three years is she qualified to apply for the national identification card. However, she needs to meet five requirements, and one of them is to present the proof of financial status. How many families in Taiwan can hand in such proof? This is totally wrong and shows no consideration for the human rights of immigrant families. An immigrant woman has to live in Taiwan for more than three years, working hard. If you replace us with a maid, a nanny, and a janitor and let them take care of the children, parents-in-law, house work and everything at home, the total cost will be about NT$70,000 – 80,000 (approx. US$2,100-2,400) which is equivalent to the contribution that an immigrant woman makes for “domestic labor” and is never calculated.

We immigrant women do our best to take care of our family and work to support our family. Why does the
government regard us as “wasting the national resources”? The Minister of Interior Affairs said that the requirement for a financial proof while immigrant women applying for the national ID is an attempt to “protect the immigrant women”. Is he really so naïve?

In order to fight against this unreasonable immigration policy, we gathered hundreds of people and went on the streets for a protest this September 9. Immigrant women from different countries and local supporters came from everywhere in Taiwan. We asked for our rights and our appeals won a lot of support in the society. Immigrant women from all over Taiwan joined us and supported each other. We spoke out for ourselves in front of the Executive Yuan.

After serving as a TASAT board member, I was given a chance to work as the executive secretary in the secretariat beginning on July 14, 2006. When I started to work at TASAT, I knew I would have to work with other organizations, arrange courses and workshops, learn to write projects, take care of accounting and other routine work in the office. I would have more responsibilities at TASAT and at the same time I had to take care of my family. So I discussed my situation with my husband’s family and asked them to help take care of my children. My mother-in-law immediately agreed to help and said, “No problem! Just go ahead! Don’t worry about the family. I will help you!” I was so happy. With my family’s support, certainly I will do a better job.

As a TASAT staff member, I have had chances to go abroad and visit other organizations. For example, in December 2006, we took a trip to the Philippines and participated the preparation meeting for the International Migrants Alliance (IMA). We planned to attend the general assembly of ILPA as observers and to join a demonstration, but because of the changes in the political situation in the Philippines, we cancelled the plan. However, I witnessed the Filipino activists taking part in a demonstration in Manila on December 15 and I was impressed by how they organized to fight for their rights and speak for themselves.

In 2007, I went to Hong Kong and visited Thai Regional Alliance (TRA) in Hong Kong. I met the founder and the officers. They were preparing for the May Day Parade. There were participants from Hong Kong, Thailand, the Philippines, Indonesia, Nepal, Sri Lanka and other countries. They all shouted out their slogans in their native languages and the atmosphere was very thrilling. I saw how people united with people from different countries in a foreign land. The experience really amazed me. I hope to see Taiwan become more progressive in this way.

The experiences of TASAT attract many organizations from different places in Taiwan to visit and share. The media and related organizations from other countries are also interested in knowing more about TASAT. Besides sharing experiences with groups from Taiwan and other countries, TASAT also participates in some international activities and exchanges. TASAT has gradually broadened its perspectives and expanded international networking.

The immigrant women of TASAT have significantly increased their participation in public issues, from sharing their immigration experiences, giving lectures on Southeast Asian histories, languages, cultures, multiculturalism, to policy advocacy and promoting reforms of immigration laws. We even reach out to other disadvantaged groups such as migrant workers. In this process, the initial self-identification of immigrant women developed from the “Chinese Literacy Program” and TASAT has been transformed into a comprehensive commitment to issues of human rights for immigrants and migrants.
As TASAT gradually grows with ever more complicated and multi-layered activities and involvement, problems and difficulties in interpersonal relations and collaboration have arisen. After continuous trial and error, exploration and reflection, TASAT invited Asia Pacific Mission for Migrants (APMM), which is very experienced in grassroots organizing, to facilitate various training workshops for TASAT members and staff. From these trainings, the immigrant women, volunteers and staff collectively identified the obstacles in the development process of TASAT and found solutions. By analyzing the problems, TASAT can better evaluate its development and has a better view of its future direction.

TASAT is progressing slowly. We are extending to more cities outside of Taipei and Kaohsiung. We empower the immigrant women and work with local associations. From July 12 to July 17, 2007, we held a workshop in Ilan. We want to link with other local groups and work together. Sisters, let’s march forward for a better future in Taiwan!
Married Migrant Women in Korea and Attempts to Organize Them

Panel 4 Presentation

By Lee Inkyoung, Director
Eulim-Migrant Women and Multicultural Families
General Secretary, Human Rights Solidarity for Women & Migrants in Korea

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IV. Conclusion

I. A common story from marriage migrant women in Korea

“There were many people who went to work in Korea from my hometown. They became richer and built nice houses when they came back. I envied them a lot. I was keen to work in Korea. But it was quite difficult to get a working visa. One of my acquaintances introduced me to a Korean man. I just thought that I would marry him and as soon as I arrive in Korea, I would run away from him and work somewhere. But the guy was quite gentle to me. We just fell in love with each other after several meetings and I gave up running away from him. But you have to know it, most foreign brides come to Korea because of poverty. If they are well-educated or if their family has"
a lot of property, they never come to Korea for marriage especially to men old enough to be their father. Our family does not have much money and could not give us education so I came here. Even Korean men who are married to foreigners don't have money like us. If they are tall, well educated, or have good jobs and good salary, they never marry us. We were poor there but we are poor here in Korea.” Related by a Chinese who has lived for 3 years in Korea.

It’s a story from my Chinese coworker. I believe she explained well the situation at home, their motivation for marriage migration and the method they use. I already gave up academic value in this paper. I think it’s beyond my ability. I am using many cases to understand the situation of marriage migrant women in Korea. And what kinds of efforts have been done for empowering and organizing migrant women by HRSMWK in Korea.

II. Present situation of International Marriage in Korea

1) Statistical facts of Migrant women in Korea

The Korean society has faced another challenge against its strong ethnicity and homogeneous nation ideology. 11.9(39,690 cases) percent of total marriage cases in 2006 were international marriages, 76.1(30,208 cases) percent among them were conducted between Korean men and migrant women. This rate is slightly declined than in 2005. According to Korea National Statistical Office (KNSO), there are 127,762 cases of Korean men-foreign women couples from 1990 to 2004. There were only 619 couples of Korean men-foreign women couples in 1990, 19,214 cases in 2003 and 25,594 cases in 2004, 31,180 cases in 2005 respectively. Below table is in detail on international marriage for several years.

Most marriage migrant women in Korea are from China and Vietnam. It’s 81.9% of them. Marriages with Chinese are due to “Rural Bachelors’ Marriage Promotion Policy” with Korean-Chinese in early 1990. But these days ethnic Chinese also come to Korea for marriage. Vietnamese cases are usually introduced by international marriage matching brokers. These days the advertisement of commodifying of Vietnamese women has become a social problem. In case of Filipinas, it is both through the matching brokers or Unification Church. Recently matching brokers have extended their business field to Cambodia and to Mongolia. Table 2 explains more detail in migrant women’s nationality.

2) The methods of marriage migration

According to the Survey conducted by the Ministry of Health and Welfare in 2005, there are four types of marriage migration in the points of first meeting their Korean spouses ‘$ introduction by acquaintance(49.3%), a$ direct meeting(16.1%), b$ introduction by religious groups(15.6%), c$ by international marriage agency(13.4%) respectively. These ‘$, b$, c$ seem different methods but are the same in the respect of dealing with money and other goods in the marriage. As a result of “trade marriage” many marriage migrant women have been abused their human rights by their husband and in-laws as well as other Korean people.

3) Marriage Matching Broker

<<Marry Vietnamese girls. Free marriage meeting. Deferred payment. Please call us. First marriage, remarriage and handicapped are welcome. Age, academic record, property do not matter. *Vietnam marriage matching agency, Phone Number 011-8**-****>>-Marriage advertisement by a broker.

We can see the above kind of advertisement by the brokers in every street corner. Usually Korean men who want to marry Vietnamese have to pay around 10,000USD to 15,000USD to the brokers. The brokers take the men for marriage trips for 5 nights and 6 days on the average. I would like to describe in detail what they do during the trip so that we can understand how quickly marriage is conducted by the brokers. The first day, they reach Vietnam. They attend a marriage meeting and select their girls. If the girls agree to marry them they meet the girls’ parents.
and date with the girls and prepare documents in seconds. They apply for spouse visa to the Korean embassy and take a medical check-up and go shopping for their brides on the third day. They have the wedding and sleep together on the fourth day and go on honeymoon trip on the fifth day. Korean husbands take a medical check-up and come back to Korea on the sixth day. I think it’s quite a short time for someone to meet and decide his/her spouse within 6 days. Brokers’ interest is getting higher by the success rate of marriage. So the brokers never provide real information to either party but only the image of Asian women to Korean men and developed Korean society to foreign women. This kind of marriage has potential problems due to lack of information and time. We receive many complaints from migrant women towards the brokers such as domestic violence, confinement, and other severe human rights abuses.

Case 1 - Victim of Vietnamese wife

Nguyen (not her real name) is a Vietnamese and 19 years old but her husband is 45 years old. She married in 2005 through an international marriage matching broker and came to Korea with spouse visa. Her husband, Mr. Kim had had a car accident so he hobbled when walking and has a scar on his face. Due to the accident, he never married before. She wants a divorce because her husband is sex addicted. Whenever she had sex with her husband, she felt she was being raped by her husband. We transferred her to abused women's shelter. A few days later, the husband and her mother-in-law came to my office. Her mother in law, more than 70 years old, wanted to claim her pay, 14,000 USD, if she divorces him because they paid that amount of money to the broker.

=> She went back to Vietnam a year ago because she could not prove her husband’s guilt and could not apply for Korean nationality.

On the other hand, many migrant women come to Korea with expectation of a better life in Korea, but they realize that they are deceived by the agency as soon as they arrive in Korea. The reality is very far from the information which had been given by the agency. Many migrant women feel that they can not maintain their marriage life any more due to domestic violence or economic problems, or severe intervention by in-laws or incapability of their husbands, etc.

Even Korean husbands and in-laws also have forged information about foreign women such as the Vietnamese girls are so beautiful and obey their husbands more than Korean women do or the Filipinas care for babies well. But many foreign brides have information that their Korean husbands are rich so they can send money around USD 300 per month to their home. But their husbands are usually low-income groups and older age so the husband can not afford the amount of money to be sent to their home countries; even they can not get monthly allowance from their husband. So they want to work. In this case many husbands and in-laws are suspicious of their intention of marriage. They are worried that the foreign wives might run way from the house.

4) Frequently occurred problems of marriage migrant women in Korea

a. Human Rights abuse: Domestic Violence, verbal abuse, etc

Case 2 - 30 years old and her husband is 50 years old

I don't know my husband's job. I am 3 months pregnant. But my husband does not want to have a baby. He insisted on aborting it. When I refused his demand, he kicked my thigh and hips. He even forced me to drink medicine which I thought was for headache. I am so scared of him. I want to go back to Vietnam but he hid my passport. What shall I do now? (She now stays at an abused women's shelter. If she delivers the baby, she may apply for Korean nationality as well for rearing a Korean child.)
Case 3 - Park (34 years old)

I am a Korean-Chinese. Most Chinese women receive money from Korean husbands but I did not receive anything from him. I married my husband whose house was full of electric home appliances just like Korean women do. My husband is a seaman. He usually works at a vessel for 8 months and takes a rest for 5 months at home. Whenever he comes home, he drinks a lot without work. He drinks and inquires me whether I had extramarital affairs during his absence. Even though I don't have any affairs, he never believes in me. Sometimes he beats me a lot. I can not live like this anymore. But he never helps me to apply for Korean nationality even if we've been married for more than 3 years.

>> She was admitted to an abused women's shelter and got legal divorce. Now she's applied for Korean nationality due to accusation of her husband.

According to Korean Nationality Law (KNL), a Korean's foreign spouse can apply for Korean nationality or permanent visa (F5) after 2 years of entering Korea or more than 1 year domicile after marriage life succeeding 3 years. So many migrant women are in vulnerable conditions. If they fail the marriage life at any reasons, they will be deported by immigration. With strong demand of migrant women support NGOs and other human rights groups, the Korean government has allowed foreign widows or persons whose husbands are missing, and victims of human rights abuses by Korean husband to apply for Korean nationality since 2005. To apply for the nationality without husband's guarantee, they have to prove that they are victims and their husbands' accusation. But we think it's quite difficult to prove the husbands' accusation or not guilty of migrant women themselves for migrant women. They don't know Korean law and regulations as well as Korean language. Now, Korean government has appointed 197 centers for counseling. Korean government will consider the testimonial letter from the appointed center as evidence for victims of domestic violence or other problems which is major reason of broken marriage life.

According to frequency, domestic violence is higher, and there are severe problems of children's isolation in the local community.

- Seriously considered divorce (34%), the reasons not to divorce are children, legal status.
- The reason of divorce & separation is due to domestic violence (34%), different living condition by promising before marriage (16.5%)  
- Experience of ‘domestic violence are verbal abuse (31%), physical abuse (10%-14%)  
- Verbal abuse is 70-80% and physical abuse is 50% in divorce$separation cases.  
- Lower using of hotline in persons of domestic violence experiences (13%-14%), Hotline is not helped cases (30%-50%) but helped is only (20%-40%)  

Experience of children’s exclusion in peer groups (17.6%), the reason is ‘foreign mother’ (34.1%)

- Especially it is more serious for those mothers from South-East Asian and rural area (the reason of abortion is to worry of mixed blood (18.6%)
b. Economic problems:

Case 4
I came to Korea in 2005. My husband stopped working 10 days later after I entered. He ordered me to work in a restaurant and give money to him. I’ve worked in factories or restaurants to meet the living cost of my family. I don’t know how long I can live like this.

