



Know Your Rights

**A Handbook for
Foreign Brides**

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INTRODUCTION

The phenomenon of foreign brides is but a part of the whole forced massive migration phenomenon of people mainly from the so-called Third World and developing countries.

Cross-border marriages became noticeable in the 80's. The proliferation of marriage bureaus and matchmaking agencies was complemented by the systematization and sophistication of the labor export program of poor countries.

However, more than two decades after, the absence of mechanisms to protect the rights of foreign brides is very much evident. The experiences and situations presented in the two conferences on cross-border marriages in 2005 and 2007 organized by the Asia Pacific Mission for Migrants and local organizations in Taiwan such as the Awakening Foundation, Trans-Asia Sisters Association of Taiwan (TASAT) and the Graduate Institute for Social Transformation Studies of Shih Hsin University have shown that a great deal of work still has to be done to ensure a measure of protection of the rights of foreign brides as well as the promotion of their wellbeing.

The picture of the general condition of foreign brides affirmed in these conferences was further deepened in the two researches conducted by the APMM.

The first research was on the Psychosocial Profile and Perspectives of Foreign Brides. The study included the basic demography of foreign brides in selected countries in the Asia Pacific region. It also included interviews of foreign brides and how they adapted to their situation. As well, it gave space for what and how the situation of foreign brides can be changed.

In the research Attitude of Local People to Foreign Brides, APMM mainly dealt with the local society where foreign brides live. The research tried to find the current attitude and views of the local people on foreign brides and whether there have been changes – be they positive or negative – to these views. Such a study on attitudes is important for they also reflect on how the society actually treats foreign brides.

The APMM releases this pamphlet as in an initial survey of what mechanisms in the international level are in places that deals with foreign brides. Our

enumeration of provisions from various international instruments comes from an identification of the basic rights of foreign brides that should be addressed according to the picture of the situation of foreign brides revealed to us in our past efforts on this theme.

We have also chosen to include the particular case of Taiwan where foreign brides – through their collective action and supported by advocates across Taiwan society – were able to bring about significant victories in policies of the government to their community. As well, the organizing of a foreign brides' groups as well as advocates for the rights of migrant workers and immigrants are also experiences that are worth sharing.

We also included in this handbook two concrete experiences of organizations in Japan and in Taiwan in handling welfare cases of foreign brides. Through these stories, we can also see glimpses of the life of foreign brides.

Finally, we provided here a list of different organizations working on foreign brides in different countries.

We hope that this handbook shall help in the further empowerment of foreign brides.

WHY A KNOW YOUR RIGHTS HANDBOOK?

Empowerment starts with education and is concretely expressed in action.

This pamphlet is released by the APMM to contribute to the education of foreign brides on their rights. Considering that different host countries have different laws and policies concerning the entry and existence of foreign brides, the APMM has opted to instead make a survey of provisions in international conventions that can be related to the situation and issues of foreign brides.

While it is true that there is no actual convention specific to foreign brides, provisions do exist in various other agreements that can be utilized to further advance the rights of foreign brides in their respective countries.

We are hoping that these points can be used in the advocacy work for foreign brides. Indeed there are limitations in international conventions. But this is no cause to get discouraged or totally discount them. Instead, such limitations should be better understood and should be taken into consideration for any future advocacy plans in the regional or international level.

THE RIGHTS OF FOREIGN BRIDES

THE RIGHT TO CITIZENSHIP AND PERMANENT RESIDENCY

One of the basic interests of foreign brides is to gain citizenship or permanent residency in the host country. In the current framework of nation states, residency status is the key to an opportunity to enjoy comprehensive economic, political, social and cultural rights.

Different countries have different policies on granting citizenship and permanent residency. While there are those who grant this easily, there are more countries where applying for such means going through difficult hurdles. This is especially true in recent years where developed countries are racked with crisis.

Be it a personal choice or a matter of seeking opportunities, foreign brides give up their original nationality to adopt that of the husband's. Many host countries are making it hard for them to do so.

