

A close-up photograph of two hands clasped together. The hand on the left is fair-skinned and has a white pearl ring on the ring finger. The hand on the right is dark-skinned and has a gold ring on the ring finger. The background is a soft, out-of-focus grey.

for better or for worse

Comparative Research on Equity
& Access for Marriage Migrants

edited by Hsiao Chuan Hsia

Asia Pacific Mission for Migrants (APMM)

For Better or For Worse

Comparative Research on Equity
and Access for Marriage Migrants

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Members and supporters of TransAsia Sisters Association Taiwan (TASAT) and AHRLIM participated in UnVEIL's international campaign against state violence on marriage migrants on November 25, 2008. (Photo courtesy: TASAT)

FOREWORD

“In sickness or in health, in rich or in poor, for better or for worse...”

The issue of marriage migrants has remained a mystery to many. While continually being discriminated against and marginalized, their very concerns are not dealt with extensively and comprehensively until as of late.

This comparative study of marriage migrants in Taiwan, South Korea, Japan, Hong Kong and Australia gives us a glimpse into the reality of marriage migration in the region. While it touches on how marriage migrants are initially exploited by way of marriage brokers and other marriage business schemes, it mainly looks into how they become further discriminated and oppressed by receiving or host governments who implement restrictive policies and laws for them.

From the issue of citizenship to the right to work, from accessing social services for them and their children to protection from domestic violence and other abuses, this comparative study into the access and equity for marriage migrants in the five areas in Asia Pacific sheds more light to the real sufferings of marriage migrants.

Nonetheless, the study goes beyond their sufferings. It also tackles how marriage migrants have learned to equip themselves with tools and skills to assert not only their rights but claim them as well. Experiences of organizing, collective discussions and linking up with other groups and support networks provide the reader with the sense of empowerment that many marriage migrants in the region have learned and obtained.

The comparative study aims to break the myth of marriage migrants being the perpetrators, the gold-diggers, the opportunists and prove the reality of them being sufferers, victims, survivors and empowered sections of the migrant sector.

Ramon Bultron

Managing Director, Asia Pacific Mission for Migrants

南洋姊妹要說



(TOP) The TASAT theater group staged a theater performance entitled TransAsia Sisters Speakout Onstage last December 12, 2009. (BELOW) Around 1,000 people joined the September 9, 2007 rally led by TASAT against the financial requirements being posed on marriage migrants. (Photo courtesy: TASAT)



Introduction

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Marriage migration has emerged as a way out of poverty for many women in poor countries suffering from the impacts of neoliberal globalization. Sadly, governments of sending countries have exploited this situation to resolve massive unemployment and access dollar reserves needed to pay the country's foreign debts.

The proliferation of marriage brokers and internet businesses matching women for marriage to foreign nationals, including the advertisement, publication, printing or distribution of brochures, fliers and other propaganda materials, remains unchecked despite the existence of laws to stop these schemes.

On the other hand, governments of receiving countries have benefited from this type of labor importation as marriage migrants, like other migrant workers, provide cheap labor while taking on 4-D jobs (dirty, difficult, dangerous and demeaning). Aggravating the marriage migrants' situation are oppressive, racist and discriminatory immigration policies as well as lack of access to social services.

These women migrating through marriage have faced tremendous discrimination in the countries of destination. They are called by many derogatory terms, such as "mail-order brides" or "foreign brides" and are perceived as opportunists and causes of social problems. To combat the discrimination, we choose to use the term "marriage migrants" to refer to people struggling to find a better life through marriage migration.

As witness to the sufferings of women married to locals in its focus areas, the Asia Pacific Mission for Migrants (APMM), in collaboration with other non-government organizations, adopted the issues of marriage migrants to ensure their protection and empowerment.

In a regional conference on women migrants in 2005, APMM and partner organizations heard tales of woe from marriage migrant participants mainly from the Philippines, Vietnam, Indonesia, Thailand and Cambodia, in search for pathways to caring relationships and socio-economic opportunities. They shared common experiences as they went through marriage brokers, on-line matchmaking through the internet, chat rooms and other venues.

An initial study on the marriage migrants' situation was done through APMM's research on "Attitude of the Local People to Foreign Brides" published in February 2007. This study revealed that the local respondents showed largely positive attitudes on marriage migrants although they are not generally shared by most of the local peoples. From the respondents' own reflection and analysis, there exists in their respective societies a generally negative attitude on foreign workers, immigrant women and foreign brides. Interestingly, the study revealed that state policies shape the general view of locals that foreign or migrant workers, including immigrant women and marriage migrants, "are out to get their (locals') jobs."

A follow-up research entitled "Psychosocial Profile and Perspectives of Foreign Brides" was published by the APMM in May 2007. The study revealed that one of

the major problems they face is socio-cultural differences (i.e. language, food, in-laws, religion). Most of the marriage migrants interviewed have disclosed that they suffer in silence against social prejudice as a result of the effects of institutionalized racism, discrimination and sexism which are already embedded in society's fabric and more pronounced in immigration laws and regulations.

The International Conference on Border Control & Empowerment of Immigrant Brides that was jointly organized in September 2007 by the APMM; Graduate Institute for Social Transformation Studies, Shih Hsin University; International Center for Taiwan Social Studies, Shih Hsin University; TransAsia Sisters Association Taiwan (TASAT); and the Awakening Foundation; called for immediate measures to address the issues of marriage migrants who hurdle more stringent border control, more discriminatory policies, harsher working conditions and repression by both host and home governments under the current global economic recession. One of the conference's resolutions was to establish an international network for the advancement of marriage migrants, leading to the formation of the Action Network for Marriage Migrants' Rights & Empowerment (AMM♀RE).

The formation of AMM♀RE on October 31, 2008 paved the way to a stronger commitment and wider involvement of marriage migrants and human rights advocates. During this event, 16 organizations from nine countries and regions pledged to include marriage migrants in their programs of action, namely: GABRIELA (Philippines); Migrant International (Philippines); Tenaganita (Malaysia); TransAsia Sisters Association Taiwan (Taiwan); New Immigrant Labor Rights Association (Taiwan); Filipino Migrants Center (Japan); Pinay-Montreal (Canada); Justice & Peace Commission, Catholic Diocese of Hong Kong (Hong Kong); Migrante BC, Vancouver (Canada); Asosiasi Tenaga Kerja Indonesia (Hong Kong); Center for Philippine Concerns (Canada); Migrante Europe (The Netherlands); Immigrant Women's Speakout Association (Australia); Katipunan ng Samahang Manggagawa sa Korea (South Korea); the Mission For Migrant Workers (Hong Kong); and the APMM (Hong Kong). Now, it has 27 members from 11 countries and regions.

THE STUDY

Approving the Comparative Research Design was one of the actions taken up on the birth day of AMM♀RE. This research was done in collaboration between Asia-Pacific Mission for Migrants as the lead institution and other member organizations and affiliates of AMM♀RE. Five areas – Taiwan, Hong Kong, Japan, South Korea and Australia – were chosen to conduct a local research for the comparative study since they are the main destinations for marriage migration in the Asia Pacific region.