Case 5
I am pregnant for 6 months. I want to abort it but my husband does not agree. Please let him understand the situation. We are suffering from poverty. My husband is a taxi driver. He hardly gives me allowance. I don’t know his plan for our family.

Case 6
I’ve been married for 6 years and already got Korean nationality. I have 2 kids. My husband and I work hard to give good education to my children. I work for 12 hours a day in a restaurant. My salary is very low around 900 USD. I have to pay 400USD to my mother-in-law because she takes care of my children. Both my husband and I work hard but why are we always poor? I am scared of my children’s future as well as ours.

Many migrant women come to Korea with expectation of a better life in Korea, but they realize that there is no better life in Korea. They have to work hard but are as poor as they were in their home.

c. Language and cultural difference:

Korean language skill of migrant women is low except for Korean-Chinese. But most of the family communicates in Korean language. Many migrant women complain their husbands treat them as children due to low level of Korean skill and cultural difference. Cultural gap between migrant women and their family also makes big troubles which they can not overcome. The husband and the wife grew up in different cultures but Korean husbands think they have superior culture than their foreign wives. So they ignore their wives and treat them as barbarians who need to be civilized. Even, I met some of the mothers-in-law who treat their daughters-in-law as their property. They had paid money to the marriage brokers to bring foreign brides. Until they achieve Korean citizenship, they have to endure brutal marriage life instead of divorce. So they are destroyed both physically and psychologically.

| Higher poverty rate, and higher desire of employment but child rearing and job linking problems make them frustrated. |
|:--| |
| • 52.9% of total marriage migrant women and 57.5% of the family who have minority(below 18 years old) are living under the minimum cost of living(family income base). |
| • Beneficiaries of National basic living insurance system among them is only 13.7% |
| • The family who experienced skipping a meal due to economic reason is 15.5% |

| Women marriage migrant who participate in economic activity is 60% |
|:--| |
| • Service fields such as waitress in restaurants (52%); Reasons of participating of economic activity is for livelihood (51%), for children’s education (17%) |
| • The reasons of unemployment are children’s rearing (43%), failure of seeking work (21%) |
Case 7 - Cultural difference: I am not a toy of my husband

Lyn (not real name, 26) is a Filipina. Her husband is 46 years old but mentally retarded. So he did not make money and always stays in the house. His parents have many houses and rent out some of them. Lyn worked in the Philippines and was so independent there but since she came to Korea, her parents-in-law treat her as a baby just like they treat her husband. It was not expected. She can not respect her husband, even does not want to have sex with him so her parents-in-law are so much worried about it. They forced her to have sex with him. So one day she ran away from the house and became an undocumented worker. A month later, the Korean Immigration deported her to the Philippines.

Case 8 - Cultural Difference

Maria’s husband claimed divorce with reason of not taking a bath and laziness. She did not want to divorce but there was no other way. But her only demand is her daughter’s custody right. So I referred this case to Korean Legal Aid Corporation. For the first trial, the judge ordered “divorce but her husband must pay USD 6000 to her and she can have the right to custody of her baby. But her husband appealed the case again and did not pay any compensation.

III. Organizing marriage migrant women in Korea

Since 2005, there are many organizations and NGOs who provide service to marriage migrant women and try to organize them for promotion of their human rights. Most of them provide Korean class, Korean culture class, mentoring service with Korean wives. Some groups provide counseling service both legal & living and medical service, etc. I would like to classify them in three groups.

1) Migrant workers’ support NGOs and its sub-organizations

Since 1990, many foreign migrant workers have flowed into Korea and worked in 3D fields. They are discriminated by Korean employers and people as well. So many NGOs were formed for supporting and promoting their human rights. They usually conduct labor counseling, education and suggest policy for migrant workers. In 2000, many migrant women who’ve married Korean men started to come for counseling. The groups sent them to women’s counseling centers but women’s centers were not yet ready to accept their request. So they had to extend their work to marriage migrant women as well as their children matter.

Those groups are HRSWMK members such as Eulim, Blink, Wehome, Friends’ House, Moises Women’s Migrant Women’s House, Gumi Migrant Workers Center, etc.

2) Women’s organization

Since 2005, Women’s organizations and feminists groups have involved the migrant women issue. National Statistical Office (NSO) announced 11.6% of Koreans are married to with foreigners in 2004. Among them 70% are Korean men married to migrant women. Korean society got quite shocked with the result of NSO because Koreans had believed on racially homogeneous nation and had been proud of it. In addition, many marriage migrant women were exposed as victims of domestic violence. So the groups provide counseling service and shelter for abused migrant women.

Those groups are Korea women’s hotline, 1336(Ministry of Gender Equality & Family), groups of Korea women’s association.
3) Social welfare centers

Since 2005, social welfare centers nationwide have provided Korean classes and Korean culture programs to migrant women. They organize Korean volunteers and migrant women for mentoring programs as well.

4) Organizing and empowering programs

I would like to focus on organizing and empowering program by Migrant workers’ support NGOs, specially by HRSWMK’s members in this paper. There are 11 members groups nationwide which mostly are oriented from migrant workers support groups. Four groups mainly provide counseling and shelter for abused migrant women. Other groups provide legal, living and couple counseling as well as Korean class even shelters as well. We conduct education programs for both migrant women and Korean citizens. Migrant women become counselors for peer groups and Korean citizens have a chance to meet and understand migrants in Korean.

5) Organizing & Empowering marriage migrant women through HRSWMK

Korean class

All groups provide Korean class for migrant women. Many problems of international marriage couples are caused by language and cultural difference. Korean class is an essential program to empower them and give them a chance to be organized by themselves. It's the only chance to meet same nationals and share information. Many Korean families are worried that they may runaway from house if they meet friends of nationals. Anyhow the family is uncomfortable if the migrant women can not speak in Korean, so the family allows them to attend Korean class for the connivance of family at least.

Recently some groups like Eulim have initiated to teach Korean language by migrant women teachers. Teachers who are migrant women themselves inspire and give good influence to newly entered migrant women.

Forming or organizing community by nationals

Migrant women usually form national community in the centers where they study Korean language. They comfort each other and share information and know-how for life in Korea, child rearing, counseling for themselves. Some of them collect money for rainy days of members. Some community like Filipina group is more active on-line as

<table>
<thead>
<tr>
<th>Main reasons of conflicts are communication gap and different culture and values</th>
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<tr>
<td>□ Main language between couples is Korean language but most of migrant women's Korean skill level is quite low except Korean-Chinese.</td>
</tr>
<tr>
<td>□ The level of wife's mother tongue of Korean husband is lower than their wives' Korean language (average is 1.57/5)</td>
</tr>
<tr>
<td>□ Main reason of conflicts with parents-in-law are language problem and difference of culture (45%)</td>
</tr>
<tr>
<td>□ Cannot help children with homework(21%), lack of communication(16.2%)</td>
</tr>
</tbody>
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well as off-line.

Culture Day for migrant women

If we want migrant women to be happy in Korea, they must be empowered and their Korean family must understand their culture as well. So we designate culture’s day for all nationalities. Migrant women prepare all programs with help of Korean volunteers. After the program they are proud of themselves. Even Korean spouses also understand their wives’ culture instead of ignoring them.

Education of Migrant women counselors and multi-cultured teachers

Recently many centers hire migrant women as counselors and work as co-workers. There are three foreign staffs in Eulim such as a Filipina, a Vietnamese, and a Chinese. Usually migrant women can not communicate in Korean but Korean counselors do not know their own language. Migrant women themselves counseling victims is more efficient. They can comfort victims well and easily communicate with them. Also counselors themselves are satisfied with their role as well. The Korean husbands on the other hand are proud of their wives’ work.

Multi-culture classes for students of primary schools help not only migrant women but also students who become Korean citizens to understand and co-exist with migrant people in Korea. We train the migrant women who speak good Korean to conduct the class. They usually teach their own cultures such as Philippines, Vietnam, Chinese, and Bangladesh.

Family camp and other cultural programs

Korean family and migrant women need more communication to overcome their differences. The centers organize family camps for the family, usually one night two days camp. During the camp, the family members have time to understand each other through therapy of music, art, and dance. Even there are many other cultural programs to promote understanding each other.

IV. Conclusion

The Korean society has faced another challenge against its ethnicity and homogenous nation ideology. Since 2000, international marriage has rapidly increased. 70 percent of the marriage is conducted between Korean men and foreign migrant women. It’s the result of active promotion of international marriage matching brokers. Most marriage migrant women in Korea are composed of Chinese, Vietnamese, and Filipinas. The phenomena of women migration through international marriage seems to be the women’s own choice. But there are many reasons in the background to do so. The push and pull factors such as capitalism sweeps the whole world in the nation of globalization and neo-liberalism, the society and government of countries of origin and destination countries, commercialized marriage matching brokers.

All of them expected better life in Korea, but the reality is quite far from their expectation. They are suffering from poverty and discrimination by both the family and Korean society as well.

Korean society is aware of the migrant women’s situation so many support groups and NGOs and organizations are newly formed. Some groups try to support to form migrant women’s community by nationals. So far, migrant
women’s self organizations or communities are not so much visible in Korean society.

HRSWMK member centers initiate to hire migrant women as counselors and partners to empower migrant women. It is only in the beginning stages but by empowering migrant women themselves I prospect one day migrant women can operate centers and help themselves fight for their rights and contribute to society thus creating a much needed harmony which is what activists seek to achieve for them.

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The Development of Immigrant Movement in Taiwan - The Case of Alliance of Human Rights Legislation for Immigrants and Migrants

Panel 5 Presentation

By Prof. Hsiao-Chuan Hsia
Graduate Institute for Social Transformation Studies
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Taipei, Taiwan

After a long period a strange place becomes home
(The Song for the Foreign Brides’ Chinese Class)

By Yung-Feng Chung and Hsiao-Chuan Hsia
Sung by Members of “Chinese Literacy Programs for Foreign Brides”

The sky’s so magnificent; the earth’s so magnificent.
The endless Pacific Ocean
Thinking of this; thinking of that
Where does the road come out at?
The sky’s so vast; the earth’s so vast.
With no relatives, I rely upon my husband.
The moon’s so bright; my heart’s so agitated.
My home’s so far away
Friends’ class, Chinese class:
Coming out from the corner kills loneliness.
Chinese class, sisters’ class:
Chinese class connects friends.
Sisters’ class, cooperative class:
We have mutual trust, mutual love, and mutual help in difficulties.
Cooperative class, connections to everywhere:
After a long period a strange place becomes home.
When Southeast Asian sisters first learnt this song in the Chinese literacy classes at Yong-he Community College in Taipei County, everyone was in tears. Usually appearing very confident but stern, Vietnamese sister, Shuei-Hong, looked at me, with tears in her eyes and arms moving in front of her chest, tongue-tight and eventually said, “A lot of feelings in my heart that could not spell out. Thanks so much for this song!” A year and half later, a group of sisters and Taiwanese volunteers from Chinese literacy classes of Yong-He and Bang-Chao community colleges joined a training workshop. Some were chatting in the room while watching TV bombarded by news about Presidential Election. Sisters talked about political party’s orientation in their families. Suddenly, Shuei-Hong asked everyone in the room, “There will be a new political party. Guess what it will be?” To our surprise, Shuei-Hong steadfastly told us, “Immigrants Party!” While “Immigrants’ Party” was still lingering in my ears, Shuei-Hong and other sisters from Indonesia and Thailand had begun to offer classes of the languages, histories and cultures of their Southeast Asian home countries.

Yong-He community colleges continued to offer Chinese literacy classes for the immigrant women and at the end of every term, volunteers would teach sisters to sing “After a long period a strange place becomes home” and all sisters new in the classes would be just like Shuei-Hong singing with tears. Interestingly, when hearing this song again, Shuei-Hong and other sisters who had been in the classes longer would tease with laughter, “Come on, don’t cry any more!! We want a marching song, because we are different now!” In late 2004, a group of NGO representatives from Hong Kong visited Taiwan and met our Southeast Asian sisters. One sister excitedly expressed her reflection, “I used to be very sad, lonely and feeling useless, until I attended the Chinese literacy classes. I now feel very different. I feel I can finally stand up!”

“Immigrants’ Party” is not yet established, but this group of Southeast Asian sisters had gone to several protests against unfair treatment by various central governmental agencies, including Ministry of the Interior’s careless plan to establish National Immigration Agency considered as anti-immigrants’ rights, Deputy Minister of Education’s outrageous statement appealing for birth control of “foreign brides.” On September 9, 2007, hundreds of immigrant women from Southeast Asia and mainland China joined a rally protesting against the financial requirements for applying citizenship. This rally caught much media attention because it was the first time in Taiwan’s history that hundreds of marriage migrants all over Taiwan held street demonstration! This demonstration was organized by the Coalition Against Financial Requirements for Immigrants (CAFRII”INLRow), initiated by the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRILMyLOONk00olv) to broaden the alliance work to further enhance advocacy for immigrants rights.

From helpless tears to steadfast demonstration in the streets, this journey had been filled with happiness and frustration. This paper attempts to document and analyze the development of immigrant movement in Taiwan, highlighting the efforts of AHRILM, the alliance spearheading the movement.