In Taiwan for example, the government issued a policy that included more stringent financial requirements for a foreign bride to apply for residency. The requirement was patently absurd, ridiculously high and obviously unjust that it immediately earned the ire of foreign brides and advocates.

Meanwhile in Japan, foreign brides can usually stay in the country under the grace of the husband. There have been issues as well in Japan about the nationality of children borne of cross-border marriages that most of the time leave the wife at the losing end because of her unstable financial status.

In Australia, while the 80's showed a relatively relaxed policy on granting nationality to foreign brides, the last decade also showed more regulatory policies to control the process. The right of abode saga in Hong Kong was also an issue of citizenship and nationality after Hong Kong was turned over to China in 1997. While in Malaysia, foreign brides supposedly can have permanent residency after two years but in reality, it takes them 10 to 20 years to obtain such status.

Citizenship is one of the fundamental rights of a person. The Universal Declaration on Human Rights provides that:

Article 13

Everyone has the right to freedom of movement and residence within the borders of each state.

Additionally, UDHR also stipulates that

Article 15

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Meanwhile, the Convention on the Nationality of Married Women says that:

Article 3

1. Each Contracting State agrees that the alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures; the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy.

RIGHT TO SOCIAL SERVICES AND WELFARE BENEFITS

Social services and welfare benefits are responsibilities of states. The UDHR again indicates:

Article 25

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Even the International Covenant on Economic, Social and Cultural Rights (ICESCR) says that:

Article 11

- I. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation

It further states:

Article 12

- I. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

In many host countries, social services are inaccessible to foreign brides.

In Taiwan for example, while foreigners are eligible for the National Health care Insurance, they can not apply for social assistance program benefits designed

to help the poor, the disabled and the abused (Prof. Bruce Yuan-Han Liao, *The Exclusionary Taiwan Immigration Laws*, 2007).

For foreign spouses, the Taiwan government has created the “Fund to Take Care of Foreign Spouses” or simply called the Fund to supposedly be the funding source of immigrant brides’ social benefits. However, as Professor Liao pointed out in his paper, the Fund was not borne out of any statute but merely an administrative order. Thus, it can easily be scrapped for any reason such depletion of funding source.

Meanwhile in Hong Kong, social services have been one of the hardest hit by the government’s efforts to cut down on public spending. Among support centers with public funds that are under threat of closure because of budget cutbacks are those that serve new migrants and single-parent families. In June last year, Comprehensive Social Security Assistance payments were cut by 11%.

The population policy of 2003 in Hong Kong suggested a supposedly rational basis in which the social resources are allocated. In September 2005, the hospital fee of mainland pregnant woman was raised from HK\$3300 to HK\$20,000. Recently, the Hospital Authority even further increased it to HK\$39,000 for non-Hong Kong local women.

RIGHT TO EMPLOYMENT OPPORTUNITIES

Many foreign brides are denied of their right to employment or of rightful wage.

Foreign brides have to juggle their responsibilities to their husband and family. There are instances wherein foreign brides are not allowed by their husbands to work because it will reduce her time for household chores. They are also made to become additional hands on their husband's business or farms.

However, even beyond the household settings, the condition in the general society is also not favorable for foreign brides to gain employment.

If they can find work, these are jobs where many migrant workers can also be found – those that are dirty, difficult and dangerous like the health caregivers in Japan. There are not many services available for a foreign bride to be able to adapt to the employment situation of the host country. Foreign brides are usually left to fend for themselves in terms of getting skills that can make them more economically productive.

In fact, de-skilling of foreign brides is also a major concern. Host countries do not necessarily recognize qualifications that foreign brides have obtained in their home country. They usually have to study further in order to at least reach the qualifications required.

The lack of employment also creates problems with foreign brides in terms of her continuous support to her family in her country of origin. Since it is usually the husband who controls the finances, many foreign brides have to scrimp from the household budget to enable her to send financial support to her families back home. Such a situation has also made the foreign brides more vulnerable to abuses from her husband.