All of the organizations collaborating in this research have long been working for the advancement of rights and welfare of marriage migrants. Their rich experiences working with marriage migrants and insights about the issues are invaluable.

This research, therefore, is not meant for pure academic consumption. Rather, it is a praxis-oriented research gearing towards the material world, analyzing the contradictions in the societies and pinpointing the possibilities of changing them.

Specifically, the objectives of the comparative research are:

1. Identify and collect information on policies, laws, regulations, programs and services related to marriage migrants of selected receiving countries;
2. Collect lived experiences of marriage migrants in the selected receiving countries in regard to residency rules and policies, their economic and socio-cultural conditions;
3. Develop a progressive theoretical framework in analyzing the realities experienced by marriage migrants;
4. Develop strategies in responding to the issues that will come out as findings from this research;
5. Publicize the result of this research and distribute to relevant government and non-government agencies.

Methodology

In order to achieve the objectives of the comparative research study, the participating organizations first gathered related information and data from earlier studies, researches and published government materials in their respective areas.

Crucial in the study is the understanding and analysis of standing government laws and policies on migration and citizenship, in particular partner/spouse visa schemes and the welfare and other entitlements for each visa type. It is important to note how the migration procedures and visa schemes apply to children who may come from a previous marriage and/or born of marriage between the immigrant partner/spouse and the sponsoring partner/spouse. Furthermore, included in the study is the spate of government-sponsored welfare programs and schemes that are available and could be accessed by marriage migrants and their children.

Holding focus group discussions, or FGDs, mainly with marriage migrants is the next major step that the participating organizations conducted to find out how marriage migrants in these respective areas actually deal with burning issues such as discrimination and social isolation, accessibility to government services, and integration with the community, among others. It is important to have respondents coming from various national/ethnic and social backgrounds.

Three focus group discussions were conducted: 1) among marriage migrants living in urban areas; 2) among marriage migrants living in rural areas; 3) among those who have experienced domestic violence. A discussion outline has been prepared to assist in the facilitation of the each FGD (See Appendix). Some research team may adjust the methods of conducting the FGDs according to their actual conditions, which will be explained in each report.

In-depth interviews were also conducted with key service providers, community organizations, multicultural women organizations, some members of the academe and other research institutions.

Once finished, the area researches were subjected to collective discussion and analysis. Several organizations involved in the comparative research study gathered to compare the results of the area researches and came up with a general summary of the study.

ANALYTICAL FRAMEWORK

Following the trend of labor migration, marriage migration has become another significant form of forced migration for women under capitalist globalization. The general trend is almost parallel with labor migration: women from the poorer countries migrate to richer countries. For example, women from the Southeast Asian countries, including the Philippines, Thailand, Vietnam, Indonesia and Cambodia, marry to men in Taiwan, Hong Kong, South Korea, Japan and Australia, through cross-border marriages.

Root Causes of Marriage Migration: Capitalist Globalization

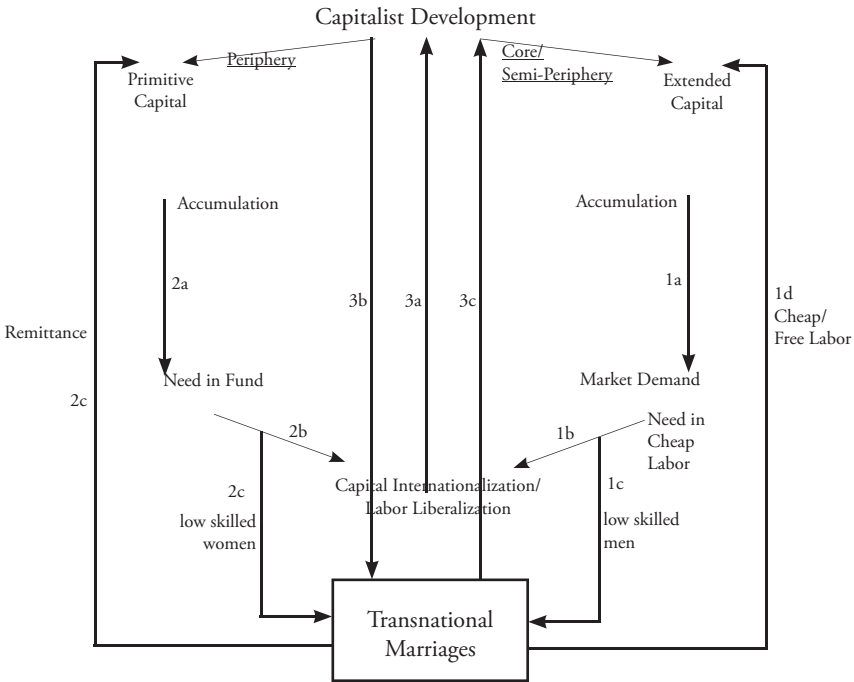
This global phenomenon of transnational marriages need to be understood as a by-product of capitalist development – one way that men and women cope in societies distorted and marginalized by capitalist globalization, which will be illustrated in Diagram 1.

Capitalist development has resulted in unequal development and led to a division of labor between core, semi-peripheral and peripheral states. As the result of restructuring of production, capital from the core such as the U.S., Japan and Europe began to invest in the peripheral such as Thailand and Indonesia beginning in the 1980s in search of new markets and investment outlets, greatly expanding production in those regions. Taiwan, South Korea and other Newly Industrialized Economies began extending their economies into Southeast Asia, becoming semi-peripheral states exploiting peripheral states.

One of the key characteristics of capitalist development in core and semi-periphery is the expansion of capital accumulation. Methods of expanded capital accumulation include finding new markets and lowering labor costs (1a). In order to secure the sources of cheap labor, developed capitalist states have two approaches: import cheaper labor from the periphery and export productive capital to the source of cheaper labor in periphery. To open up markets and investment opportunities in the periphery, the core uses international trade and financial organizations to force the periphery to accept investment and engage in trade (1b). Being at the initial stages of capitalist development, peripheral countries are often faced with the collective pressure of core countries and their agents (the IMF, World Bank, etc.), and forced to further distort the domestic distribution of resources in order to come up with funds for primitive accumulation of capital in a bid to

develop capitalism (2a). This distorted development takes two forms: first, the periphery opens up its border to dominant states accepting foreign investment and working to create a better foreign investment climate; or the periphery exports laborers pushed out of a bankrupt agricultural sector, which serves to lower unemployment pressures and earns much needed foreign currency, thereby contributing to capital accumulation (2b). These pressures have contributed to capital internationalization and labor liberalization, and have led to further capitalist development (3a).

Diagram 1:
Commodified Transnational Marriages and Capitalist Development Since 1980s



Note: There are numerous factors involved in capital accumulation, but this chart only shows those factors related to the international division of labor markets and cheap labor in the core and semi-periphery and funds in the periphery.