Root Causes of Marriage Migration: Globalization and Unequal Development

According to the Ministry of Interior, as of the end of 2006, there were 384 thousand foreign spouses, 65.1% of whom are from Mainland China and 34.9% from other countries (mostly Southeast Asian). A study by the Ministry of Interior showed that between 1987 to August 31 of 2003, there were 240,837 foreign spouses, including those from Southeast Asia (42.2%) and Mainland China (57.8%). Ninety-three percent of these foreign spouses are women. Among the women from Southeast Asia, 57.5% are from Vietnam, 23.2% from Indonesia, 5.3% from Thailand and another 5.3% from the Philippines.

Most marriage migrants decide to marry Taiwanese men because they hope to escape poverty and turbulence in their home countries, which has been intensified by globalization. Globalization entails privatization, deregulation and liberalization, which means unemployment, hunger and disease, and a threat to survival for the vast majority
of laborers. The World Bank and the IMF have driven hundreds of millions of people into poverty in the guise of offering loans to developing countries and promising a boost in development by carrying out SAPS (Structural Adjustment Programs) (for further analysis, Hsia 2004). Under the sway of distorted development, farmers and workers in the developing countries, such as the Philippines, Indonesia, Vietnam and Cambodia, have been increasingly squeezed economically and forced to find work abroad. For women in these countries, they could choose to find work outside of their native countries or escape their economic plight through transnational marriages.

The men whom the marriage migrants marry are mostly farmers and the working class in Taiwan. Taiwan gradually began to take on the characteristics of a semi-peripheral country after it became increasingly incorporated into the world capitalist system in the 1980s. This is when Taiwan began to exploit Southeast Asian, Mainland China, and other peripheral countries. At the same time, globalization began to push liberalization, privatization and deregulation, resulting in distorted development in Southeast Asian countries and a great number of agricultural and industrial laborers in distress. The poverty created by globalization was not as serious in Taiwan as in Southeast Asian countries, but agriculture in Taiwan was clearly hollowed out by the twin forces of continued urbanization and industrialization, as well as international pressure on agriculture. Low-skilled workers have also been affected by the increasing threats of liberalization. These low-skilled agricultural and industrial laborers found survival more and more difficult and themselves in an extremely disadvantaged position in Taiwan's domestic marriage market.

**Constrained Situation of ‘Foreign Brides’**

Under these circumstances, the economic situation of the marriage migrants tends to be under stress. According to a recent survey, 31.3% of the interviewed marriage migrants from Southeast Asia said their family expenses are higher than family income, 48.9% just make ends meet and only 2.7% have income higher than expense. Almost eighty percent (78.5%) of the Southeast Asian women’s families rely on their husband’s income and 7% of the women are the primary earner of their families. 40% of their Taiwanese husbands are working-class and 65% of the interviewed foreign spouses from Southeast Asia make less than 2,0000 NT (about US$588) (Hsu 2004).

Since the Taiwanese husbands are mostly working-class, most foreign spouses need jobs to supplement family income. However, they face many obstacles while searching for jobs. First of all, due to language barriers, especially for those from Southeast Asia, and isolation in the household, they do not have adequate access to necessary information and resources. Some employers mistreat the foreign spouses as the results of prejudice and the women often do not know their legal rights and lack social support.

Furthermore, immigrant women have to face constraints imposed by laws and regulations, which reflect Taiwan’s exclusionary policy of immigration. For instance, Taiwan’s policy of incorporation has been based on the principle of *jus sanguinis*, which is inclusive of people who can claim a common ancestral origin, real or imagined, and exclusive of people who do not share that commonality. Despite recent changes in the Nationality Law, it remains extremely difficult for those excluded from nationality to become citizens of Taiwan, except for spouses and children of Taiwanese citizens. Prior to the changes in the Nationality Law that occurred in the late 1990s, foreigners could not be naturalized as Taiwanese citizens except for women married to Taiwanese men. Foreign women are seen as ‘naturalizable’ only because of their ability to continue Taiwanese ‘blood,’ which apparently has patriarchal values perceiving women only as breeding objects, rather than independent subjects. Based on this patriarchal exclusionary policy of incorporation, Taiwan government does not grant citizenship to foreign women as an inalienable right, but rather preconditions citizenship on their status as wife of a Taiwanese man. For instance, immigrant women who have not obtained Taiwanese citizenship are often ineligible for social services and welfare benefits. Battered immigrant women without Taiwanese citizenship are deported if they get divorced; given that custody of the children is often granted to the Taiwanese fathers, this deportation would make them unable to
return to Taiwan to visit their children. Consequently, battered immigrant women often decide to endure domestic violence for the sake of their children. The husband’s power over immigrant women is thus sanctioned by the state (Hsia 2007).

These laws and regulations are not only the products of, but also in turn reinforce prejudice and discrimination against the ‘foreign brides.’ Indeed, the very term, ‘foreign brides,’ reflects the discrimination against Third World women. This common parlance only refers to foreign spouses from developing countries, not to those from so-call developed countries, such as Japan, U.S. and western European countries. Additionally, these immigrant women from Southeast Asia and Mainland China are called ‘foreign brides’, no matter how long they have been married to their Taiwanese husbands.

**The Formation of Immigrants Movement: Rooting and Alliance-Building**

Despite various constraints, these ‘foreign brides’ are never passive victims. Indeed, they have been increasingly more active in participating various protest action organized by AHRLIM. Based on personal involvement in the making of immigrants movement, the following analysis focuses on how immigrants movement in Taiwan has been developed via two approaches, “rooting” and “alliance-building.”

**The Beginning of Immigrant Movement**

In spite of various definitions and analyses of social movements, one can argue that both American and European theorists agree that one of the major characteristics of social movements is being collective struggles in certain forms of contentious politics. Therefore, “contentious collective action” is considered the basis of social movements and social movement is defined as “collective challenges, based on common purposes and social solidarities, in sustained interaction with elites, opponents, and authorities.” (Tarrow, 1998: 4) From this basic definition, I would argue that the establishment of “Alliance for Human Rights Legislation for Immigrants and Migrants” was the beginning of the new immigrant movement in Taiwan.

Several NGOs in Taiwan had worked individually on immigrant and migrant issues for a few years. Things have changed, however, with the government’s proposal to establish the National Immigration Agency (NIA). Many critical NGOs found this proposal xenophobic because its main functions were to police, investigate, and deport migrants and immigrants whom NIA officials deemed illegal or dangerous. Moreover, the legal grounds for deportation—such as “threatening national security” and “violating the public interest”—are vague articulations subject to manipulation. This proposed agency did not provide any mechanism for migrants and immigrants to protect their rights. In order to promote both the human rights of immigrants and migrants, as well as the development of a healthy, pluralist society, in November 2003, Awakening Foundation initiated a consultation meeting with organizations and scholars concerned about immigrants and migrants issues to discuss the possibility of establishing an alliance. After two preparation meetings, a group of organizations concerned with human rights, immigration policy, foreign labor, and democracy have joined with lawyers and scholars with long-term interest in these issues to form the Alliance for Human Rights Legislation for Immigrants and Migrants on December 12, 2003. AHRLIM’s first action was the protest in front of Legislative Yuan against the government’s proposal to establish the above-mentioned National Immigration Agency on December 24, 2003. Before the protest, the AHRLIM initiated a well-received signature campaign to halt the deliberation on the proposal presented by the Executive Yuan (Taiwan’s executive branch). In this petition, AHRLIM first spelled out three demands:

1) The “Universal Declaration of Human Rights” clearly states that national policies must not infringe upon the basic rights of the individual for reasons of race, nationality, gender, and so forth. Although Taiwan has signed this Declaration, the Executive Yuan’s plans for a National Immigration Agency combine police, investigative, and judicial functions in a single body and make immigrants and migrants into a population of suspected criminals. The proposed NIA would focus on preventive control, in effect covering up human rights’ violations in the name of security. We ask for an immediate halt to deliberation on the proposal presented by
the Executive Yuan and propose that public discussion of immigration policy be allowed to return to its basis in human rights.

2) Given that immigration policy in itself requires comprehensive planning, and given the need to prevent abuse of authority, we suggest related laws be reviewed. The draft governing the organization of the National Immigration Agency proposed by the Executive Yuan is part of an organizational law that should be amended at the same time amendments are made to the related functional codes—i.e., the Immigration and Entry and Exit Law—in order to establish the terms of concrete norms for a comprehensive immigration policy. Such a policy would address such issues as the specific tasks to be assumed by the National Immigration Agency, channels for supervision of the NIA and the handling of complaints, and jurisdictional divisions with other departments.

3) The draft proposal presented by the Executive Yuan for the organization of the National Immigration Agency and related immigration codes are measures that directly affect the future of Taiwan’s immigration policy, including the organization and authority accorded to the actual administrative organs concerned. As such, it forms a crucial link in national immigration policy, affecting the rights of immigrants and migrants. National immigration policy further contains implicit ideas about social organization that will directly affect the way Taiwanese people imagine “citizenship” and identity. Hence, we ask that public debate on such an important matter be expanded such that immigrants, migrants, their families, and society-at-large may have a greater chance to participate in, and understand the stakes of making, such policy.

Additionally, AHRLIM underwent lobbying in the Legislative Yuan to seek support of legislators from different political parties. On December 31, 2003, the same date when the Organic Laws and Statutes Committee of Legislative Yuan was to deliberate the bill of Organic Act of National Immigration Agency (ylr•D}T~hO), AHRLIM held a press conference titled “Halt Deliberation, Begin Public Debates—We Demand a National Immigration Agency that protects human rights!” In this conference, AHRLIM successfully mobilized legislators from different political parties, including one from the ruling party, to appear at the press conference and sign a symbolic “Treaty of Immigrants” vowing to protect human rights of immigrants and migrants. As the result of previous efforts of lobbying, AHRLIM gained support from steering committees of opposing parties in Legislative Yuan. The majority party in Legislative Yuan decided to initiate a “counter-mobilization order” so that the Organic Laws and Statutes Committee could not meet quorum to proceed the meeting, even though the ruling party tried every means to mobilize their party members in the Legislator Yuan.

The government was determined to pass swiftly the Organic Act of National Immigration Agency and made several attempts to deliberate the bill, but eventually failed because of AHRLIM’s continuous efforts of lobbying. Since the government’s plan to establish NIA was temporarily halted, AHRLIM had begun to examine the government’s proposed amendments to the Immigration Act and draft the Alliance’s own proposal in order to establish acceptable norms for a comprehensive immigration policy. To this end the Alliance held four rounds of
public forums in northern, central and southern Taiwan, where NGOs and concerned citizens and immigrants discussed the current immigration policy and related issues, and the principles of the Alliance's draft on the amendments to the Immigration Act. In addition to public forums, to raise the public consciousness of the human rights issues of immigrants and migrants, AHRLIM took up on various incidents to expose issues related to the situation of immigrants and migrants, and the problems of immigration policies and regulations. For instance, on March 5, 2004, AHRLIM united with organizations of Mainland spouses held a rally in front of Executive Yuan, after the Executive Yuan stipulated that spouses from Mainland China should present proof of properties worth of five million NT dollars (around U.S$150,000). On July 12, another rally was organized in front of Ministry of Education condemning outrageous statement by the Deputy Minister of Education, who openly urged all directors of bureau of education attending a national conference to “discourage foreign brides from having so many babies” because of their “ill quality,” which is not at all supported by any solid research and reflects sheer prejudice and discrimination. On August 2, AHRLIM protested against Council of Labor Affairs’ policy of “money-flow management” for migrant workers. Being increasingly pressured by AHRLIM as the results of continuous protest action, governments often were forced to respond, such as cancelling the financial requirement of properties worth of five millions for Mainland spouses, public apology from the Deputy Minister of Education, and postponing the money-flow management policy.

Immigration Act is the legal basis of immigration policy, and the Executive Yuan already submitted amendment of Immigration Act on December 2003, whose contents, unfortunately, were filled with discrimination and were considered anti-human rights of im/migrants. AHRLIM therefore decided to take up the tasks of reforming Immigration Act. After intense and detailed discussions and debates (through weekly meetings and listserv discussion) for more than one year, the Alliance submitted its draft on the amendments to the Immigration Act, with endorsements from many legislators of all political parties, to the Legislator Yuan in March of 2005, which passed committee reviews and is currently at the final state of negotiations.

Strategies of Advocating Immigrant Rights

Construction of Public Awareness

As theorists of “framing processes” argue, any social movement needs to construct discourse that earns public support and thus establish its legitimacy, which in turn becomes social pressures to force changes of the states. Since the immigrant movement began, one challenge was to confront the public concerns and worries about negative impacts of the immigrants. The strategic framing that AHRLIM adopts is to radicalize the existent values and rhetoric, to construct the “betweenness” of “us” and “them” and to demonstrate the subjectivity of marriage migrants.

I. Radicalizing existent values and rhetoric

To establish dialogue with the public, AHRLIM has gradually radicalized existent values/rhetoric, including human rights, multiculturalism and democracy. Since President Chen won the election in 2000, the first time the opposition party won presidential election over long-ruling KMT, “nationhood based on human rights principles” (NkzW) has become very popular rhetoric among politicians. To radicalize this rhetoric, AHRLIM used it to open up its first statement,

The Government of Taiwan, which espouses a concept of nationhood based on human rights, is always touting its human rights record, yet has consistently ignored the rights of immigrants and migrants in its actual policies.... As the media stirs up fear in Taiwanese society, the Government promotes policies that actively prevent new migrants and immigrants from enjoying the same rights and benefits allowed to other residents of Taiwan even as they work and make a positive contribution to Taiwanese society. In order to promote both the Human Rights of immigrants and migrants, as well as the development of a healthy,
pluralist society, a group of non-governmental organizations concerned with Human Rights, immigration policy, foreign labor, and democracy have joined with lawyers and scholars bearing a long term interest on these issues to form The Alliance for Human Rights Legislation for Immigrants and Migrants.