Again, according to the UDHR:

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Such provisions are further reinforced in the ICESCR that says:

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

RIGHT TO MARRIAGE AND DIVORCE

Different international conventions recognize the equal rights between men and women to enter into marriage freely and with consent.

In many cases of foreign brides, free and full consent are not realized. Oftentimes, they are forced to do this especially when the man has given “payment” already to the family. This is true particularly in Vietnam, Philippines and in Indonesia with the poor Indonesian-Chinese especially.

While there may also be cultural factors related to marriage, it cannot be denied that there have also been many cases wherein the woman is forced to marry a foreign man she has met briefly or even has not met at all.

The following are provisions of major international conventions and instruments on marriage. In the UDHR:

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

Meanwhile, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) have these:

Article 16

I. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

In the ICCPR:

Article 23

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

ICCPR also states that:

Article 23

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

With regards to the dissolution of marriage, foreign brides are usually at the losing end. At the onset, they are already made vulnerable because of the complete hold of the husband over their survival. Their residency in the host country is very much dependent upon the husband as well.

Thus, many women are forced to contend even with domestic violence just so they can stay in the marriage institution. Many women's organizations and ethnic minority groups in different countries consider domestic violence as one of the toughest issues foreign brides face.

The Convention on the Nationality of Married Women states that:

Article I

Each Contracting State agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.

Furthermore under CEDAW:

Article 15

I. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

RIGHT FOR PROTECTION AGAINST TRAFFICKING

Trafficking is a multi-billion dollar industry that victimizes countless number of women and even children.

While not all cross-border marriages are directly related to trafficking, it cannot be denied that operations of many of the so-called marriage bureaus or matchmaking agencies and even those cloaked as legitimate recruitment agencies can also be classified as trafficking as well.

In Vietnam, for example, traffickers take advantage of the promise of marriage to foreign men to traffic women and girls into prostitution. Another way around is the women are taken abroad with promise of work and upon arrival of the country of destination, they are prostituted or are sold to men to become their personal slaves or are put also into prostitution by the men who bought them.

CEDAW directs states to:

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

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. The convention was enforced in 1952.

In the late 90's the interest of the international community on the issue of trafficking was renewed though more in relation to the perceived proliferation of transnational organized crime. In 2000, the UN adopted the Convention against Transnational Organized Crime which contained the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Article 3(a) of the protocol says:

“Trafficking in persons” shall mean the 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;

RIGHT TO AND IN THE FAMILY AND UNIFICATION WITH CHILDREN

Many international conventions and instruments put premium on family.

Article 16 of the UDHR states that

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

In ICCPR:

Article 23

(1) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

However, the experiences of foreign brides in many countries have seen serious violations of their rights to and inside the family as well as their right to be with their children.

In Japan, for example, advocates for the rights of Japanese-Filipino children have handled cases wherein the mother is being forcibly separated from her child(ren) or vice versa.

There, the children are entitled to Japanese citizenship if the parents are legally married. However, in cases of unwed mother who is a foreigner, the child must be legally acknowledged by the father before being born. After birth, only when the parents marry and the Japanese father adopts the child can he/she acquire Japanese citizenship. Problems arise when the parents can not marry each other for whatever reason.

In the right of abode campaign in Hong Kong, a major component of the issue was the right of the family to be united.

Article 16 of CEDAW has a number of provisions that deal mainly with the right of women in inside marriage and her relation to her children. It says:

Article 16

I. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

EXPERIENCES IN ORGANIZING IMMIGRANT BRIDES AND ADVOCATES IN TAIWAN

TRANS ASIA SISTERS ASSOCIATION

Taiwan is home to a significant number of immigrant brides.

According to the Ministry of Interior, as of the end of 2006, there were 384,000 foreign spouses in Taiwan – 65.1% of them are from Mainland China while 34.9% are from other countries mainly of the Southeast Asia region.

Taiwanese spouses of immigrant brides are mostly farmers and part of the working class. While Taiwan has a better economy than the home countries of immigrant wives, crisis still grips Taiwan and results to a grave situation for the immigrant brides and their families.