Capital internationalization and labor liberalization in the semi-periphery have led to large-scale plant closures and unemployment. At the same time, the core and semi-periphery have imported a great number of migrant workers to replace more expensive low-skilled and unskilled local workers. This has put further pressure on local agricultural and industrial workers, who find it even more difficult to survive in the domestic labor market. Because of a patriarchal marriage structure, in which men are expected to be of a higher social status than their wives, male agricultural workers and blue-collar workers find it hard to compete in the domestic marriage market (1c). A similar trend is found in the periphery, where the original agricultural economy is bankrupt and foreign capital

prevents the development of domestic industry further driving down the conditions of local workers. As a result, many laborers are forced to find work in the labor markets of more developed countries. This also has an effect on the interaction of men and women in marriage markets: the falling economic conditions of men in the periphery force them to search for husbands in the core and semi-periphery, especially for those women who cannot even afford to pay the high placement fee to work abroad. (2c). The development of global capital and liberal labor markets has led to the formation of marriage brokers who operate between core/semi-periphery and periphery, spurring on the creation of “marriage migration.”

The process of “marriage migration” involves a number of exchanges, and impacts on the core, periphery and semi-periphery in several ways. For the core and semi-periphery, marriage migrants provide unpaid household labor, childbearing and childrearing, thereby stabilizing the reproduction of a pool of cheap labor. Marriage migrants themselves serve as a new source of cheaper laborers in these countries (1d). For peripheral countries, fees collected from document and travel fees, and remittances from women from peripheral countries benefits primitive accumulation.

In sum, the phenomenon of marriage migration brings together men and women marginalized in core, semi-peripheral and peripheral societies by capitalist development, in order to survive. Marriage migration is not only the product of capitalist development, but also concretely manifests the abstract structure of international political economy in interpersonal relationships (3b). Unequal relationships between societies are thus realized in everyday life, and the minute details and conflicts that arise in marriages are often interpreted by members of core/semi-peripheral societies as problems endemic to people from peripheral societies, and then used to explain the underdevelopment of those countries. Numerous policies of the host countries create and reinforce prejudice and discrimination against marriage migrants from peripheral countries. This will in turn worsen the disadvantaged conditions of the marriage migrants and strengthen the very process of capitalist development (3c). (For detailed analysis, see Hsia 2004).

Reproduction Crisis and Restructuring of Reproduction

Marriage migration is a form of forced migration for women, which reveals the “restructuring of reproduction” at the present stage of capitalism. To reduce the costs of labor, and thus to expand capital accumulation, not only does the wage have to be depressed, but also the cost of reproduction must be forced upon workers themselves, especially women.

The maintenance and renewal of labor, such as cooking, providing accommodation, cleaning, childbearing, childrearing, etc., all the labor necessary to maintain and reproduce the labor force, are constructed as duties and responsibilities that workers themselves have to take care of, rather than the costs inherent in the reproduction of capital. By imposing the costs of reproduction of labor on the workers themselves, particularly on the women in patriarchal societies, the capitalists successfully expedite the capital accumulation. As many Marxist-Feminists have argued, household (domestic) labor by housewives which

forms, maintains and restores the capacity to work is a large “free gift” to the capitalist economy.

In earlier stages of capitalism, women take care of the reproduction within their families for free. As the costs of living increase, an increasing number of women need to work outside their families to supplement family income and some middle and upper class women hire domestic workers to replace their unpaid labor as “home makers” in the family.

As capitalist globalization intensifies, the welfare state is in crisis and many services, such as community child-care centers, are relinquished. As the result of ever increasing costs of living and lack of comprehensive social welfare system, women in those core and semi-peripheral countries need to find cheaper surrogates to take care of household needs. Therefore, policies such as live-in-programs in Canada and import of foreign domestic workers in the NIES are implemented hoping to resolve the crisis of reproduction, which leads to the “restructuring of reproduction,” where women from the peripheral countries migrate to the core and semi-peripheral countries to take care of the household needs in the families of core and semi-peripheral countries.

This pattern of “restructuring of reproduction” is in the reverse direction of restructuring of production. That is, while the core and semi-peripheral states export productive capital to the peripheral states to exploit cheaper labor, the reproductive labor is imported from the peripheral states to the core and semi-peripheral states to resolve their reproduction crisis.

However, these policies of importing foreign domestic workers serve only as “Band-Aid” solution. Fertility rates in the core and semi-peripheral countries continue to drop, not simply because middle and upper-class women are more educated so they prefer to stay single. Rather, the more fundamental reason behind this is that the costs of childrearing are dramatically increasing, as the result of social welfare crisis and privatization of education.

According to the World Factbook published by Central Intelligence Agency, out of the 223 states and territories listed, as of 2010, the lowest total fertility rates are found in Macau (0.91), Hong Kong (1.02), Singapore (1.09), Taiwan (1.14). South Korea (1.21) and Japan (1.21)¹. Interestingly, all of these countries and territories experience the influx of marriage migrants in recent years (4 are the areas of research for this book). Though Australia, as another primary receiving country of marriage migrants, is not among the lowest states, it ranked 161 out of 223 with the rate of 1.78, lower than 2, the replacement rate for a population. Rates below two children indicate populations decreasing in size and growing older.

As the fertility rates continue to fall rapidly, many governments have tried to encourage their women citizens to bear more children by offering some subsidies and

¹ <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2127rank.html>, accessed on Sep. 12, 2010.

promoting the so-called “family values.” However, these minimal subsidies are way behind the actual costs and most women do not consider them as incentives for giving more births. For example, in Taiwan, it is estimated that to raise a child until the graduation from college, the minimum cost is 10 million NT (around 350,000 U.S.D), while the minimum wage is only 15,840NT until the end of 2007.

While in the core and semi-peripheral states, the DINK (Double-Income-No-Kids) community is getting more popular in the cities, and among the middle-class, working class and peasants can hardly see bachelorhood or no-kids as options. Unlike their middle class counterpart, the working class and peasants cannot afford to hire a care-taker (foreign or domestic) for their elderly and/or ill parents. Additionally, to continue the lineage still remains a strong belief in east Asian cultures (such as in Taiwan, Hong Kong, South Korea and Japan) , especially for working class and farming families. However, women in these countries know very well the hardship of maintaining a family, especially in working class and farming families. Consequently, working-class and peasant men in the core and semi-peripheral states follow the capital flight to the neighboring peripheral states in search of brides.

These marriage migrants from the peripheral states thus contribute to the capital accumulation in the core and semi-peripheral states in three folds: maintenance of labor (e.g. cooking, cleaning, caring for the elderly and the ill family members), renewal of labor (giving-birth and childrearing), and become cheaper labor themselves. However, it is important to emphasize that those farmers and the working class men who marry the marriage migrants should be understood as the victims of capitalism, rather than be blamed as the evil-doers exploiting their foreign wives.² This emergent global phenomenon of marriage migration is not caused by individual working class and peasant men who find wives from poorer countries. Marriage migration indeed manifests the crisis of reproduction, under the capitalist globalization.