Since the ROC is not recognized by most international organizations, it has been the primary national anxiety to prove to the world that Taiwan has achieved the international standards on all grounds hoping to gain more support from international community for Taiwan to be recognized as an independent state. The Alliance has purposefully used such international conventions as the Universal Declaration of Human Rights to push for a more inclusionary immigration policy. As stated in its first signature campaign, the Alliance’s position was:

*Every individual enjoys basic human rights, regardless of race, color, gender, language, religion, political or other creed, nationality, social status, wealth, place of birth, or any other social distinction. We support plural social development and the promotion of social dialogue designed to eradicate discrimination.*

To protest against Council of Labor Affairs’ decision to increase medical check-ups for foreign teachers, AHRLIM in collaboration with a group of radical scholars demanded the government to implement President Chen’s promise at his inauguration speech for his second term, where he declared, “everyone is equal—whether you are from Tainan (his home county) or Vietnam, and should be protected for basic human rights.”

In addition to human rights issues, ethnic issues were critical appeals for mobilization in the opposition movement before DPP gained power in 2000, among which criticizing the “national language policy” was a crucial strategic framing weakening the legitimacy of KMT government. Since DPP gained the power, ethnic issues continue to be the focus. As a result, revitalization of ethnic languages has become a commonly accepted rhetoric, helping to in turn spread the concept of “multiculturalism.” The DPP government has carefully employed the concept of multiculturalism to portray its governance as being more democratic and progressive, such as establishing Council for Hakka Affairs, and two TV stations for Indigenous Peoples and Hakka Peoples. DPP government further uses these “multicultural images” to promote international relations, especially employing symbols of Indigenous Peoples for publicity in international events (e.g. propaganda to attract foreign tourists and official gifts for diplomatic delegates.) However, these seemingly progressive values are very exclusionary in practices. For example, “mother tongues” of the Southeast Asian immigrant women have been ignored and devalued. AHRLIM and affiliated organization have taken every chance to radicalize meaning of “multiculturalism” by appealing to include languages and cultures of the new immigrants as part of Taiwanese multi-cultures. On celebrating Mother’s Day in 2004, AHRLIM and affiliated organizations co-sponsored an activity titled “Mother’s Name—Acknowledging New Immigrants and Migrants” with the purpose of “encouraging the public to acknowledge rich cultures the new immigrants have contributed to Taiwanese multiculturalism…... and striving to make Taiwan an island filled with rich cultures, respecting each other’s cultures, different voices and faces.” To radicalize this politically correct rhetoric of “multiculturalism,” AHRLIM and its affiliated organizations have argued that the mother tongues and cultures of these immigrant women should also be respected, the immigration policy should not be based on assimilation, and thus the san juanis tradition of incorporation based on blood should be changed.
Similarly, “democracy” has long been regarded as an important national identity, in contrast with China, especially since DPP won their first victory over the presidential campaign in 2000. Additionally, related concepts such as “citizenship” (or citizen’s rights) and “civil participation” are also common political rhetoric. However, as Faulks (2003) pointed out, values of capitalism, and liberal and republican citizenship are in contradiction. As market values become more dominant, values of citizenship are often forced to take the backseat. Globalization further intensifies this contradiction and immigrant/migrant issues have become symptoms of this contradiction.

The seemingly universal value of “citizenship” or “democracy” is indeed embedded with material bases. On the one hand, the Taiwanese government has increasingly set up barriers for marriage migrants to acquire formal citizenship. They must overcome several obstacles including having a medical inspection, staying in Taiwan for a certain period of time, abandoning original nationality, submitting financial proof and passing Chinese proficiency exam. The one that troubles the marriage migrants and their families most is the requirement of the financial proof. The family should hand in a proof of financial security in very strict forms, including a bank statement or official receipts for income tax of which the amount should be at least equal to 24 times of the minimum wages (about NTD. 410,000d under present standards). Prior to 2004, another alternative form of financial proof was that they had to own the real estate worth of more than NTD. 5,000,000, which was scrapped after the protests organized by AHRLIM. Since many marriage migrants and their Taiwanese husbands work in an informal sector (such as peddlers, workers paid by hours, small farmers, etc.) they do not have the official receipt of income tax and therefore are forced to borrow money to obtain a bank statement. Many international marriage families are forced to borrow money from agents and are exploited by the loan sharks. This makes the ordinary families even worse.

Since the welfare system in Taiwan is based on household units and identification cards (proof of citizenship), immigrant women who do not obtain Taiwanese citizenship are ineligible for social services and welfare benefits. Battered immigrant women without Taiwanese citizenship are deported if they get divorced; given that custody of the children is often granted to Taiwanese fathers, this deportation would make them unable to return to Taiwan to visit their children. Consequently, battered immigrant women often decide to endure domestic violence for the sake of their children. The husband’s power over immigrant women is thus sanctioned by the state. The Taiwan government does not grant citizenship to foreign women as an inalienable right, but rather preconditions citizenship on their status as wife of a Taiwanese man. The financial proof blocks the women from becoming Taiwanese citizen and prevents them from actively participating in the society. Even when marriage migrants obtain formal citizenship, since they are greatly constrained by language barriers, economic conditions and discrimination, they apparently lack access to implement their substantial citizenship, that is, to become active participants in public issues and enjoy the essence of democracy. Therefore, one of the three demands of AHRLIM’s protest against the government’s proposal of National Immigration Agency thus employed the framing of “democracy.”

Taiwan is a democratic country, where people have freedom and capacity to express their opinions about various issues. However, the government's policies and laws related to the human rights of im/migrants have never been publicly discussed, nor have they considered the rights of migrant workers, not to mention the importance of immigration policy for the prospects of Taiwan societies.” AHRLIM argues that since immigration policy is “a matter of the rights of im/migrants and their families, and what is embedded in immigration policy is what the society thinks of itself, and influence Taiwanese people’s image of ‘citizens’ and their identity,” they demand to “expand public discussions so that im/migrants and their families, and the general public can fully understand and participate.”
In short, to move immigrant movement forward, one strategy is to radicalize all seemingly progressive political rhetoric—such as human rights, multiculturalism and democracy—in order to transform public discourse to be more receptive of new immigrants.

II. Constructing “Betweenness” of Us and Them

In addition to radicalizing the existent values and rhetoric, constructing a sense of empathy in the public discourse is another important strategy. In the first petition of AHRILM, it pointed out the fact that most “Taiwanese” are decedents of immigrants to construct the sense of connection between “us” (the “Taiwanese”) and “them” (the so-called “foreign brides” and “foreign workers”). It was stated, “Taiwan’s migratory population did not just appear out of nowhere in the last two years. Our ancestors were precisely those hardy souls who traveled, in small groups, across the ocean to brave a new life in Taiwan. Ironically, today’s Taiwanese society, itself composed of immigrants, looks upon new migrants and immigrants with fear and casts them into exclusion.” By recalling the histories and memories, AHRLIM aimed at constructing the sense of empathy among the Taiwanese so that they can better understand the issues and conditions of im/migrants.

The media regularly depicts spouses from mainland China and other nations and their families in stereotyped images that alternately cast immigrants and migrants either in terms of greedy, unscrupulous parasites or in terms of dysfunctional families responsible for social unrest. The administration’s crude measures simply assume that foreign and mainland Chinese spouses are criminals. In spite of the numerous flaws in the methods used to compile statistics on acculturation, the thoroughly unpersuasive results as derived from such controversial studies are often cited by local governments deliberately hoping to create the idea that “false marriages” run rampant. Immigrant interviews that invade privacy and infringe upon human rights have even been turned, quite unbelievably, into signs of achievement in political commercials promoting the government’s track record. Against the ideal of a nation based on the concept of human rights, Taiwan has let the actual situation on the ground deteriorate to the point that government policies and media reports definitively serve only to sow hate and reinforce public misconceptions.

In my previous work, I argued that “the hierarchical self/other boundary is foundation of the reproduction of social order. ‘Betweenness’ is the way to break away the circle of perpetuation.” (Hsia, 1997) Certainly, every individual has unique biography, yet individuals have never been isolated creatures. Our thoughts and action are always formed and influenced by social conditions. However, in the dominant mainstream discourse, “differences” are what attract us and become our “gaze”. For instance, working class in the “first” world countries usually do not identify with the migrant workers from the “third” world countries based on their common working class identity. Rather, the former often “gaze” on the “inferior” nationality of the latter, and their “evil” intention to “steal” their jobs. Consequently, the strategy of transnational corporations to maximize their profits by exploiting the cheapest labor all over the world remains intact and unchallenged. The boundary of Self and the Other is inevitable. The moment we write or speak the words such as “we” and “they,” the boundary is established. However, boundary does not necessarily lead to hierarchy. For example, although a White women do not have the same experience as a Black man, yet her experiences of being oppressed as a woman can be linked to the experience of being oppressed as a Black. Racism and sexism may appear as two different things on the surface. However, if we look into the “connectedness” and “betweenness,” we would notice that struggles and frustration in the process of resisting these two forms of discrimination are indeed similar.

The “betweenness” or “connection” of experiences can effectively open the door for empathy, through which a more critical perspective can develop to examine the structures where personal experiences are embedded in. For instance, from my experience of conducting workshops for Taiwanese to understand the issues of immigrants, I find that the most effective mechanisms to change the participants’ perspectives is what I call a “shock” exercise. After watching a short film about immigrant issues, I unexpectedly held the discussion in English. By being forced to stay in a situation where the language is foreign to them, the participants quickly developed all kinds of emotions, such as frustration, anxiety, fear, anger, etc. In the sharing after this exercise (in Chinese), the participants all enthusiastically expressed their empathy with the marriage migrants and further discuss what can be done to help the immigrant women. Many of the participants after the workshops began to actively develop various
programs in their communities for the immigrant women with the critical understanding of liberation education and related issues. Additionally, by various means, including lectures, newspaper articles and books, to recall the historical memories of Taiwan as a society of immigrants and their descendents, and experiences of Chinese immigrants being discriminated in the U.S., is to transform Taiwanese gaze to see their “betweenness” with the immigrant women.

In addition to creating a sense of empathy, “betweenness” may trigger strong feelings that lead to action. As Paulo Freire (1970) maintains, people are prepared to act only on issues about which they feel strongly. For instance, many Taiwanese volunteers actively participate in tasks and issues related to immigrant women, after they realize the similar situations with them as women, daughters-in-law, and mothers, which helps the making of immigrant movement in Taiwan.

III. Demonstrating the Subjectivity of Immigrant Women

To ensure the legitimacy of the immigrant movement, it is essential to have active participation of immigrants themselves. Many social movements impose themselves as the “spokespersons” on behalf of the marginalized mass neglecting the subjectivity of grassroots in the movement. More often than not, the mass that participate in the protest action is “mobilized” without knowing fully the issues at stake and sadly becoming only “props.” Since long before AHRILM was established, TransAsia Sisters Association, Taiwan (TASAT) had been empowering and organizing immigrant women for eight years and consequently the subjectivity of the immigrant women have been gradually developed in the process, the “legitimacy” of immigrant movement in Taiwan can be founded. At the first protest initiated by AHRILM, immigrant women organized by TASAT were at the front line voicing their dissent by performing a short play in front of the Legislative Yuan. The immigrant women of TASAT have become significantly more active after their first protest, often participating in AHRILM activities, speaking at protests or press conferences, and sharing their experiences and opinions at various activities.

In the morning of July 6th, 2005, Southeast Asian sisters from Taipei, accompanied by many women’s, workers’ and human rights groups, awaited sisters from Southern Taiwan, who took a mid-night bus with their husbands, children and Taiwanese friends, to join the protest in front of the highest central government, Executive Yuan, against their decision to increase obstacles for obtaining citizenship.

On September 9, 2007, to protest against the financial requirement for applying citizenship, TASAT along with other organizations that form Coalition Against Financial Requirement for Immigrants (CAFRI) took up to the street demanding the scrap of the “proof of financial security.” This rally is considered historical and caught media attention because it is the first time in Taiwan history that hundreds of marriage migrants from all parts of Taiwan join the rally.

To demonstrate the subjectivity of immigrant women, it takes a long process of empowering. To take TASAT as an example, it was formally established on December 7, 2003, yet, the origin of TASAT dates back to the “Foreign Brides Chinese Literacy Program,” founded at Meinong, Kaohsiung, 1995. After various trials and errors, the Chinese Literacy Programs gradually develop programs based on the combination of the “Pedagogy of the Oppressed” and the “Theater of the Oppressed.” Via learning Chinese, TASAT has gradually enhanced the civic participation of immigrant women, making them better able to communicate with local Taiwanese and to create a network among themselves. The involvement of local Taiwanese volunteers also has helped create a more friendly environment for the immigrant women.

In addition to empowering immigrant women and Taiwanese volunteers, TASAT has also made efforts to change the public perceptions of immigrant women. Through such methods as seminars, writings, and films, TASAT and her members constantly strive to create a sense of betweeness among Taiwanese and the immigrants. This is done in part by pointing out the similarities that exist between the biographies of both. Stories used to
create empathy include the facts that most Taiwanese citizens are descendents of immigrants who arrived at different times in Taiwan's history and that many Taiwanese citizens have experienced prejudice and discrimination migrating to first-world countries.