In a recent survey among marriage migrants from Southeast Asia, 31.3% said that their family income can not keep up with their expenses, 48.9% said that they can only make ends meet and only 2.7% said that their income is higher than their expenses. (Prof. Hsiao-Chuan Hsia, *The Development of Immigrant Movement in Taiwan – the Case of the Alliance of Human Rights Legislation for Immigrants and Migrants*, 2007)

Many immigrant brides in Taiwan are therefore forced to work in order to meet the needs of their family in Taiwan as well as their family in their home country. However, obstacles for immigrant brides to be fully integrated in the economic, political, social and cultural life in Taiwan still prevail.

The Trans Asia Sisters Association in Taiwan traces its beginning to the “Foreign Brides Chinese Literacy Program” founded by the Meinung People’s Association on July 31, 1995.

While the immediate purpose of the program was to assist foreign brides in learning the Chinese language, its goal was to empower immigrant brides for them to be able to speak for themselves and fight for their rights.

As the Chinese language program developed, it started to offer other various training workshops and expanded its pool of volunteer teachers as well relations with other community organizations. At the same time, the program was replicated in several other major locations in Taiwan.

The literacy program was introduced in Taipei, Taiwan's capital, in 2002. Those who taught Chinese were volunteer teachers from the Feminist Research Club in Yungho Community College in Taipei County. Later on, other activities that dealt on Taiwanese society and laws and even on parenting were offered. Initially a Trans Asia Sisters Club was formed in September 2003 in the community college. TASAT was subsequently established on December 7, in the same year.

Trans Asia Sisters Association (TASAT) is an organization of immigrant brides comprising different nationalities in Taiwan. It has chapters in Taipei and Kaohsiung and is intending to form another one in southern Taiwan.

During the time of its establishment, the Taiwan government also proposed the setting up of a National Immigration Agency (NIA) which would have a great impact on the rights of immigrant brides. This includes the power to enter any residence where immigrant women live and to ask inappropriate questions to them. At the same time, NIA had the power to deport immigrants and even migrants for vague interpretations of "threatening national security" and "violating public interest".

Thus, TASAT participated in protest actions against the establishment of the NIA even though it was still a very young organization.

In addition to empowering immigrant women and Taiwanese volunteers, TASAT has also made efforts of changing the public perceptions of immigrant women. Via sharing, seminars, writings, films etc., TASAT and her members constantly aim at creating the "between-ness" of the Taiwanese and the immigrants, but pointing out the similarities between our local biographies and those of the immigrant women. Stories used to create empathy include the facts that most Taiwanese citizens are descendents of immigrants at different time of history and that many Taiwanese citizens have experienced immigrating to first-world countries.

Immigrant women's voices often have strong impacts on subverting public images of immigrant women as submissive, problematic, and incompetent. Via theater, paintings, writings, and sharing at various forums and activities, immigrant women have changed Taiwanese men's stereotypes. Recently, TASAT has further changed the public perceptions by offering Taiwanese public language and cultural courses on Southeast Asia taught by the immigrant women themselves.

According to TASAT: *"We believe that all people have the potential to become independent and capable of helping others, and to become makers of history. The task of an organization is to provide every means and approach so the individuals can break through the structural constraints, making theirs meaningful, not only for themselves but for their societies and communities. The objectives of TASAT are to help the immigrant women break away from isolation and become active participants in the society."*

Other recent activities of TASAT included the following:

1. Southeast Asian Language Program - This consisted of Bahasa, Vietnamese, and Thai language courses at Zhongzheng Community College and the Household Registration Office both of which are in Taipei County. This was participated in by family members of the immigrant spouses, counselors for foreign spouses and community members.
2. Southeast Asian Culture Program in Yung Ho Community College
3. Publication of a book entitled "Don't Call Me Foreign Bride"
4. Opened up courses in other community colleges for immigrant brides
5. Participated in the preparation meeting for the International Migrants' Alliance (IMA).
6. Assessment and Organizing Training given by APMM.
7. Held a workshop for immigrant brides in Ilan
8. September 9, 2007 mobilization against financial requirements of the NIA.
9. Story Telling Mothers at Taipei Yungjian Public Library -

ALLIANCE FOR HUMAN RIGHTS LEGISLATION FOR IMMIGRANTS AND MIGRANTS

The Alliance for Human Rights Legislation for Immigrants and Migrants or AHRLIM was initiated at the heat of campaign on the establishment of the National Immigration Administration.