Border Control and Legitimacy Crisis

Though supposedly being part of the families of the citizens and being needed to contribute their productive as well as reproductive labor, marriage migrants, particularly those from the peripheral countries, are not welcome by the authorities, because of their working class status and their home country’s lower rank position in the global capitalist hierarchy. However, as the supposedly “democratic” countries, the authorities cannot deny outright the fundamental rights of their citizens’ rights of choosing transnational marriage. Therefore, the authorities have to employ various mechanisms to scrutinize who are the “real” foreign spouses, “qualified” to be one of “us,” and deport anyone who they suspect have failed their tests. As illustrated in the chapters of this book, one can see how governments of the receiving countries set up numerous obstacles for the marriage migrants to eventually acquire citizenship, including the spouse-dependent condition of

² *If this trend of restructuring of reproduction continues, what does it mean to the peripheral countries? The condition of reproduction in these countries needs further studies, which can be another significant cost of capitalist globalization.*

stay for marriage migrants, long and complicated process of acquiring citizenship, and stringent requirements for extension of stay or naturalization.

These exclusionary practices of border control against marriage migrants from poorer countries, the foreign spouses of the legitimate citizens, cannot function without an ideology work for justification. Similar to the ideology work during imperialist expansion era when Whites were constructed as civilized and Blacks as barbarian to justify the inhumane treatment of the slaves, the unfair treatment of marriage migrants also needs ideology work for justification. This ideology work involves an essentialist construction of the marriage migrants as having certain “qualities” that are inherently lower than the qualities of the native citizens. For instance, marriage migrants have been commonly construed by the governmental agencies, media, and general public as a “social problem” and often attached to such terms as “fake marriage” and “gold diggers.” (Hsia, 1997, 2007)

Discrimination Intensified in the Globalization Context

The fear of people from less developed countries taking advantage of richer country’s prosperity is prevalent in public discourse. This fear has been deepened since capitalist globalization intensifies competition among nation-states. Capital flight from the core and semi-peripheral states to the peripheral states, and the import of migrant workers from these areas strengthen this national anxiety of protecting “our” success from the poor, envious neighboring “others,” who are perceived as coming to the receiving countries to steal our jobs and dig our gold mountains.

Marriage migrants from the poorer countries are often seen as even more threatening. The fact that women have the biological abilities to give birth is often seen as problematic and dangerous for border controllers because they are seen as adding burdens to the public welfare. The exorbitant obstetric services imposed on mainland Chinese marriage migrants is just one example.

Moreover, marriage migrants’ background as working class and from poorer countries is assumed to have negative impacts on their capacities of raising and educating children “properly,” which is linked to lowering the capacities of the host countries to compete with other states in an increasingly competitive global market.

To compete globally, all governments of the receiving countries develop policies that would supposedly attract “high quality” immigrants, meaning the professional/managerial/skilled migrants. On the other hands, tougher policies and regulations are imposed on migrants of working class background and from poorer countries. These

policies favoring the professional/managerial/skilled migrants are obviously discriminatory against working-class people.³

Ironically, the supposedly “negative” profiles of the marriage migrants, including low level of education and their working class status, are equally applicable to their husbands, who are citizens of the receiving countries. As previously analyzed, the working class and peasant men marrying marriage migrants are also victims of capitalist globalization. However, these discriminatory policies and regulations against marriage migrants are not seen as being discriminatory against their working-class husbands as well. Rather, they are often justified as protecting the interests of the nation as a whole, and consequently, the issues of class and inequality are over passed and diverted to the social problems that marriage migrants might cause. In other words, by diverting attention from internal inequality to the “problems” and “threats” of the marriage migrants (and migrant workers as well), the status quo remains intact and unchallenged. (Hsia, 2007)

POLICIES OF HOST COUNTRIES ON MARRIAGE MIGRANTS

Some of the strictest laws in host countries of migrant workers are those applied to marriage migrants. These policies center mostly on citizenship rules that make the acquisition of permanent residency or adopting the nationality of the spouse very difficult. Their status in the host country is defined mainly by their citizenship status.

Unlike temporary migrant workers whose rights are defined by the labor laws and their foreign status, most laws are only made applicable to marriage migrants only if they are already recognized as citizens or any equivalent status. In such a situation, marriage migrants are already made vulnerable to abuses.

In the international level, there are conventions and agreements that should provide protection to the rights of marriage migrants as migrants and also as women. These include provisions under the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, International Covenant on Civil and Political Rights and the Convention on the Nationality of Married Women.

However, these conventions are not followed or made as frameworks by host countries in formulating their policies on marriage migrants. These policies remain to be essentially restrictive and discriminatory.

³ Compared to Australia, which identity herself as a country of immigrants, these East Asian states, including Japan, Korea, Taiwan and Hong Kong, have a much more exclusionary model of citizenship, that is, citizenship based on descent (*jus sanguinis*). Consequently, the laws and policies about immigrants in these East Asian countries are often stricter than countries which claim themselves as a nation of immigrants, such as Australia, Canada and the U.S. However, discrimination still exists in laws and policies of these countries, as we can see in the chapter of Australia.

While these policies may differ in detail, there are commonalities that have grave impacts to the situation of marriage migrants.

Spouse-dependent Condition of Stay for Marriage Migrants

In many host countries, the status of marriage migrants is dependent on the spouse. Application and approval of bids to become permanent residents or citizens are hinged on the support of the spouse. Withdrawal of support – such as in the case of divorce – creates difficulties for the marriage migrants.

In Taiwan, immigration regulations are highly gendered, which do not grant citizenship to foreign women as an inalienable right, but rather preconditions citizenship on their status as the wife of a Taiwanese man. Before the Immigration Act was amended in 2008, marriage migrants whose marriage with Taiwanese spouses end before they obtain citizenship, even if the divorce is resulted from domestic violence, will be deported after their visa expire. Regulations are even stricter to marriage migrants from mainland China. If a mainland Chinese marriage migrant is “reported missing twice or once for more than three months,” her permit for spouse residency can be revoked. This regulation can be easily manipulated by her husband and his family and thus cause marriage migrant constantly under the threat of her Taiwanese spouse.

In South Korea, citizenship rules are under the Immigration Control Act and the Naturalization Act. In the application for an extension of the sojourn period or for naturalization, immigration authorities always require the presence of the Korean spouse in dealing with marriage migrants in order to prove the authenticity of the marriage. If the Korean spouse withdraws references required by the authorities, marriage migrants are not allowed anymore to stay in Korea or their application for naturalization gets denied.

Meanwhile in Japan, the procedure to apply for a “status of a Japanese spouse” may look easy at the onset for it only requires application to the immigration bureau. However, what is not usually revealed is also how tedious such a process can be.

In applying for such a visa or an extension of stay, a marriage migrant is required to submit a “guarantee of sponsorship letter” from the Japanese spouse. Without this letter, the foreign spouse cannot extend his/her visa to stay in Japan if he/she has not yet obtained permanent residency.

The guarantee letter is such a powerful document that marriage migrants will endure everything just so the spouse will continue to issue such document. In a focus group discussion, some participants related stories where their husbands will threaten them – such as tearing the guarantee letter in front of them or crumpling them – if they do not concede to the husband’s wishes.

This is essentially the same condition for marriage migrants in Hong Kong. In the former British colony, a marriage migrant can apply for a “dependent visa” for one year

first. After its expiration, the marriage migrant can apply for an extension for three years and again after the expiration of said visa, he/she will have to apply for another three-year extension. After all of these can a marriage migrant apply for permanent residency or “right of abode”. In each application for extension, the marriage migrant must always be accompanied by the spouse for the interview at the Immigration Department. Thus, a marriage migrant is dependent on the spouse for a total of seven years.