The voices of immigrant women often are able to help subvert the public image of immigrant women as submissive, problematic, and incompetent. Via theater, paintings, writings, and other types of sharing at various forums and activities, immigrant women have changed many Taiwanese's stereotypes. Another more recent effort to change public perceptions is TASAT's offering of public language and cultural courses on Southeast Asia that are taught by the immigrant women themselves. In September 2005, the first book of a collection of writings, paintings, and pictures of immigrant women was published. Entitled “Don't Call Me Foreign Bride” (NSbYM eZ), the book has caught public attention (The first print was sold out in less than a month). As the editor of this book, I noticed that one of the most common responses from readers has been amazement over how talented immigrant women are, and how the book has made many readers so much more appreciative of multiculturalism and aware of their own prejudices.

As figure 1 indicates, the process of empowering immigrant women from TASAT experience is based on fulfilling their practical needs of learning Chinese and gradually moves towards meeting their strategic gender needs. Via fulfilling their needs of learning Chinese, the literacy program aims at creating a space for group dialogue by encouraging immigrant women to share experiences. From this space of group dialogue, “foreign brides” gradually transforms from individual subject, then communal subject, and further become historical subject actively participating in public issues and involving in immigrant movement, which meets their strategic needs. This subjectivation process is dialectical, rather than a linear process. At every bottle neck and crisis encountered, various methods are used to create “mirroring” effects where immigrant women can look at the situations from a distance and reflect on themselves, which then leads to discussion, adding necessary input, and collectively finding resolutions and further action. Moreover, the contents of strategic gender needs are not predetermined. Rather, it is developed in the empowering process where new needs are developed as we continuously strive to break away obstacles. For example, since TASAT was formally established, the needs of transforming public images arose, so action to train immigrant women as teachers for multiculturalism and Southeast Asian cultures was initiated. As immigrant women became more aware of the impacts of immigration policies and laws on their welfare, TASAT began to work with other organization to establish AHRLIM to transform policies and laws. (for detailed discussion, see Hsia 2006)

Figure 1: Subjectivation Process of Immigrant Women

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<th>Practical Gender Needs</th>
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<td>Individual Subject</td>
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Confronting National Anxiety: Strategies of Transforming Media Construction

The Taiwanese media construct the “foreign brides phenomenon” as a social problem. The brides are portrayed either as passive victims or materialist gold-diggers, and prone to committing crimes, while the bridegrooms are portrayed as the “socially undesirable,” including physically or mentally disabled, and morally inferior (Hsia 1997), which reflects Taiwan’s national anxiety that perceives these marriage migrants from neighboring poorer countries as the threat to Taiwan’s economic miracle under capitalist globalization (Hsia 2007a).

By better understanding the politics of media construction, we can transform the dominant discourse more effectively. To ease the national anxiety, several strategies are employed by the im/migrant rights movement to provide alternative perspectives, in contrast to the dominant discourse. In addition to use of alternative media, such as documentary films produced by organizations involved in the movement, we also maneuver to attract attention from the mass media and report alternative perspectives the movement organizations want to project.

Knowing the crucial roles the media play in constructing realities, movement organizations cannot only rely on alternative media, but also have to engage in the public discourse by gradually transforming the media construction. Despite of structural constraints on the agency of media workers, such as the control by the governments and corporations, Chang (2002) found that conscientious journalists often use tacit strategies of resistance, such as fulfilling routine requirements on time to spare more time and energy for more in-depth and interesting reports. Those who have accumulated enough experience and expertise on certain subjects may also exert their power of knowledge to gain more freedom from supervision and more control of their stories. Instead of avoiding the media, we had learned from our experiences that it would be more effective to work with more conscientious and experienced journalists who have earned their reputation and are willing to find tacit ways of resisting media corporations. By working closely with these journalists, we can more effectively have our critical perspectives heard in mass media.

To increase the chances of being reported in mass media, several strategies are employed. One of the main mechanisms of media construction is “authorizing description”. To increase the chance of being reported in the mass media, we have organized scholars and experts on “foreign brides” issues and make sure that, at every press conference, speakers with established expertise will participate, so that their critical perspectives will be included in media reports.

Another strategy is to actively provide the media with scenes and stories that would be considered worth reporting and can provide them with alternative frames of discourse. For example, at the first protest initiated by AHRLIM, marriage migrants organized by TASAT were at the front line voicing their dissent by performing a short play in front of the Legislative Yuan, which received great media attention. Another example was that in the morning of July 6th, 2005, immigrant women organized by TASAT took a midnight bus with their husbands, children and Taiwanese friends, to join the protest organized by AHRLIM in front of the Executive Yuan, against its decision to increase obstacles for obtaining citizenship. A major newspaper significantly reported this protest the next day with a vivid caption under the picture, “New Immigrants Fighting for Rights: To Appeal for Suspending Exams Newly Required for Naturalization. A Group of Foreign Brides Marched to Executive Yuan with Traditional Straw Hats under Scorching Sun.” The steadfast looks of the immigrant women, with no signs of tiredness from a midnight bus trip, marching like heroines, were captured and crystallized as historical moments by photographers and reporters. This scene is in sharp contrast with how “foreign brides” used to appear in the media, helpless and shameful, and this historical scene captured in the picture was repeatedly used in the newspapers afterwards.

It is crucial to note that the “foreign brides” need a process of empowerment before they can appear in front of the public and the mass media with great confidence, and consequently drastically challenge the mainstream construction of them as problematic. Without this process of empowerment (see Hsia 2006), “foreign brides”
often appear as victims and reinforce the dominant media construction of them as problematic. With the confidence, immigrant women organized by TASAT have become significantly more active, not only being present, and speaking at various protests, but also giving lectures on multiculturalism and Southeast Asian languages and cultures. In 2005, they collectively published a book entitled Don't Call Me Foreign Bride, drawing great media attention at the press conference for their book launch. These activities are not only considered by the media as worthwhile covering, but also suffice as viable images and perspectives critically challenging the existent media construction. In short, by actively engaging in the politics of media construction, the movement organizations have gradually transformed media construction, and consequently the public discourse, of the “foreign brides phenomenon.”

To sum up, the formation of immigrant movement in Taiwan can be illustrated as Figure 2. After years of empowerment, as immigrant women became more aware of the impacts of immigration policies and laws on their welfare, TASAT began to work with other organization to establish AHRLIM to transform policies and laws. The active participation of immigrant women, the legitimacy of immigrant movement initiated by AHRLIM has been established. AHRLIM aims at changing the public perception of immigrant women, and immigration laws and policies. By actively participating in the alliance for movement and being able to transform public images and state policies, immigrant women are further encouraged and their sense of historical subject is strengthened (Hsia 2006).

Figure 2. The Formation of Immigrant Movement in Taiwan

Organizational Strategies of AHRLIM

Heterogeneity with the Basis of Unity

AHRLIM was initiated by Awakening Foundation in late 2003, after her involvement in related issues. In response to the “foreign brides phenomenon,” the original position of the central government was to ignore it wishing that it was only a short-lived fad and would disappear in a few years. The government's position dramatically changed recently. The watershed of this change in position was the realization of the increasing number of foreign brides’ children. In December of 2002, the Ministry of Interior released statistics indicating that one fourth of newlywed couples were Taiwanese with foreigners (mostly brides from Southeast Asia and Mainland China) and around one eighth of the new born babies were children of foreign brides. The Ministry of Education released other statistics in 2002 indicating that the number of foreign brides’ children in first grade had increased five-fold.
in six years. Without any solid research, the Ministry of Education immediately initiated various programs with enormous funds to “improve” the quality of foreign brides’ children, whose underlying ideology is racist and classist (Hsia, 2007). As the result of assuming the “ill quality” of marriage migrants and their children, Taiwan government began to devote much attention to these issues around 2002. As one of the leading feminist organizations in Taiwan, the government often invited Awakening Founding for various consultation meetings. As the Board Member of the Awakening Foundation at that time, I was constantly consulted by the staff concerning issues related to marriage migrants. After careful discussion, we concluded that our efforts and energy should not be drained by countless meetings with the governments, which were often used by the government as endorsement from NGOs. Since the government was rushing to establish the National Immigration Agency whose organizational structure and principles were problematic, we found it urgent to consolidate efforts and strength from more critical NGOs and experts to advocate rights for immigrants and migrants. To develop the movement for im/migrants issues, we decided to initiate an alliance comprised of organizations and experts concerning for immigrants and migrants issues. Awakening called for a consultation meeting on November 6, 2003m where organizations, scholars and legal experts concerning human rights, women, workers, marriage migrants, migrant workers discussed the situations and the possibility of forming the alliance. After two consultation meetings, the Alliance for Human Rights Legislation for Immigrants and Migrants, whose founding organizations include Awakening Foundation, TransAsia Sisters Association Taiwan, Taiwan Association for Human Rights, Women Labor Rights Association and Rerum Novarum.

The composition of the AHRLIM is very heterogeneous, because we believe that immigration issues should be very comprehensive and by forming the alliance, we wish to broaden our perspectives and through the heterogeneous networking, we can reach to different sectors and gradually develop a more comprehensive movement for im/migrant issues. Though heterogeneous, the alliance had its basis of unity from the beginning. As stated in the first signature campaign, the position of AHRLIM is,

Every individual enjoys basic human rights, regardless of race, color, gender, language, religion, political or other creed, nationality, social status, wealth, place of birth or any other social distinction. We support plural social development and the promotion of social dialogue designed to eradicate discrimination.

This position was discussed by the founding organizations and served as the basis of unity. After the signature campaign, AHRLIM invited all organizations and individuals who agreed with the basis of unity to join membership (both organizational and individuals) of AHRLIM. More organizations and individuals have joined AHRLIM. AHRLIM has been a generally open and loose coalition without any organizational hierarchy or even secretariat. Though we value heterogeneity, AHRLIM decided to have a basic rule for recruiting new member. To ensure the basis of unity, new member must be recommended by existent member, and endorsed by three additional members, without any objection.

Conscious efforts to avoid spotlights on individual organizations

Since AHRLIM was initiated by Awakening Foundation, spotlights were easily cast upon Awakening Foundation at the beginning. For instance, the news coverage on AHRLIM’s first protest action often framed the action as initiated by “women’s organization.” To ensure AHRLIM as a collective effort with a comprehensive agenda of im/migrant issues, Awakening made conscious efforts to project AHRLIM, instead of any individual organization. Efforts include that representatives of other organizations take turns to be the contact persons for the press and to serve as the moderators and speakers at AHRLIM’s activities. As the results of these conscious efforts, AHRLIM soon became recognized as a collective by the media and even government agencies. Although AHRLIM does not have any office or even a secretariat, when necessary, governmental agencies respond to our protest action by writing official documents and letters addressed to AHRLIM rather than any individual organizations.
Finding Links to Different Interests

Being a heterogeneous formation, one major challenge for AHRLIM is to create an environment where different members find appropriate angles for them to be more involved and consequently, AHRLIM can be a more solid alliance even though we still stay as a loose coalition. As the representative from Taiwan Human Rights Association reminded us after AHRLIM initiated the first signature campaign, “there are so many signature campaigns everyday that people do not even bother to read it. Some organizations may support it, but only to show their spirits of solidarity. If we do not find ways for them to see the close connection between AHRLIM’s concerns with their own concerns, they will not be committed to im/migrant issues.”

AHRLIM is an open alliance welcoming concerned individuals and organizations to participate (Chen 2006). AHRLIM has tried to find links of issues to various individuals and organizations. For example, law professor and professionals contribute a lot for AHRLIM to draft amendment to immigration law, and to analyze issues and come up with strategies from legal perspectives. Member organizations that have expertise in advocacy are more familiar with tactics of lobbying with legislators and negotiation with governmental agencies, while organizations that provide direct services or grassroots oriented (whose members are mostly im/migrants) can bring to AHRLIM problems they encounter from first hand interaction with im/migrants. Essentially, AHRLIM appreciates expertise of different individuals and organizations, and members can enrich each other via working together in AHRLIM (Awakening 2006).

Overcoming communication barriers and Ensuring Democratic Decision

Ideally, we would like to have every member participating in AHRLIM’s meetings. However, many members cannot attend meetings because of their time limits, personal priorities, long traveling distance (meetings are mostly held in Taipei), etc. To encourage members to participate, AHRLIM created an e-group where all members can discuss issues. Agenda are always posted before meetings and minutes are also posted after meetings for all members to comment and discuss. The importance of e-group becomes clearer when AHRLIM expand membership to individuals and organizations in southern Taiwan, to be further discussed in the following. As one member based in southern Taiwan remarked (Chen 2006), “Since we are part of the listserve, when there are some issues we are concerned, we just raise the issues and participate in the discussion. So when necessary, it’s fast to mobilize people..... It had been proven later on that we use the mechanism of e-group discussions is a correct decision.” This mechanism of e-group discussion helps those who cannot attend actual meetings comment and discuss, and consequently makes the functioning of AHRLIM more open and democratic (Chen 2006).

In addition to e-group discussion, to ensure a more democratic mechanism of decision making, AHRLIM employs the principle of consensus. From its start, AHRLIM has cared much about the building of consensus and trust among members. To avoid division and split, AHRLIM has not employed voting to make decision. All decisions, including initiating activities and recruiting new members, have been made by consensus. If any member objects, AHRLIM continues the discussion, until consensus is reached. Sometimes consensus takes time and consequently AHRLIM cannot respond immediately to certain issues. In these cases, some individual organizations will initiate action on their own, instead of using the name of AHRLIM. (Chen 2006). These efforts of establishing consensus, especially at the earlier stage of AHRLIM, are crucial to develop a more solid alliance with members from very heterogeneous background.