The group was formed in order to consolidate the efforts and strength of critical NGOs and advocates on issues impacting immigrants and migrant workers in Taiwan. Founding members of AHRLIM included the Awakening Foundation, Trans Asia Sisters Association in Taiwan, Taiwan Association for Human Rights, Women Labor Rights Association and Rerum Novarum.

AHRLIM is a heterogeneous organization that aims to have a comprehensive movement for issues of migrants and immigrants. The basic belief of AHRLIM as stated in its first petition to halt the deliberation on the amendments proposed by the Executive Yuan (Taiwan's executive branch) in relation to problems with the establishment of the NIA said that:

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.

Based on this position, 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 Bureau of Immigration combine police, investigative, and judicial functions in a single body and make immigrants and migrants into a population of suspected criminals. The proposed Bureau 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 amendments proposed 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 Bureau of Immigration 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 Bureau of Immigration, channels for supervision of the Bureau and the handling of complaints, and jurisdictional divisions with other departments.

- 3) The draft proposal presented by the Executive Yuan for the organization of a Bureau of Immigration 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.

After four years of campaigning for changes in the Immigration and Entry and Exit Law, the AHRLIM’s efforts finally bore fruit. On November 30 last year, they gained several breakthroughs in the amendments to the said law in the Legislative Yuan.

A day earlier, the Ministry of Interior (MOI) conceded in lowering the financial requirements for immigrant brides who would want to apply Taiwanese citizenship. Previously they should show proof that they had NT\$414,720 in a bank account.

Besides AHRLIM’s efforts in Taiwan, they together with APMM submitted a petition to the MOI on this issue. This was signed by 95 organizations and some individuals from twenty 20 and territories.

The other gains of AHRLIM included the following:

1. In cases where a foreign woman is married to a local man, the wife will not lose the right of abode if the divorce is due to domestic violence.
2. Established a general anti-discrimination provision for all people residing in Taiwan. This includes migrant workers and immigrant brides.
3. Immigration department officials cannot inspect a foreigner's documents unless some requirements are fulfilled. Removal orders cannot be issued without a hearing.
4. Commercial marriages are prohibited. Matchmaking services profiting from Taiwanese finding spouses from other countries will be banned.
5. Foreigners working and living in Taiwan will have the right to join and speak in protest activities.
6. Migrant workers who are in the process of legal proceedings are allowed to extend their stay.
7. Victims of trafficking can stay for 6 months with medical care and placed into temporary refuge centers.

However, one limitation of the gains made by AHRLIM was that it did not include Mainland Chinese immigrant brides. According to Taiwanese officials, this is because they fall under the jurisdiction of the Mainland Affairs Council.

Overall, however, this was still a great victory for AHRLIM.

AHRLIM has also worked on efforts to examine the government's proposed amendments to the Immigration and Entry and Exit Law and draft the Alliance's own proposal in order to establish acceptable norms for a comprehensive immigration policy. To this end the Alliance held several rounds of public hearings at which they invited NGOs, concerned citizens, and others to discuss the

current immigration policy and related issues, including the principles of the Alliance's draft on the amendments to the Immigration Law.

In addition to drafting the amendments to the Immigration Law, the AHRLIM also took on several issues—such as condemning the official of Ministry of Education, who publicly said that immigrant women should not have too many children because of their “ill quality,” which was not at all supported by any solid research and reflected sheer prejudice and discrimination—in order to raise the public consciousness of the human rights issues of immigrants and migrants.