In Australia, though the process may be considered relatively simpler than most, marriage migrants are still made dependent on their spouses for a period of time.

The initial spouse visa given is for two years, only after which can the marriage migrant apply for permanent residence. Requirements include an undertaking of support from the spouse or partner in cases of fiancé visa or for interdependent relationship (gay and lesbian couples).

Within these two years of spouse visa – as documented cases have shown – marriage migrants can be made to endure abusive condition through deliberate misinformation of the spouse with regards to her rights as a foreign spouse.

Long and Complicated Process of Acquiring Citizenship

Among the subject areas of this research, Taiwan seems to have the most complicated and most tedious processes for a marriage migrant to acquire naturalization.

In Taiwan, a marriage migrant has to apply first for an Alien Residence Certificate at the offices of the National Immigration Agency or NIA at least 15 days after arrival. The ARC is valid for three years and should be renewed before its expiration. They then can apply for the “Certificate of ROC Naturalization Candidature” when they have more than three years of legal residence and additionally, they should have stayed in Taiwan for at least 183 days per year. Before applying for naturalization though, they must also apply for the abdication of the original nationality.

The marriage migrants are also required to pass other documents including certificates of the basic language command, in order to be eligible for naturalization. However, even if they become naturalized, ROC citizenship is still another process. They must apply first for Resident Certificates and then the Registered Permanent Residency Certificates. Before applying for the latter, the marriage migrant has to reside in Taiwan continuously for one year from day of naturalization or for two years with more than 270 days per year or for five years with more than 183 days per year.

Marriage migrants in Taiwan are very insecure when they are in the stateless position of having abdicated their original nationality but are still applying for naturalization. Interviewed marriage migrants said that they could not even leave the country even in emergency for it will again repeat the cycle of counting the days of staying in Taiwan. Also, since a ground for denial of naturalization is having criminal record – minor offenses such as gambling can even be considered as crime – their day-to-day actions and

mobility are full of insecurity and anxiety that they may do something wrong that can jeopardize their application.

In Japan, a marriage migrant may apply for permanent residency after three years of marriage. However, in the experiences of marriage migrants who were interviewed or joined the FGDs, it actually takes five or more years of marriage before they can apply for permanent residency. Meanwhile, under the Nationality Law, naturalization (processing usually takes one year) can only be applied after continuously living as a permanent resident in Japan for five years.

Meanwhile in South Korea, a marriage migrant has to apply for a Residential Status (F2-1) which is valid for one year and should be renewed for another year before its expiration. The marriage migrant who has stayed longer than two years is then entitled for permanent residence status (F-5) or naturalization. In accordance with the Nationality Act, waiting period for naturalization is from one and a half to two years. Thus, a marriage migrant has to stay in Korea with a “foreigner” status for a total of four years.

In the cases of Taiwan and Hong Kong, the process becomes even more complicated when it comes to marriage migrants from Mainland China.

In Hong Kong, a Mainland Chinese marriage migrant has to apply first for a one-way permit or OWP. This is, however, under a daily quota so the usual waiting time to get permission to enter HK is approximately four years. Additionally, the daily quota is also dependent upon an exit visa issued by the Mainland Chinese authorities.

After entry to Hong Kong under the OWP, the marriage migrant can only apply for permanent residency after seven years bringing the total waiting period to a minimum of 11 years!

For Mainland Chinese marriage migrants in Taiwan, the rule for them is very different. Because of the political issue between Taiwan and the Mainland China, they are governed by the Act Governing Relations between Peoples of the Taiwan Area and the Mainland Area, rather than the Immigration Act. The waiting time for residency in Taiwan before applying for citizenship is much longer for them and much stricter.

Stringent Requirements for Extension of Stay or Naturalization

Aside from being, for the most part, spouse-dependent, there are other requirements for permanent residence or citizenship that makes obtaining such status even more difficult.

Financial requirements are some of the restrictive rules imposed on marriage migrants. In South Korea, the so-called simplified naturalization procedures still require financial registration such as having a bank balance with 30 million Korean Won (approx.

US\$30,000) under his/her name or the family, lease contract or estate registry equivalent to the said amount or Certificate of Incumbency which includes the employer's Business Registration Certificate, or Certificate for the employment expected.

Before November 2008, marriage migrants in Taiwan had to submit strict proof of documents for their certificates of sufficient property, a bank balance or income tax receipts of about NT\$420,000 (approx. US\$14,000). Organizations of marriage migrants, migrant workers and advocates protested against such requirements and gained concessions on this rule. Marriage migrants are now only required to submit a statement declaring that they can make a living. However, this is only adopted in the implementing rules and not on the Nationality Act itself thus essentially maintaining the financial requirements.

Other than the financial requirements, there are many other requisites imposed to marriage migrants to get residency or citizenship. These include proofs of skills or language proficiency like in Japan and South Korea. In Japan, it is even termed as "having exemplary contribution to Japanese society."

Also in Japan, co-habitation is one of the grounds used to either grant or deny a spouse visa. There have been cases wherein authorities deny visas and deport marriage migrants if the spouses do not live together anymore even if the marriage is still in effect. This is regardless of the reason for separation.

The relatively gray area in Australia in applying for a spouse visa is the burden of proving that the relationship is genuine and continuing. While there are some criteria that the Department of Immigration and Citizenship or DIAC looks for – mainly coming from the framework of the traditional modes of relationships – the changing realities of relationships will also be considered if the couple can prove that they still have a genuine and continuing relationship even with their non-traditional arrangements.

Marriage Migrants Under Divorce Process

Because of the high dependency on the spouse, a crucial question for marriage migrants is: what happens to their status if either of the couple applies for divorce and the marriage migrant is yet to complete the requirements for permanent residency or naturalization?

In Taiwan, prior to the amendment of Immigration Act on November 31, 2007, marriage migrants who divorced before they acquire citizenship had to be deported. The amended Immigration Act permits more protection for the rights of residence for marriage migrants suffering from domestic violence. However, if the divorce is not resulted from abuses and violence, a marriage migrant without Taiwanese citizenship will lose her rights to stay in Taiwan.

Though the amended law permits marriage migrants suffering from violence to continue to stay in Taiwan, there are still obstacles for some marriage migrants to stay

after divorce. First of all, they need to acquire protection order issued by the court, which might be difficult. Secondly, the protection court order has expiration date and therefore is not a guarantee for their permanent residence. Thirdly, if they are divorced before acquiring citizenship, they can only reside in Taiwan if they have minor children. That is, they cannot continue to stay if they have no children, and can only stay until their children reach eighteen years old. Fourthly, if they want to apply for citizenship, they have to apply as the “general foreigners” whose requirements are stricter, such as the financial proof of five million worth of property. With the economic difficulties mentioned previously, it is almost impossible for them to meet this requirement of the financial proof.