Consolidating Efforts

Since im/migrants issues are very complicated and AHRLIM has been tackling a lot of issues, from physical abuses of im/migrants to condemning discriminatory remarks by politicians. Knowing that the movement for advocating im/migrant rights will be long term, AHRLIM found it necessary to prioritize issues and consolidate our efforts to reach our goals gradually. After Executive Yuan’s to establish NIA was successfully postponed by AHRLIM, we began to examine the legal ground of immigration policy and set a concrete goal of reforming
immigration act. When AHRLIM take up certain issues, we try to link the issues to immigration act and expose how the present immigration act is anti-human rights of im/migrants and advocate AHRLIM’s position of reforming immigration act. By concentrating our efforts in reforming the immigration act, and thus the orientation of immigration policy, AHRLIM has been able to consolidate various protest action, forums and other activities. Moreover, by working collectively in studying and revising immigration act and related policies, members of AHRLIM have gradually developed more trust and consensus, which in turn strengthen the coherence of AHRLIM. After the goal of reforming immigration act is achieved, AHRLIM will discuss and decide collectively the next goal in the coming years, so that the movement of advocating im/migrant rights can be further enhanced.

Expanding Solidarity

With the understanding that immigration issues should be comprehensive, AHRLIM has made efforts to expand our network. For instance, since TASAT has offices both in Taipei and Kaohsiung (in southern Taiwan), staff of TASAT tried to link individuals and organizations in southern Taiwan to AHRLIM. Secretary General of TASAT based in Kaohsiung has developed network with organizations in southern Taiwan which offer direct services to marriage migrants. Those service-oriented organizations were very rich in knowing the problems marriage migrants were facing, yet often were unaware of how policies and laws had been causing these problems. After AHRLIM held consultation meetings in Kaohsiung on October 23, 2004, TASAT tried to develop a network of organizations and individuals concerned with im/migrants, where they could share experiences and discuss issues. Gradually, the network in southern Taiwan became involved in AHRLIM. Via e-group discussions, organizations in the south are more aware of how policies and laws affect the lives of im/migrants and the strategies to change them. Similarly, individuals and organizations based in Taipei can learn much from the problems these service-oriented organizations encounter in southern Taiwan. The network developed in southern Taiwan become very crucial when AHRLIM decided to expand network and form Coalition Against Financial Requirement for Immigrants, which will be discussed later in this paper.

To reach out broader public and develop network with other progressive organizations, AHRLIM collaborated with a well-known group called “Trees Music & Art” (‘Y’Y9j) which has organized annual “Migration Music Festival” (AmjmKNLkJ). We organized the first Migrant Workers Singing Contest on October 18, 2006, as part of the series of Migration Music Festival 2006. The purpose of the contest is to allow migrant workers to gather together and showcase their talents, and to promote a better understanding of their cultures and lives among Taiwanese people. Since Migration Music Festival has attracted much audience and it shares with AHRLIM the common goals of advocating Southeast Asian cultures and migrants rights, AHRLIM wished to reach out to the public interested Southeast Asian music and make them more aware of im/migrants issues. On October 2007, AHRLIM continues to collaborate with Migration Music Festival with the singing contest titled “Southeast Asia Sings!” (F}qgWSNvr) In this second contest, the goal is to encourage participants from different nationalities to learn Southeast Asian songs.

Since immigration laws are complicated and the tedious procedures of reforming the laws are often seen difficult to be involved. To reach out broad spectrum of people and organizations, expand solidarity work and help those concerned with im/migrant issues be involved in the campaigns for the rights of im/migrants, AHRLIM
initiated the formation of Coalition Against Financial Requirement for Immigrants (CAFRI). Since members of AHRLIM found that most service-oriented organizations condemn the financial requirements for marriage migrants to apply for citizenship and this financial proof is considered by marriage migrants and their Taiwanese families the most outrageous, AHRLIM decided that a broader coalition for campaigning against the financial proof is necessary. In addition to the member organizations of AHRLIM, CAFRI was joined by dozens of other organizations. CAFRI initiated a petition against financial requirement, which has been endorsed by more than one hundred organizations and more than 1300 individuals. After a series of protest action, CAFRI organized a rally on September 9, 2007, where hundreds of marriage migrants from Southeast Asia and Mainland China joined hand in hand to oppose the financial requirement for naturalization. This rally was historical because it was the first time in Taiwan history that marriage migrants from all over Taiwan took to the street to protest against policies violating their human rights.

Conclusion

Movement advocating for immigrants rights should be multi-sectoral, since immigration issues are comprehensive and related to various issues including gender, class, ethnicity, human rights, etc. The experience of AHRLIM shows how an alliance of organizations and individuals with different interests but with a common concern for im/migrants can work collectively to propel the immigrant movement. Many challenges are facing AHRLIM, such as how to sustain it without a formal organizational structure, and how to further transform the anti-migrant state and public. Nevertheless, AHRLIM has demonstrated one way of making the dream of the immigrant movement a reality. It is important for us to compare different approaches of developing immigrant movement and enrich each other’s experience. It is especially imperative for us to develop an international network as we notice that marriage migrant issues are becoming global and many nation-states have been implementing related laws and regulations. Moreover, government agencies often employ other countries’ laws and regulations as references, either to learn from others or to legitimate their policies. For instance, to defend its reluctance to scrap financial requirements for marriage migrants to apply for citizenship, Ministry of Interior of Taiwan continuously argues that financial requirement is “universal norm” (“Nv6q”). MOI even bought a half page advertisement in one major national newspapers citing regulations from other countries, including U.S., Canada, Australia, New Zealand, Germany, Japan, South Korea and Singapore. Since AHRLIM’s members have developed contacts with organizations or individuals in different countries, we were able to collect information from these countries whose policies and regulations were obviously distorted by Taiwan government purposefully to defend its anti-human rights policies. It is from AHRLIM’s vivid experience that we find it imperative to develop an international network of organizations advocating for immigrants rights, so that the rights of immigrants can be further protected and the power of immigrants themselves can be further strengthened!
Reference


(Footnotes)

1 In the Chinese literacy programs and subsequently the formal organization, TransAsia Sisters Association, Taiwan, Taiwanese volunteers call immigrant women from Southeast Asia “sisters.”

2 “New Immigrant Women” were commonly called “Foreign brides (spouses),” which was considered derogatory. In 2003, via a “naming campaign” initiated by Awakening Foundation, one of the leading feminist organizations in Taiwan, “new immigrant women” was voted by participating “foreign brides” as their favorite choice of term.

3 Marriage migrants from Mainland China are also referred to as “Mainland brides.”

4 According to this proposal, 75% of NIA personnel would be officers transferred from Police Departments.

5 Many NGOs have “foreign brides” present at the press conferences with tears and even with their faces covered. This may be well-meaned to raise public awareness of the problems “foreign brides” are facing, yet it reinforces the mainstream images of the “foreign brides” as problematic and helpless victims.

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Advocating the Rights of Foreign Brides in Japan

Panel 5 Presentation

By Butch M. Pongos, Vice Chairperson, Filipino Migrants Center (FMC), Spokesperson, Migrante-Japan

Thank you for inviting me to share our experiences in the areas of advocacy and coordinated actions concerning immigrant brides or “foreign brides” in Japan in Japan.

If there is one important lesson we learned in the conduct of our advocacy work in Japan concerning immigrant brides, it is definitely the understanding that advocacy in order to breakthrough or effect meaningful change must be backed by a strong movement of people, organized and working together for a common objective.

This is not to undermine, however, the role NGOs play in advocating issues that concern the rights and interests of immigrant brides, in particular, and foreign migrants, in general. On the contrary, NGOs (NPOs or non-profit organizations as we call them in Japan) whether issue-based institutions or support groups carry platforms that help build consciousness and stir people to action. However, there are limits to what NGOs can do that people’s organizations and movements can to turn events and effect positive results for the good of the greater majority.

We advocate issues of foreign brides not merely to influence or pressure policy-makers to make necessary REFORMS for the safeguard and protection of migrants in general, especially those who have been abused and deprived of their rights. We are advocating their issues because we see the urgency of eradicating existing conditions that in our analyses are causing the plight of millions of migrants around the world, including immigrant brides, so that in the end, no human being, no migrant/immigrant worker is treated unfairly and denied of his or her rights and dignity.

Organizations of immigrant brides are a necessary tool to effect genuine and lasting change.

Organizing is the keyword. It is our biggest weapon! We learned in our discussions since yesterday that immigrant brides are confronted with various issues: border controls, government neglect, discrimination, trafficking and domestic violence, among others. These are urgent concerns that need immediate actions.

Immigrant brides need to rely on their strength to change their condition.

If there are now more than 8 million Filipinos in around 200 countries around the world, and another 40 million who directly or indirectly depend on their income abroad, you can imagine the power they have and what great things they can do to change their condition, and transform Philippine society in general.
While our advocacy work in Japan focuses on anti-migrant policies and programs of both sending and host governments, we do not stop at formulating alternative policies alone, nor do we content ourselves with miniscule reforms.

Our advocacy has gone farther than the traditional type of advocacy. We rely more on our strength built through years of conscious organizing rather than through seemingly never-ending discourse and tit-for-tat propaganda.

As I said, we aim for radical change. We carry policy papers and using traditional and non-traditional forms of action, we bring warm bodies to carry our message right at the doorstep of the powers that be. Because we want change, not just reforms, we engage policy-makers - and we do it more on action less on rhetoric.

Migrante-Japan is one example of such effort. It is founded by groups of Filipinos who see the value of coming together to build a strong alliance that works hand-in-hand with organizations of foreign migrants from other countries who face similar issues and share our common aspirations.

Migrante-Japan is part of a larger people’s movement of marginalized sectors in the Philippines struggling for genuine social transformation. It carries the platform of Filipinos in Japan, in particular, and foreign migrants, in general – for social, economic and political transformation. Through this type of formations, we are able to rally migrants together and raise their voice locally and internationally.

We hold street demonstrations, we picket concerned agencies, we ask people to sign petition letters, and we build alliances with other groups. We work hard to gather the broadest and strongest support for our causes.

When The Justice Ministry of Japan took the hard line policy of cutting down the number of undocumented migrants in Japan through tighter immigration controls, various groups of foreign migrants, including Filipinos, took their protest to the streets and formed their groups into a network to register their opposition.

What followed was a wave of protest against the proposed 1999 revision of the Immigration Control and Refugee Recognition Act, or the “illegal stay after illegal entry” policy of Japan. A people’s movement was born outside the halls of the Diet (Japanese Congress) that reverberated all over the country. Migrant communities formed themselves into groups while others, including support NGOs formed themselves into a loose network that complimented each other.

The movement created by this attempt of the Japanese government to flush down so called undesirable aliens created fear among foreign migrant communities which they answered positively through concerted actions. It delayed the passing of new amendments to the existing law and dowsed fear of a looming crackdown.

However, the proposed tightening of the law eventually caught up with hundreds of thousands of undocumented migrants in Japan when new amendments were passed in December 2004.

These amendments not only compromise basic human rights – it criminalize migrants in general, and it also has serious implications on immigrant brides, particularly those who have overstayed their residence visa prior to marriage and now undergoing divorce proceedings.

How does the new law affect immigrant brides in Japan? Let me share with you the plight of undocumented foreign brides in Japan and those whose marriage ended up in divorce.

In Japan, as in other countries, once you overstayed your visa, you immediately become subject to involuntary deportation. Immigrant brides are no exceptions.

Marriage to a Japanese is not automatically a guarantee that one can be allowed to stay in Japan. If you had overstayed your visa prior to the marriage and you were caught by either the police or immigration while still in
the process of applying for your “spouse visa”, you may be detained indefinitely, or until immigration or the Justice Ministry is convinced that your marriage is indeed legitimate and not “faked”. The burden of proof is in the shoulder of the undocumented immigrant bride. Those who were unable to convince immigration officials that their marriage was legitimate were immediately repatriated.

Immigration always assumes that having violated the law once before, any attempt at legalizing one’s status of residence could be construed as another attempt at committing fraud. There is a stigma. And the old adage that says, “a thief will always be a thief!” is labeled against them.

This situation prolongs the processing of visa or change of status. And almost always, the length of time spent inside detention depends on the ability of the foreign bride and her Japanese spouse to prove that the marriage is legitimate.

The Filipino Migrant Center (FMC) of which I am also a board member has documented numerous cases of Filipina brides who had endured months inside police and immigration detentions because they were caught by the police or immigration before filing their petition for change of status, or while waiting for the release of their spouse visa.

It takes a strong and organized movement of migrants and concerned groups to deal with this unfair and clearly racist treatment of immigrant brides in Japan. The Japanese government has all the power and resources at its disposal to prove whether a marriage is legitimate or not, yet they don’t use it. Instead, they put the burden on the immigrant bride.

Foreign Brides in Divorce Proceedings

Another issue that is currently being debated in policy circles is the question of fairness or justness in certain provisions of the current law affecting non-Japanese spouses married to a Japanese who are in the process of divorce.

On 17 October 2002, the Supreme Court issued its first decision on the visa status of a non-Japanese spouse married to a Japanese citizen. This ruling highlighted many of the current flaws in the law governing foreign brides in Japan, particularly those involved in divorce cases.

In divorce suits involving a foreign spouse, residency status is probably the number one issue. The residency status of the spouse at the time of divorce is the critical factor in the entire equation. A divorce affects residency status of the foreign spouse depending on the type of visa held at the time of marital dissolution. For example, permanent residents or naturalized citizens before marriage will not be affected. Any kind of visa which is not reliant on being married (to a Japanese) will not be affected by divorce and can be renewed as long as the criteria under which it was issued remain valid.