The Alliance purposefully used such international conventions as the Universal Declaration of Human Rights to push for a more inclusive immigration policy. 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 AHRLIM's strategy is thus to radicalize all seemingly progressive political rhetoric—such as democracy, human rights, and multiculturalism—in order to challenge the *san juanis* tradition of incorporation as well as the sexism and racism embedded in many of Taiwan's immigration laws and regulations.

SAMPLE CASES ON THE GRIEVANCES AND CAMPAIGNS OF IMMIGRANT BRIDES

JAPAN

Lorna Sono came to Japan in 1988. After two years, she met Mr. Masatoshi. At that time, Mr. Masatoshi was still married to a Japanese woman. Although for 10 years they have been living separately, Mr. Masatoshi wanted to marry Lorna. But because his wife would not agree to a divorce, he could not do so.

The couple decided to live together. Lorna worked for the company owned by Mr. Masatoshi. His siblings also accepted Lorna and treated her like family.

Mr. Masatoshi got ill with diabetes. This eventually took toll on the couple. The company got bankrupt and Lorna was forced to find a job to support Mr. Masatoshi's medication. Mr. Masatoshi was forced to live with an elder brother while Lorna worked some place else. It was explained to the judge who handled Lorna's immigration case that they wanted somebody to look after Mr. Masatoshi while Lorna was at work that was why the couple agreed to this arrangement. But the judge did not buy this argument.

In 1997, Mr. Masatoshi finally got his divorce from his first wife. But his diabetes got worse until he could no longer walk and almost lost his eyesight. Nevertheless the couple finally got married on January 14, 2000. She then immediately applied for her spouse visa. Unfortunately, Lorna got arrested on October 24, 2000 while still waiting for her visa,

Under normal circumstances, Lorna would have been granted her visa a month or two after they filed her application. But because she was undocumented for 12 years prior to the marriage, the waiting time was much longer. Thus, even if she was already married and had already filed her application for spouse visa, she was still arrested in a raid at her rented apartment and detained for overstaying charges.

When she claimed her status as a spouse to Mr. Masatoshi, the court did not believe her because at the time of the raid, she was living in a separate apartment.

She tried to explain the circumstances why there was such an arrangement, but all her explanations were not heard by the court. Lorna was eventually deported to the Philippines.

Gains of the campaign:

- a. It awakened many about the plight of undocumented foreign brides in Japan including how they are being criminalized because of their status prior to marriage. It generated much interest, particularly among Japanese NGOs who could not believe that Japan can separate families without justifiable cause.
- b. It also got media mileage. We were able to highlight the many issues and problems of Filipino migrants in Japan.
- c. The case of Lorna Sono, most importantly, paved the way for the establishment of community-based organizations of women (Filipina Circle for Advancement and Progress) and most notably the formation of the Filipino Migrants Center in Nagoya which today serves as a center providing various kinds of assistance to disadvantaged Filipinos and non-Filipinos in Japan.
- d. We also learned a lot from Lorna's case, particularly in handling similar cases, although the system remains stiff for those wishing to change their status of residency by virtue of marriage to a Japanese national.

TAIWAN

Cambodian brides win recognition

(published in APMM News Digest - March 2007)

The Ministry of Interior (MOI) has recently announced that Cambodian women married to Taiwanese will no longer be required to produce documents proving renunciation of their nationality to apply for naturalization.

This proves a victory for the Cambodian brides and their colleagues as they had struggled collectively for it. It was the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM) and Trans-Asia Sisters Association in Taiwan (TASAT) who initiated the campaign.

On March 3, the Cambodian brides launched the campaign in a press conference. A protest action was held on March 4 followed by a dialogue with some government representatives the next day.

Earlier, the Foreign Ministry of Taiwan refused to grant them similar verification after declaring Cambodian documents to be forged.

Under the ROC law of nationality, foreigners must give up their original nationality before they can apply for naturalization. However, some countries, including Cambodia, Thailand and Japan, do not allow their citizens to renounce their nationality.