Many marriage migrants do not want to return to home countries after divorce, because divorced women are considered shameful at home. However, if they want to stay, they have to overcome the above mentioned obstacles. If they continue to stay in Taiwan after the expiration date of their Certificates of Residence, they become “illegal,” meaning that they will have no national health insurance, no protection by any laws, and run the risks of being deported.

Divorce in Japan is legal and is perceived to be an easier process. However, when connected with residence status, the divorce issue becomes more serious for marriage migrants. Automatically, the status of spouse will be revoked upon divorce. Marriage migrants who got divorced can only use the spouse visa until its expiration and afterwards, the marriage migrant has to change visa status.

The key issue after divorce in Japan is the matter of children produced during the marriage. If the marriage produced a child, the marriage migrant can apply for long-term residence visa or permanent residence status as long as the Japanese parent recognizes the child and the marriage migrant has custody of the child/ren.

However, these applications are still decided on a case-by-case basis under the discretion of the Justice Ministry. Marriage migrants are made insecure for one to two years – the processing of the application – because even financial status of the marriage migrant is scrutinized by the authorities. This aspect becomes a problem if the marriage migrant has no income during the married period or fails to find a job after the divorce.

In South Korea, a marriage migrant can still stay in Korea if the marriage migrant can legally prove that the dissolution of the marriage was not his or her fault. Additionally, the consideration for the status of marriage migrant can also be based if there is an underage child to look after.

However, parental right to the underage child is decided by the court and is based mainly on the economic capacity of the parent wishing to have parental right. This puts marriage migrants at a grave disadvantage. According to reports, the government has recently announced the granting of residency to those who have no custody to the child but have the right to visit them. This, however, is not based on any law and thus, is not a secure basis for the marriage migrants.

Because of the more complicated process for Mainland Chinese marriage migrant in Hong Kong, it takes consistent advocacy for a marriage migrant to be granted permission to stay in cases of divorce or if the husband passes away. Most of the time, this is a cause for family separation as usually, the child or children from the marriage is granted residency while the marriage migrant is still trapped under the quota system.

In Australia, any change in circumstances in the relationship – breakdown of a relationship, divorce, terminating co-habitation, change of residential address, birth of children – should be reported within 14 days and failure to do so is considered as a criminal offense.

If divorce happens during the spouse visa period, the marriage migrant will be ordered to leave Australia within 28 days. Those with permanent residence visa, meanwhile, can apply for citizenship as long as the DIAC accepts the relationship was genuine and the breakup was not a ploy to obtain a certain visa status or citizenship.

In cases where there are Australian children involved, the marriage migrant can apply for a parent visa.

Marriage Migrants as Victims of Domestic Violence

Domestic violence is a widespread issue among marriage migrants. But because of the spouse-dependent policies of host countries, many victims of domestic violence are made to suffer continuously for fear of losing the sponsorship of the spouse and facing the prospect of divorce and deportation.

In a survey of the Ministry of Health and Welfare in South Korea in 2005, it was found that 31% of women marriage migrants experience verbal abuse from their husbands, about 14% experience physical abuse and the same percentage have suffered sexual violence from their husbands.

Harmony House in Hong Kong, reported that 85% of women who approached them on cases of battery were Mainland Chinese women marriage migrants.

However, because of the insecurity of stay of marriage migrants, many cases of domestic violence remains unreported and unaddressed.

In Korea, domestic violence is a basis for divorce and can be used by marriage migrants to say that the divorce is of no fault by the marriage migrant. This requires certification from a counseling center. However, it is not a basis for granting residency.

Because of the impact of divorce to their status, marriage migrants in Japan who are victims of domestic violence are forced to endure such condition to hold on to the marriage. The guarantee letter and other requirements are used by the spouse as bargaining chips in order to prevent marriage migrants from filing for a divorce even in cases of

physical and sexual abuses. There have been many cases of this documented by NGOs working with marriage migrants and those assisting victims of domestic violence.

Mainland Chinese women are also victimized by domestic violence in Hong Kong but no mechanism exists to either protect these women or give them considerations if they suffer from such kind of abuses.

Meanwhile in Taiwan, a reporting system for domestic violence has been in place since the enactment of the Domestic Violence Prevention Act in 1998. Because of the prevalence of such cases among marriage migrants, a special hotline for marriage migrants was also set up in 2003. This used be a very limited hotline – only during office hours and with different times provided for each nationality – but later on became a 24-hour helpline in April 2005. The experiences of marriage migrants though showed that the implementation of the reporting system is still problematic.

Basic access to information on the availability of the hotline and the procedure for reporting is severely lacking for marriage migrants who have still overcome language barrier and physical isolation. But even if the marriage migrant has surpassed obstacles and managed to file a report of domestic violence, many of them were merely advised to “endure” the condition. Worse, there were marriage migrants interviewed who relayed horrible details of how authorities mishandled their domestic violence cases such as refusing to respond to immediate reports, getting accused of making up stories, negligence of authorities in terms of documenting reports and complaints, and even distortion of reports. Discrimination against marriage migrants who are victims of violence is rampant in Taiwan as local authorities tend to take the side of the local husband.

Domestic violence is also an issue in Australia. Marriage migrants who are victims of such can apply to stay in Australia even after divorce. This is also the case if the victim of the violence is a secondary applicant such as the child or children of the marriage migrant from a previous marriage. Family violence in Australia also includes verbal abuse, ridicule or the use of financial pressure. Even if the violence is perpetrated by a third party such as in-laws, the rule on family violence still applies.

However, many marriage migrants do not know that they can continue to apply for permanent residency even though their marriage broke down due to family/domestic violence. Many have difficulty in providing evidence on their experience of family/domestic violence, because the preparation of set of the evidence provided by the court or the competent persons takes a very complex process.

ECONOMIC AND SOCIO-CULTURAL PROBLEMS FACED BY MARRIAGE MIGRANTS

As they dream to find a better life in other countries, marriage migrants in Australia, Japan, South Korea, Taiwan and Hong Kong will soon find out that it is not so.

The stringent policies of the host countries on marriage migrants do not resolve but rather exacerbate the social isolation and the difficulty they experience in attempting to adapt to a new environment. From the confines of their newfound homes to the very neighborhood their spouses belong to, from the workplace to the very offices of government agencies, marriage migrants face a great deal of discrimination, intimidation and exploitation.

Language and culture are the two major concerns raised by marriage migrants in these countries. While reeling from the apparent culture shock, they are unable to adjust fully due to the difficulty in understanding and speaking the language that is all too foreign to them. In addition, as many of them are women coming from lower-class families in developing countries, they experience triple discrimination – race, class and gender.

We then ask: what opportunities do marriage migrants have in terms of employment? Are services available and accessible to them? What are the outstanding familial issues they encounter? While each country situation may differ, the general conditions of marriage migrants in all five areas are essentially the same.

Access to Jobs

While marriage migrants have the right to work, the jobs available to them depend majorly on the type of visa they hold.

Marriage migrants soon find out that it is a long and tedious process before their application for a permanent visa is approved. With that, they are only given temporary visas which then limit employment opportunities for many of them.

The jobs usually available for marriage migrants are: factory work (South Korea, Taiwan), service-related work such as waiting in restaurants, as cleaners in hotels (all five countries) and tending food stands (Japan and Taiwan), and domestic work. A few, as in the case of those in Japan, have freelance jobs as English teachers.