However, if the visa held at the time of divorce is a spouse visa (nihonjin-no-haiguusha), once the divorce it is automatically revoked. It cannot be renewed, and the holder can only stay in Japan until the present visa expires. If the foreign spouse wishes to stay in Japan, the visa status must be changed. Either she gets married again to another Japanese, or applies for another type of visa if she qualifies.
For those holding a spouse visa, the presence or absence of children is a key element in determining the new residency status.

When the relationship has produced offspring and the foreign spouse gets custody of the children, then a Long Term Resident Visa (teijuusha) can be applied for which is renewable indefinitely.

Meanwhile, those holding a spouse visa, but having no children, remaining in Japan after the divorce is much more difficult, especially if they have been housewives all the time and have not been engaged in any paid work. It will be difficult for them to be self-supporting after a divorce, and therefore, would be difficult to acquire a change of status.

A serious problem arises for immigrant brides who have been in divorce proceedings that they were not responsible at all.

There is this case of a Filipina bride who has been living in Japan for over 10 years. She got married to a Japanese, unfortunately after only one year of living together, her Japanese husband divorced her because he allegedly fell out of love and found another woman he chose to be his new wife.

Since the Filipina bride did not have children by her husband, the law automatically strips her of the right to stay in Japan. Technically, she needed to go back to the Philippines. There are no provisions in the law that allows her to stay in Japan unless she changes her status which is very difficult for her at that time.

Through our migrant center in Nagoya, we sought the help of Japanese support of various community organizations and NGOs to negotiate with the Justice Ministry to allow (this Filipina wife of a Japanese) to stay in Japan for humanitarian reasons. She has no family back in the Philippines, and no known place to stay there. Literally, she was alien to her own home country.

It took us very long process securing documents and gathering testimonies to prove that she was not the cause of the break up of her marriage, and that she has the physical, mental and emotional capacity to remain as a productive member of the community and therefore won’t be a burden to society, before she was finally granted 1 year long-term residence status.

The current situation is obviously grossly unjust as it means that a husband can abuse his foreign wife in various ways, assured that when the wife files for divorce she may have to leave Japan. Research conducted at centers for battered women or victims of domestic violence indicates that many immigrant wives tolerate abusive treatment of their husband for long period of time out of fear of losing their residency status, and their children as well. Regardless of the circumstances of the divorce, the Immigration Bureau will not renew the spouse visa unless the couple is actually living together as husband and wife. The stringent renewal process requires proof that the wife is living with her husband. A letter of guarantee written by the spouse is also needed as well as evidence of the spouse’s employment, and a certificate of tax payment.

In many cases, the husband utilizes the wife’s weak position as a bargaining chip if he wants a divorce. Often he allows the wife to renew the spouse visa on a one time basis with the understanding that she will then agree to a divorce afterwards.
The current situation is grossly unfair as it means immigrant brides or wives can be mistreated almost with impunity. If they attempt to alleviate the situation, they face the very real prospect of deportation. Even if the wife has adjusted well to life in Japan she faces possible ejection from Japan due to her husband’s misdeeds and not because of her wrong doing.

**Tilting Public Opinion in Favor of Foreign Brides**

Now, the bigger challenge is how to muster the support of the local population to address problems and issues faced by thousands of immigrant brides in Japan.

We cannot convince policy-makers to change the law without the support of the local population. We need to tilt the balance of public opinion in our favor.

This is the much bigger challenge for us today. As mentioned in earlier discussions, Japan is a closed society. It was insulated from the outside world through most of the post war years; it remains insulated to some extent even to this date. So much so that for decades after World War II, anything foreign is literally alien to most Japanese.

Not only that, as explained by Prof. Suzuki yesterday, there are wrong notions or stigma that view immigrant brides from poor third world country like the Philippines as “bad women” who only want money from their older Japanese husband. Because often they are much younger than their Japanese partner, and because they once worked in bars or night clubs entertaining Japanese customers, their image as “foxy ladies” persist until today.

In this regard, building strong cooperative relations with local NGOs, women’s groups, trade unions, the academic community and other grassroots formations is very important not only in disseminating accurate information, but most importantly, educating the Japanese people on the real condition of immigrant brides and the context of their migration to Japan and elsewhere in the world.

Now, while organizing immigrant brides remains as our principal task, arousing, organizing and mobilizing the Japanese people is also important to us. We need the strongest and the broadest possible support to make a dent in our advocacy work.

ORGANIZING, COORDINATED ACTION, and SOLIDARITY! All these must go hand-in-hand.

Lastly, I am proud to say that our initiatives no matter how small are part of and directly linked with the larger movement of migrants in Japan and the rest of the world. Slowly but surely, we are advancing our causes and we carry them in our communities. We hope that you, as foreign brides and advocates too can be part of this growing movement as well.

Thank you very much.

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Our Experiences in Advocacy and Coordinated Actions

Panel 5 Presentation

By Laramie Castillo
MIGRANTE International
Philippines

Good Afternoon to all foreign and local delegates, to my co-presentors in the panel and to all the speakers who have shared their knowledge and experiences in this conference.

Migrante International is very honored to be invited to share our experiences in advocacy and coordinated actions.

On the part of Migrante International, it is inevitable for us to share to you the history and development of the alliance—from its humble beginnings to the movement it is now—to be able to share our experiences and lessons in advocacy and coordinated action. It is very true in our experience that knowledge comes from practice. Migrante International’s history is that of study, practice, learning lessons and correcting errors. While our alliance does not work among Filipino immigrant brides alone, but among Filipino migrants in general, we believe that some basic points and lessons in advocacy and coordinated actions could prove to be useful in the work among immigrant brides.

Given the time constraints that we have, I will extract the important points on the paper that we have prepared.

I. I would like to stress the importance of having the affected sector itself to be at the forefront of the struggle, thus, the importance of organizing that sector.

The organizing of Filipino migrants came out from two kinds of experiences

a. Migrants organizing themselves

Organizing overseas Filipinos started as self-help groups and regional groups in the 70’s and 80’s. This came out from their natural tendency to come together, to seek for something familiar and they can relate to some and to help each other in the common problems they face as migrants in a foreign land to others.

These groups and organizations whatever their orientation or points of unity maybe, later on proved to be strong force in advancing their rights and welfare.
b. The role of NGOs and institutions

With the advent of massive migration and the state’s labor export program in the 70’s, the concerns and issues of Filipino migrants captured the interest of cause-oriented groups, churches and other institutions. The problems of overseas Filipinos should be addressed. And so service programs for the Filipino migrants were put up. They helped significantly through 1. providing services and 2. in making the migrants realize the need to form their organizations. Moreover, many NGOs and institutions themselves engaged in organizing work among migrants.

Since then, Filipinos overseas have taken on the painstaking organizing work. The formation of Migrante International as an alliance of Filipino migrant organizations worldwide in 1996 is a culmination of this undertaking.

Now, as labor export continuously intensifies and with the Philippine economy being growingly dependent on remittances, we also organize back home the would-be migrants, returned migrants and their families.

2. Next, launching campaigns to fight for the rights and welfare of the sector is the life of the mass movement. It is in the movement’s persistence in forwarding the interests of the sector and securing tactical gains if possible that the movement grows and strengthens.

Some of the successful campaigns that organizations of Filipino migrants abroad have launched are the campaign against forced remittances in the 70’s, against customs duties in the 80’s, against wage cuts in several countries, to save the life of Filipino migrants who face death such as Sarah Balabagan in 1997 and Angelo dela Cruz in 2002.

The historic campaign to save Flor Contemplacion, the domestic helper hanged in Singapore still proved to be successful. It exposed the criminal negligence of the Philippine government and has pushed it, even for show, to come up with the Migrants Act of 1995. And of course, it played the vital role in the formation of the Migrante International.

I wish to share some important lessons in launching campaigns that we have learned from our experiences

a. the analysis, positions and calls should reflect the voice of the affected group

It has been a common practice in our organization to collectively discuss the issues at hand and form a unified position thereafter. There is no better group to ask about the issue but the affected group itself. Its correctness is tried in the struggle when the affected sector embraced it and persisted on it.

Lessons of past campaigns is also used as guide in analyzing similar and connected issues in the future.

b. setting-up the formation or alliance which is primarily composed of the affected groups, and then with other groups and individuals affected of or sympathetic to the issue.
The alliances formed proved to be broad machineries for the campaigns. The campaign against forced remittance by the Philippine government led to the formation of the tactical alliance UNFARES in the 80's. It is composed of around twenty Filipino Migrants organization which later evolved to be the United Filipinos in Hongkong or UNIFIL Hongkong. It is now a regular alliance advancing the rights and welfare of Filipino domestic helpers in Hongkong.

After building the solid alliance, it is important to attract allies from the other sectors, the churches, the academe, lawmakers and the media.

Now, we are trying to gather the most number of allies for the Save Marilou Ranario Movement. This alliance calls for the commutation of the death sentence on the Filipino domestic helper in Kuwait Marilou Ranario. The Kuwaiti High Court is set to deliver the final verdict on Marilou fourteen weeks from now.

c. collective action is the most powerful in asserting our rights.

People assembling for redress of grievances is not just basic right but is a realization of the people’s strength and capacity to effect change when united.

Different forms of collective actions can be used to solicit the participation of the broadest number of people. In our experience, we combine broader forms of collective actions such as prayer vigils, candle lighting, indoor rallies to more militant protest actions. Through this, sympathizers of different backgrounds and different levels of preparedness are given to venues to take part in the campaign

d. solidarity work among host peoples is important

It is important to seek the support of the organizations of the host peoples especially in issues of migrants that concern the host government.

e. Parliamentary as one of the arenas of struggle.

In the last six years, we have enriching experience in our work inside the parliament.

We bring the halls of Congress and Senate the sector’s issues and positions. We push for committee hearings, and lobby to individual lawmakers, we propose policy changes and gather logistical support.

We also have some experiences in participating in the national elections through party-list system. In 2004, we set up the Migrante sectoral party. Though we failed to get a seat, it gave us the opportunity to expand our base and widen our alliance work in Congress for migrants rights and welfare. Through the progressive party-list Anakpawis, Migrante International was able to push for the creation of Committee on Overseas Workers Affairs in Congress.

In 2007, we supported and actively campaigned for the Gabriela Women’s Party which won two seats in Congress. Gabriella Rep. Luz Ilagan’s office now slates migrants concerns as its priority. We are now working together on Filipino migrants issues like the overseas Filipino workers on deathrow and Sentosa 27++ nurses in New York.

f. Maximizing international instruments

Migrante International has been in close coordination with other organizations in the efforts of bringing to the UN Commission on Human Rights the migrant issues such as the two-week rule and wagecut in Hongkong.
3. Education

Education is also an important aspect of launching campaigns. The first one to understand the issues of migration are the migrants themselves. Migrante International does it through forums, workshops, group discussions, film showing and cultural activities. Right now, we are launching the “Know Your Rights” campaign in the homefront to heighten the awareness of the would-be migrants, returned migrants and their families on their rights, policies on migration, their issues and situation. It is carried out through a series and seminars of creative forms in the communities and parishes.

Education on migrants must not stop only on their sectoral concerns. It is equally important to deepen their understanding on the whole socio-economic and political system that forces the people to go out of the country. Through education, their issues could be linked up with that of other sectors in the society and raised to the level of addressing the root-causes of massive migration.

It is through this that Filipino migrants realize that we may win particular battles and obtain tactical gains, but the problems of migrants will persist until the main problems are rooted out. Thus, the migrants movement become part of the people’s movement for change.

4. Coordinated Actions and the Role of the Campaign Center in the Homefront

Migrante International serves the campaign center for the Filipino migrant organization. Through the alliance, particular issues of Filipinos in every country are tried to be amplified worldwide. Also campaigns with international significance and dimensions are thought over and launched through the alliance.

Migrante International also sees the importance of having its center based in the homefront, in the Philippines. Through this, it can effectively bring to the homefront and confront the sending government of its accountability to the sorry state of Filipinos abroad.

5. Solidarity Work – working hand-in-hand with the peoples of different countries.

One important work of Migrante International is linking up and working together with migrant organizations of different nationalities. Working with migrant groups of other countries enriches our understanding of migration in the global context and provides venues for sharing of experiences.

It is also important to foster friendly relations and cooperations with organizations and movements of different peoples worldwide. As oppressed and exploited peoples we can work together and share experiences towards our empowerment and eventual freedom.
I can find more fitting way to end my sharing than to be true to the lessons I have shared to you. So I want to take this opportunity to solicit your support for some of our present undertakings.

One we wish to invite everyone to support our campaign to save Marilou Ranario. She has been convicted by Kuwaiti courts of death sentence for the death of her employer. Marilou is a domestic helper who is a victim of abuse—she was not paid her salaries for three months, was not fed by her employer and on the night before the crime, her employer took a video of her and showed it to two male visitors apparently to sell her. She is a mother of two elementary school children and was a public school teacher before working abroad. The next fourteen weeks is decisive moment in her fight as the Kuwaiti High Court will deliver its final verdict on January 2008. In our experience, it entails a strong campaign with wide international support to achieve tactical gains in issues like this. So, we request everyone to send an appeal letter to the Kuwaiti government for the commutation of her sentence in the minimum and releasing her on humanitarian grounds utmost. Also we are seeking financial support for the campaign. The funds will be used to the many lined-up activities such as film showing, forums, protest actions, postcard campaign and others.