In recent news reports, applications for naturalization of some Japanese women married to Taiwanese were approved in spite the absence of the renunciation document.#

Campaign for Rights of Immigrants and Migrants Bears Fruit

(Published in APMM News Digest - November 2007)

After four years of campaigning for changes in the Immigration and Entry and Exit Law, the Alliance for Human Rights Legislation for Immigrants and Migrants' (AHRLIM) efforts finally bore fruit. On November 30, they gained several breakthroughs in the amendments to the said law in the Legislative Yuan.

A day earlier, the Ministry of Interior (MOI) conceded in lowering the financial requirements for immigrant brides who would want to apply Taiwanese

citizenship. Previously they should show proof that they had NT\$414,720 in a bank account.

Besides AHRLIM's efforts in Taiwan, they together with APMM submitted a petition to the MOI on this issue. This was signed by 95 organizations and some individuals from twenty countries and territories.

The other gains of AHRLIM include the following:

1. In cases where a foreign woman is married to a local man, the wife will not lose the right of abode if the divorce is due to domestic violence.
2. Established a general anti-discrimination provision for all people residing in Taiwan. This includes migrant workers and immigrant brides.
3. Immigration department officials cannot inspect a foreigner's documents unless some requirements are fulfilled. Removal orders cannot be issued without a hearing.
4. Commercial marriage is prohibited. Matchmaking services profiting from Taiwanese finding spouses from other countries will be banned.
5. Foreigners working and living in Taiwan will have the right to join and speak in protest activities.
6. Migrant workers who are in the process of a legal proceedings are allowed to extend their stay.
7. Women who are smuggled into Taiwan for prostitution can stay for 6 months with medical care and placed into temporary refuge centers.

One limitation of the gains made by AHRLIM is that it does not include Mainland Chinese immigrant brides. According to Taiwanese officials, this is because they fall under the jurisdiction of the Mainland Affairs Council.

Overall, however, this is a great victory for AHRLIM. And this triumph was made possible by AHRLIM to mobilize not only NGO's but a great number of immigrant brides and even migrant workers in their mass actions and even lobby work. #

ORGANIZATIONS WORKING WITH CONCERNS OF FOREIGN BRIDES

AUSTRALIA

IMMIGRANT WOMEN'S SPEAKOUT ASSOCIATION

IWSA is the peak body in NSW advocating in behalf of migrant and refugee women of non-English speaking background since 1985:

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CANADA

FILIPINO WOMEN'S ORGANIZATION IN QUEBEC (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 injustice we face in Canada. It has developed a wide and diverse network of national and international women's organizations.

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HONG KONG

ASIA PACIFIC MISSION FOR MIGRANTS (APMM)

APMM is a cause-oriented regional centre committed to support the migrants' movement through advocacy, organizing, and building linkages for the advancement of migrants' rights. The name APMM was realized in March 2002 and originally came from the Asia Pacific Mission for Migrant Filipinos or APMMF, which was established in 1984. APMM is working with different nationalities of migrant particularly in Hong Kong and South Korea.

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MISSION FOR MIGRANT WORKERS (MFMW)

The Mission for Migrant Workers (MFMW) is a migrant-serving institution established in Hong Kong on 3 March 1981. It is an ecumenical institution assisting migrant workers who are in distress. Concomitantly, the Mission works and supports efforts for the recognition and respect for the rights and well-being of migrant workers and articulates this within the larger community.

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<http://www.migrants.net>

THAI REGIONAL ALLIANCE

TRA was established in 2001 during the proposed wage cut for Foreign Domestic Workers (FDWs). The campaign was then led by the Asian Migrants' Coordinating Body (AMCB). With the success of the campaign, the Thais felt the need for an effective organization and thus the TRA was born.

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ASOSIASI TENAGA KERJA INDONESIA (ASSOCIATION OF INDONESIAN MIGRANT WORKERS)

ATKI – Hong Kong is a mass organization of Indonesian domestic workers in Hong Kong that conducts advocacy on issues of migrant workers, educational activities, and social and cultural events. It is an active member of the Asian Migrants' Coordinating Body or AMCB.