Such jobs fall in the 4-D category: dirty, difficult, dangerous, and demeaning. Many of them are gravely underpaid and are in constant threat of being laid off. In countries like Australia, there have been documented cases of bullying, intimidation and sexual harassment. In countries like South Korea, Japan and Taiwan, they are made to work on extended hours without compensation and are virtually prohibited to complain.

Aside from the visa issue, the limitation in language proficiency further cuts what job opportunities there are for them. Usually, this is the reason to refuse marriage migrants for employment.

The protection of their rights as workers is also another major concern. With such precarious working conditions, there is no assurance that their rights can be protected. In the case of Japan, where there is a Labor Standards Bureau that can serve as a conciliatory

body, the workers immediately hit a wall in any labor-related case they may file as the said bureau does not have the power to punish employers or companies.

Becoming “domestic workers”

Still, many marriage migrants are confined at home to do household chores. This includes cooking, cleaning the house, taking care of their child/ren, and doing other household chores.

Such work sadly extends to their spouses’ immediate family, their in-laws, who may or may not be living with them in the same house. Here, they are treated more as maids and not as part of the family. In Taiwan, for example, some marriage migrants are made to do household chores even though they are pregnant.

Virtually, they become unpaid domestic workers who are at the mercy of their spouses and even their in-laws.

Becoming the breadwinner

While those living in South Korea and Japan are mainly dependent on their husbands for income, there are a number of marriage migrants in Taiwan who become the primary income earners for their families.

Many of the husbands of marriage migrants belong to middle to lower-income families and are either working in factories or at agricultural farms. With the advent of the economic crisis, many of the local spouses have lost their jobs forcing marriage migrants to look for job to fend for their families.

Access to Services

While services for marriage migrants are available, they may not necessarily be accessible. Problems of language ensue as most information materials are written in their local language (i.e. Taiwan) while indifference on the part of government personnel is an issue that marriage migrants have to contend with (i.e. Taiwan, Japan).

Accessing these government-provided services may prove to be a challenge as most marriage migrants may have had expired visas or criminal record. The visa problem is an issue for those living in Japan, Taiwan and South Korea where marriage migrants choose not to approach government agencies for fear of being arrested and deported, or discriminated. This reality is very particular in Taiwan where marriage migrants complain about police agencies and other governmental institutions being hostile to them.

In Hong Kong, Mainland Chinese marriage migrants experience institutionalized discrimination in which they are charged HK\$35,000 for obstetric services, including a penalty if they do not book in advance. Antenatal checks have added cost.

For those living in the rural areas, as such is the case in South Korea, Japan Taiwan and Australia, marriage migrants have lesser access either because there are no available government-run centers in the area or they are very far. In most countries, these services are concentrated in the urban areas and only trickle down to the provinces.

Issues of Families

With language and cultural differences as the main factors, marriage migrants find themselves in a difficult situation when it comes to adjusting to family life in a foreign country. Not only should they adjust to their husbands but to his family as well.

Most marriage migrants feel a strong sense of social isolation. There are testimonies of marriage migrants staying inside their rooms for many months since they cannot converse well with their in-laws. This feeling of loneliness is further aggravated by the fact that they have limited or no communication with their own respective families or access to a social network. This is true in all five areas of this study.

The first three years is the most difficult period for the marriage migrants as she is faced with a flurry of obstacles that she has to overcome: language, culture, family traditions and customs, and prejudices among many others.

The issue of patriarchy is highlighted in countries like Japan, South Korea, Hong Kong and Taiwan where many women marriage migrants are treated to be directly under their husbands. Some are even subjected to domestic violence. While Australia may be a relatively liberal society, women marriage migrants are still subjected to such a situation where they are treated as commodities and sex objects.

As is the case, marriage migrants are perceived as gold-diggers, as highlighted in the case of Taiwan. Seen as taking advantage of their husbands, marriage migrants are gravely discriminated against and exploited with their rights and freedoms clipped.

These contradictions do not only lie within the auspices of their homes. Marriage migrants also had to contend with their larger community, as in the case of Japan, South Korea and Taiwan. As most of the countries have xenophobic tendencies, non-local residents are perceived as strange and therefore usually avoided. This burden becomes heavier especially for those living in the rural areas.

STORIES OF RESISTANCE

Their current conditions pushed marriage migrants to bind together and organize themselves. Despite the obstacles, they found each other in places of refuge – churches, NGO offices, parks. With the support of non-governmental migrant-serving institutions and local individuals, they are able to form their own organizations and respond to their own issues and demands through activities and programs.

Asia Pacific has seen the growth in marriage migrants joining and forming organizations. One of the strongest formations to date is the Trans-Asia Sisters Association of Taiwan (TASAT) where marriage migrants of various nationalities have banded together and develop actions and programs that shall respond to their issues and needs. Their advanced experience in organizing and conducting programs is made possible with the support of a broad Taiwanese support group, such as the Alliance and Human Rights Legislation for Immigrants and Migrants (AHRLIM).

In Japan, we have marriage migrants who are now part of various migrant organizations. Through institutions like the Filipino Migrants Centre, marriage migrants are able to help one another in coping with problems of social isolation, cultural adjustment, recovering from domestic violence, among many others.

Here, we see the vital role that both organizations of marriage migrants and non-governmental service providers play as they cooperate with each other in addressing the issues and problems of the sector. With migrants' advocates and service providers, marriage migrants find themselves a strong and reliable partner in resolving not only their individual concerns but their issues as a sector. The service providers are able to lend a hand in maximizing legal mechanisms and governmental agencies that can prove helpful in advancing the cause of marriage migrants.

Organizations of marriage migrants, on the other hand, become both a reliable social network and an opportunity for empowerment. Living miles apart from their families, the organizations become the second families of marriage migrants. The organizations become the source of their strength as well as a school in which they develop their skills and more importantly awareness on their conditions and how they can confront these conditions collectively.

One of the highlights in the growing movement of marriage migrants is the formation of AMM♀RE, or the Action Network for Marriage Migrants' Rights and Empowerment. Established in October 2008, the AMM♀RE created a platform for marriage migrants, human rights advocates and solidarity workers to further the cause of the marriage migrants. It has 14 founding organizations in its network.

Through AMM♀RE, marriage migrants are able to conduct programs that expose their conditions in their respective countries and push governments in addressing these concerns. Dialogues, exchange visits and sharings have become vital in the life of AMM♀RE and its members. Statements are released on calendared events (i.e. the International Working Women's Day) while activities are coordinated under the UnVEIL! campaign which aims to expose the state-instigated repression of the rights of marriage migrants.

At the international scale, marriage migrant organizations have seen themselves joining international platforms such as the International Migrants Alliance, or the IMA. The IMA is the first ever global alliance of grassroots organizations of migrants and refugees and their advocates. Established in June 2008, the IMA aims to provide the

opportunity for grassroots migrants and refugees to speak their minds on the issues that confront them.

Such an international platform is significant in raising to the international level the conditions of marriage migrants and a staging ground for marriage migrants themselves to engage on their issues as women, as migrants and as workers.