Also, from this conference and many other exchanges of experiences before, we see that the time ripe to consolidate the gains, victories and strength of the migrants movements. This need is identified in the First Migrant Conference in 2001 and the Workshop Concern #16 on the Rights and Welfare of Immigrants, Refugees and Displaced Peoples of the International League of Peoples’ Struggles. Now, there are efforts to prepare for the formation of the International Migrants Alliance. We strongly lobby with the participants of this conference to support and be part of the first International Migrants Alliance in its founding assembly by May 2008. Migrant groups, including immigrant brides groups are enjoyed to participate and to invite networks in order to reach out to more groups to become members of the alliance.
APPENDIX A

Concept Paper

A. Background /Rationale

The issue of foreign brides is essentially a part of the phenomenon of massive migration of peoples from so-called Third World countries. The root cause of this massive migration is their countries’ underdeveloped and backward economies, resulting in poverty, unemployment and underemployment and other economic and social problems.

Women and men from lower strata of society have been forced to leave their countries and families in order to find work abroad in order to survive. On the other hand, governments of such backward and underdeveloped countries developed and intensified the export of labor as a national policy in order to gain revenues from it, thereby keep the sagging economy afloat, and in order to adhere to the much-ballyhooed “globalization strategy for development.”

Immigrant brides usually come from poor class background. In many cases, they come from impoverished rural areas. Their problem is how to overcome poverty. Their objective is to help their families survive and somehow provide their basic needs. They also want to have a better future for their children. This internal factor is the principal problem why “foreign brides” migrate.

On the other hand, foreign brides were lured to bite the bait of becoming a foreign bride in order to solve this problem of poverty. Inside their own home country, the forces who lure them and run the industry are: the owners of marriage bureaus or matchmaking agencies, and their agents, the state and allied agencies of the state involved in the process. These forces have conduits or collaborations with businesses and governments in foreign countries or countries hosting foreign brides.

However, in the host country, the perceived “need” for foreign brides by the local men is not the main problem but a result of the basic socio-economic ills in their own country. The root cause is also internal – the economic crisis in his own country is brought about by neoliberal globalization policies of liberalization, privatization and deregulation which are being pushed in his own country. Hence, as the crisis continues to worsen in the host country and the problems are not deeply analyzed and addressed, foreign brides will be perceived as the solution to their perceived problems of decreasing and ageing populace, and negative attitudes of local people will continue to prevail.

In light of this condition, the need for a continued public education through collective actions of people is needed. And in order to develop the understanding surrounding the issues, problems and struggle faced by foreign
brides, a gathering of different groups, organizations and institution dealing with foreign/immigrant brides issues will be held this year.

In 2005, a regional workshop in Asia was held in order to identify the issues and concerns of foreign/immigrant brides. The workshop also reached a common understanding on the roots causes of forced migration and how it relates with foreign brides issues. It also identified the needs for more in-depth studies on the issues and struggles of foreign brides as well as some joint or collaborative actions.

This year, the planned conference will look particularly on the immigration policies and laws concerning the foreign brides as well as other socio-political and cultural aspects of the society that influence and shape up laws.

Another important aspects that this conference will look into is how to make use of the identified issues faced by foreign brides in terms of coordinated advocacy and campaigns in ensuring the protection and promotion of the socio-economic and cultural rights of immigrant brides. Advocacy campaigns that can lead to the strengthening of the network and can pave the way for the formation of more grassroots foreign brides organizations.

**B. Objectives of the Conference**

1. To share experiences, analysis and strategies in empowering foreign brides;
2. To draw up plans for coordinated research and advocacy actions within the network;
3. To promote international solidarity among immigrant brides in different countries;
4. To generate regional and international awareness and support on the struggle of immigrant brides on their socio-economic and cultural rights as women and immigrants.

**C. Proposed General Program**

Day 1 – Arrival
Day 2 – Registration
   Welcome/Key note address
   · Panel and plenary session on the issues of women in the sending countries in relation to trans-national marriages (trafficking, marriage bureaus and home country’s policies and laws)
   · Panel and plenary session on border control and criminalization of foreign brides in the receiving countries
   (Host country immigration policies and laws concerning FB’s)
Day 3 - Recap of Day 2
   · Panel and plenary session on empowerment of FB’s
   · Panel and plenary session on advocacy and coordinated actions
      Declaration
      Network meeting and planning
Day 4 - Departure
D. Expected Results

1. A more coherent understanding and analysis on the laws and policies affecting foreign brides both in the sending and receiving countries
2. Established network of foreign brides
3. Draw-up plans for coordinated studies and campaigns for the recognition of the basic human rights of foreign brides
4. Publication of the conference proceedings and papers by invited speakers.

E. Participants

Representatives of grassroots foreign or immigrant brides organizations, local advocates, NGO’s, migrant formations, local women groups including those from the academe and religious persons will be invited to attend the conference.

Expected participants: 150pax

F. Date and Venue: September 29 & 30, 2007, Taipei, Taiwan

G. Conference Organizers

Asia Pacific Mission for Migrants (APMM)

In cooperation with:

Graduate Institute for Social Transformation, Shih Hsin University
International Center for Taiwan Social Studies, Shih Hsin University
Trans-Asia Sisters Association (TASAT)
Awakening Foundation
## APPENDIX B

### Program

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<tr>
<th>Time</th>
<th>Activity</th>
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<tr>
<td>8:30 – 9:30am</td>
<td>Registration</td>
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<td>9:30 – 9:40am</td>
<td>Opening Remarks</td>
<td>Prof. Hsia, Hsiao-Chuan</td>
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<td>Graduate Institute for Social Transformation Studies, Shih Hsin University</td>
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<td>Taiwan</td>
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<td>9:40 – 10:10am</td>
<td>Welcome Speech</td>
<td>Dr. Mu, Tzung-Tsann Mu</td>
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<td>President, Shih Hsin University, Taiwan</td>
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<td>The Very Revd. Andrew Chan</td>
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<td>Dean, St John’s Cathedral, Hong Kong and Member, Regional Board of APMM</td>
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<td></td>
<td>Keynote Speech</td>
<td>Jane Brock</td>
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<td>Immigrant Women’s Speakout Association, Australia</td>
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<td>10:15 – 11:45am</td>
<td>Panel 1: Issues of Women in the Sending Countries in Relation to Trans-national Marriages (trafficking, marriage bureaus and home country’s policies and laws)</td>
<td>Chair: Prof. Chen, Li-Ju</td>
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<td>Center for General Education, Chang Gung University, Taiwan</td>
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<td>Syamsul Ardiansyah</td>
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<td>Le Van Hai</td>
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<td>Institute for Reproductive and Family Health (RaFH)</td>
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<td>11:45 – 12:15am</td>
<td>Open Forum</td>
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<td>12:15 – 1:30pm</td>
<td>Lunch Break</td>
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<td>1:30 – 3:00pm</td>
<td>Panel 2: Border Control and Criminalization of Immigrant Brides in the Receiving Countries (Host country immigration policies and laws concerning immigrant brides)</td>
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<td>Coffee Break</td>
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<td>Panel 3: Organizing Immigrant Women</td>
<td>Chair: Ramon Bultron</td>
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<tr>
<td>9:30 – 9:45am</td>
<td>Recap of Day 1</td>
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<td>9:45 – 11:00am</td>
<td>Press Conference</td>
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<td>Lunch Break</td>
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| 1:00 – 2:30pm| Panel 4: Sharing of Experience on Advocacy and Coordinated Action | Chair: Prof. Lin, Chin-Ju TASAT  
- Taiwan  
- Philippines  
- Japan  
Hsiao-Chuan Hsia  
Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM)  
Laramie Castillo  
MIGRANTE International  
Butch Pongos  
MIGRANTE – Japan / FMC |
| 2:30 – 3:00pm| Open Forum                                         |                                                                                                                                          |
| 3:00 – 3:15pm| Coffee Break                                       |                                                                                                                                          |
| 3:15 – 4:15pm| Plenary Session: Planning                          |                                                                                                                                          |
| 4:15–5:00pm  | Declaration / Closing                               |                                                                                                                                          |
APPENDIX C

Participants’ List

<table>
<thead>
<tr>
<th>NAME</th>
<th>ORGANIZATION</th>
<th>ADDRESS</th>
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<tbody>
<tr>
<td>Jane Brock</td>
<td>Immigrant Women’s Speakout Association (IWSA)</td>
<td>PO Box 9031, Harris Park, NSW 2150, Australia</td>
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<td>1</td>
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<td>Andy Yentriyani</td>
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<td>Komnas Perempuan</td>
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<tr>
<td>2</td>
<td></td>
<td>Jl. Latusihari No. 4B, Jakarta 10310, Indonesia</td>
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<tr>
<td>Jackie Hung</td>
<td>Justice &amp; Peace Commission HK</td>
<td>Rm 302, Bishop Lei Pastoral Centre, 1 Tai Shek</td>
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<tr>
<td>3</td>
<td>Catholic Diocese</td>
<td>Street, Sai Wan Ho, Hong Kong</td>
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<tr>
<td>Lee Soo Choo</td>
<td>Tenaganita, Malaysia</td>
<td>Tel/Fax: +60326973671 / +60326913681 / +60126120177</td>
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<td>EMAIL: <a href="mailto:justice4ts@gmail.com">justice4ts@gmail.com</a></td>
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<td>Syamsul Ardiansyah</td>
<td>Institute for National &amp; Democratic Studies (INDIES)</td>
<td>Jalan Mampang Prapatan Xii Rt O3/Rw 03, Jakarta Selatan, Jakarta</td>
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<td>Tel/Fax: +62-21-7986468</td>
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<tr>
<td>Lee In Kyoung</td>
<td>The Human Rights</td>
<td>4/F Songwang, B/D, 193-9 Jeonpo 2dong, Jingu, Busan, South Korea</td>
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<td>Email: <a href="mailto:hena332@hanmail.net">hena332@hanmail.net</a> / <a href="mailto:eulim21@hotmail.com">eulim21@hotmail.com</a></td>
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<tr>
<td>Yeo Gyeong-Soon</td>
<td>Solidarity for Women</td>
<td>791-4 Wongokdong, Danwongu Ansan, Kyunggido, Korea</td>
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<td>Tel/Fax: 82-31-4913430 / E mail: <a href="mailto:yoursita2@hotmail.com">yoursita2@hotmail.com</a></td>
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<td>Kim Min-jeong</td>
<td>Migrants in Korea</td>
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<td>Lee Hea-yeong</td>
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<td>Kim Young Rim</td>
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<td>11</td>
<td>Jiyoung LeeAn</td>
<td>ARENA (Asian Regional Exchange for New Alternatives)</td>
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<td>Butch Pongos</td>
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<td>Virgie Ishihara</td>
<td>Filipino Migrants Center (FMC)</td>
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<td>Nobue Suzuki</td>
<td>Center for Japanese Filipino Families</td>
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<td>Emmi de Jesus Gabriela</td>
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<td>Connie Regalado</td>
<td>Migrante International</td>
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<td>Eni Lestari</td>
<td>Asosiasi Tenaka Kerja Indonesia (ATKI)</td>
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<td>Evelyn Calugay</td>
<td>Filipino Women's Organization in Quebec</td>
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<td>22</td>
<td>Cynthia Ca-Abdon Tellez</td>
<td>Mission for Migrant Workers</td>
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APPENDIX D

Press Release

Stop discrimination and unjust treatment of immigrant brides

Abolish the minimum financial requirements for immigrant brides in Taiwan

Delegates of the International Conference on Border control and Empowerment of Immigrant Brides including women and migrant’s organizations and institutions in different countries declare our support to the campaign against the new policy in Taiwan that imposes a NTD400,000 minimum financial requirement for immigrant brides to qualify for citizenship.

The policy is unjust, discriminatory and violates the basic human rights of immigrant brides.

The imposition of this unjust financial requirement exposes immigrant brides to graver financial burdens, potentially exploitative situation, and the risk of separation and breakup of the family.

Aside from this policy, a proposal that obliges foreign spouses, who have been in the country for a certain period of time, to meet health examinations requirements in order to obtain naturalization is also in the offing.

We also deplore the lie that Taiwan authorities are peddling with regards to the existence of similar policies in countries with immigrant brides. It is shameful that they have to resort to misinformation to make legitimate an unjust and unreasonable action.

These rules in Taiwan violate fundamental rights of women, migrants and immigrants enshrined even in instituted international agreements. It is deplorable that while the Taiwan government is pushing for its recognition to United Nations, it cannot even uphold some of the most basic human rights of the people who have also contributed much to the Taiwan economy.

We demand that these policies be scrapped. We also urge governments of home countries of foreign brides to lobby the UN and other relevant intergovernmental agencies to investigate this issue and conduct appropriate actions.

The experiences of immigrant brides in Taiwan are replicated in other countries that also have significant presence of immigrant brides.

The ongoing conference has already revealed similarities on the ever-tightening restrictions that host countries impose to immigrant women married to local husbands. These restrictions are becoming even more unjust and discriminatory as these totally disregard the rights of women in the economic, political, cultural and social spheres.
Additionally, the conference has shown that upholding the rights and wellbeing of immigrant women also entails addressing the causes that have forced many women into transnational marriages and makes them vulnerable to abuses and violence.

As the conference will soon come to an end, a platform of actions will be formulated to address the concerns of immigrant brides.

The unjust policies of Taiwan on immigrant brides will face the united and coordinated opposition from organizations of immigrant brides, migrant workers and local groups in Taiwan as well as those in other countries.

We will not standby as immigrant brides are demeaned, discriminated, violated and unjustly treated. We will work together for the genuine empowerment of immigrant brides towards a stronger movement for their rights and wellbeing.

September 30, 2007

For reference: Prof. Hsia Hsiao-Chuan
Graduate Institute for Social Transformation Studies

Ramon Bultron
Asia Pacific Mission for Migrants