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JUSTICE AND PEACE COMMISSION OF THE HK CATHOLIC DIOCESE

In 1965, in the proclamation of Vatican Council II: Pastoral Commission on the Church in the Modern World, it was emphasized that a large proportion of the world's population is still struggling in hardship caused by disaster and poverty. To promote world justice and a Christian concern and brotherly love for the poor and afflicted, it was urged that a world organization be set up to assist in the development of the poorer nations. It is most timely that such a world body

be formed. Two years later, Pope Paul VI officially proclaimed the institution of the Pontifical Commission for Justice and Peace. In 1977, the Justice and Peace Commission of the Hong Kong Catholic Diocese was officially established.

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INDONESIA

INSTITUTE FOR NATIONAL & DEMOCRATIC STUDIES (INDIES)

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ASIA PACIFIC WOMEN LAW AND DEVELOPMENT (APWLD) – INDONESIA

APWLD developed from dialogues among Asia Pacific women lawyers, social scientists and activists which began at the 1985 Third World Forum on Women. The women participating in the dialogues recognized that while law is used as an instrument of state control over resources, rights and even women's bodies, it can also be used to help effect political and socio-economic changes in societies.

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JAPAN

CENTER FOR JAPANESE FILIPINO FAMILIES (CJFF)

The Center for Japanese Filipino families (CJFF), is a sent mission by the United Church of Christ in the Philippines (UCCP) and received by the United Church of Christ in Japan (UCCJ) with the Hyakunincho Church as the UCCJ local host church to help and support the well being of Filipinos living in Japan.

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FILIPINO MIGRANTS CENTER

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MALAYSIA

TENAGANITA

Tenaganita desires the best for Malaysia, humanity the world and the future. The groups stands for migrant rights, human rights – individuals and communities whenever and wherever equality, fairness, justice and truth are denied them.

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PHILIPPINES

MIGRANTE INTERNATIONAL

MIGRANTE International is the global alliance of progressive Filipino migrant workers in the Philippines and in countries of destination of Filipinos. It is at the forefront of the struggles of Filipino migrant workers as well as their families and returned migrants in the Philippines. While it addresses the immediate concerns and issues of overseas Filipinos, it also actively participates in the national movement that aims to end forced migration through building a genuinely free, democratic, just, peaceful and developed country.

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GABRIELA

GABRIELA is a movement dealing distinctly with the problems of women as women, working to free women from all forms of economic and political oppression and discrimination, sexual violence and abuse, neglect and denial of their health and reproductive rights. It is also a movement integral to the national liberation struggle for sovereignty, a democratic and representative government and equality between women and men in all aspects of life. It harnesses the power of half of the country's population towards liberation of the Philippines.

The group seeks to forge women's unity within and among classes and constituencies to wage a struggle for the liberation of women and the rest of the Filipino people.

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SOUTH KOREA

HUMAN RIGHTS SOLIDARITY FOR WOMEN MIGRANTS IN KOREA

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TAIWAN

TRANS ASIA SISTERS ASSOCIATION OF TAIWAN (TASAT)

TASAT believes that all people have the potential to become independent and capable of helping others and to become makers of history. The task of an organization is to provide every means and approach so the individuals can break through the structural constraints, making their lives meaningful, not only for themselves but for their societies and communities. The objectives of TASAT are to help the immigrant women break away from isolation and become active participants in the society.

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VIETNAM

CENTER FOR REPRODUCTIVE AND FAMILY HEALTH (RAFh)

The Center for Reproductive and Family Health (RaFH) was established in May 1993 under the Decree No. 35 of the Vietnamese government as a Vietnamese non-profit and non-governmental organization. Having registered at the Hanoi Department of Science and Technology under the Hanoi People's Committee, RaFH is operating in the fields of gender, sexuality, reproductive and family health in Northern, Southern and central Provinces of Vietnam. Especially, RaFH focuses on rural, mountainous and remote areas, ethnic minorities and disadvantaged groups of women and children (women victims of domestic violence and sex trafficking, sex workers, HIV/AIDS carriers, the disabled, the homeless, street children, adolescent and the elder, etc.).

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