In the Montreal International Women's Conference and the founding assembly of the International Women's Alliance (IWA) in August 2010, AMM♀RE and the marriage migrants' organizations found another opportunity to voice out their concerns as well as cooperate with other women's organizations and movement in battling not only for their rights and against state-installed repression but also against a global system that exploits and oppresses all women, migrants and peoples.

STRATEGIES AND RECOMMENDATIONS TO ADDRESS THE ISSUE OF MARRIAGE MIGRANTS

Empowering and Organizing Marriage Migrants

Marriage migrants can only rely on their own collective strength to uplift their condition and to reclaim their role in society.

This statement is echoed in almost all the countries that participated in this comparative research. Empowerment of the marriage migrants is foremost in the strategies to address their own issues. Grassroots organizing is therefore imperative in order to achieve this.

In particular, Japan marriage migrants must first recognize that as women, they are not powerless. They need to assert for their rights as individuals and collectively push for meaningful change within the larger community. They need to muster their own strength to push for immediate reforms in the legal framework of the host country that would address issues and concerns that directly affect them. They also need to create their own programs as alternative solutions to uplift their plight.

Korea proposes organizing on cross-racial and cross-cultural lines to bridge the cultural divide among marriage migrants. The ethno-linguistic and cultural divide would usually be used by the government agencies to lessen the impact of advocacy for policy change by human rights groups. Equity of woman marriage migrants in Korean society will be pursued by the women themselves and access to employment and social services will proceed.

Taiwan's TransAsia Sisters Association (TASAT) has shown concrete steps in organizing and empowerment of the marriage migrants of different nationalities. Lessons from their experiences and campaign victories have been shared in recent activities

organized by the Action Network for Marriage Migrants' Rights & Empowerment (AMM♀RE).

Networking with Other Organizations

While it is important for the marriage migrants to organize and form their own association, they need to form alliances with other marriage migrant organizations in the host country. As Japan points out, whether in the urban or rural communities, marriage migrants must form themselves into formal groups or loose networks to create programs that would cater to their own needs. Those in rural communities who have relatively fewer population of marriage migrants can form themselves into clusters of networks. This can serve as a basic mechanism for self-help projects that can address practical problems on residency, marriage and family, employment and other social concerns. It can also serve as a forum for exchange of information that is important, particularly to newcomers.

Another form is networking and solidarity work with service providers. Traditional means and ways of networking must be transcended in favor of a more dynamic process of relating between social service centers that work with marriage migrants. This means that aside from sharing of information among social service centers, there should be a tenable vision and workable program that would foster greater unities to support and advocate for the rights of marriage migrants and their families.

International Solidarity

Forging solidarity with marriage migrants groups in the international level should be adapted as a strategy under the current global migration. Without a doubt, the formation of the Action Network for Marriage Migrants' Rights & Empowerment (AMM♀RE) has provided opportunity for the marriage migrants' voices to be heard.

Strengthening the network is therefore imperative in order to bring about changes in policies in both sending and destination countries for the protection of the rights and welfare of marriage migrants.

Along this line, international standards and mechanisms shall be generated to uphold, defend and provide access to services for the marriage migrants.

Advocacy

Equally important is a sustained active advocacy for the protection of human rights of marriage migrants by government agencies and non-government social service centers. This would include the setting up of regulatory mechanism for marriage matching agencies, churches and organizations involved in the business of matching foreign women with local men.

Advocacy and lobby work are effective strategies in resolving issues as well as changing or creating policies for the marriage migrants. For instance in Taiwan, the AHRLIM has successfully demanded several laws and policies by continuously advocating and lobbying.

Educating the Public

The issue of marriage migration remains relatively new; hence, raising public awareness is of the essence. Education comes in various forms such as the strategy used by the TASAT in “Story Telling Mothers at Taipei Yungjian Public Library” where marriage migrants related their experiences and the empowering lessons they gone through. Later on, they were speaking in public gatherings, rallying for their rights and welfare in front of the legislature.

In 2009, TASAT formed the TASAT Theater Group, which effectively projected issues of marriage migrants via stage performance, with stories and scripts collectively developed by marriage migrants themselves.

Recently, TASAT produced a documentary film titled “Let’s Not Be Afraid!—A Documentary on the Struggle of Marriage Migrants in Taiwan”. This would also serve as an educational tool for other marriage migrants to emulate.

More importantly, the media can be maximized to project the marriage migrants’ issues. Taiwan’s experience in transforming the local media’s negative perspective of “foreign brides as a social problem” is noteworthy.

For example, at the first protest initiated by AHRLIM, marriage migrants organized by TASAT were on the front line voicing their dissent by performing a short play in front of the Legislative Yuan, which received great media attention.

CONCLUSION

While the comparative research study reveals the general conditions of marriage migrants being subjected to a very oppressive environment, their freedoms limited and their rights clipped, it also presents the growing movement of marriage migrants. It provides us with a glimpse into the objective reality that marriage migrants are learning to organize themselves and collectively assert their rights both as migrants and as women.

By linking up with other migrant groups as well as local organizations and individuals, they gain not only support to their welfare needs but solidarity friends and partners who join them in their campaigns and struggles.

Such a reality adds premium to the fact that marriage migrants will not allow themselves to be held hostage by the condition they are in but will learn to fight to liberate themselves from it.

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Taiwan

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INTRODUCTION

Overview of the Marriage Migrants Situation in Taiwan

The phenomenon of marriage migration in Taiwan began in the mid-1980s when it moved from the “periphery” to the “semi-periphery” in the world system. As a result, Taiwan has started exporting capital, importing migrant workers, and becoming a host country for many marriage migrants in the region. Most marriage migrants decide to marry Taiwanese men because they hope to escape poverty and turbulence in their home countries, intensified by capitalist globalization. The Taiwanese husbands of marriage migrants are mostly from farming and working class families, who have been devastated by neo-liberal globalization that has imposed threats to the agricultural economy and the exodus of labor-intensive industry. The Taiwanese men often need to hire agencies to arrange travels, match-making meetings with women, process papers, etc (Hsia, 2004).

Transnational marriages of this type require a large sum of money, many times half of the savings of a peasant and working class family in Taiwan. If a man successfully marries a woman, he must pay the broker a sum between US\$10,000-\$15,000, only 10% of which goes to the bride’s family as a dowry. Still, a dowry of this size is a considerable sum to families in Southeast Asian nations and rural areas of Mainland China where wages are lower (Hsia, 2004).

Governmental statistics show the significance of these transnational marriages. According to the statistics released in 2002 by the Directorate-General of Budget, Accounting and Statistics, one of every four new marriages in Taiwan is between a citizen and foreigner. The majority of the foreign spouses are the “foreign brides¹” and “Mainland brides” of Taiwanese men. As of February 28, 2010, there were 431,723 foreign spouses (33.4% from Southeast Asia and 63.8% from Mainland China) in the country. 92% of these foreign spouses are women. Among the women from Southeast Asia, 57.5% are from Vietnam, 18.3% from Indonesia, 5.6% from Thailand, 4.7% from the Philippines, and 3.0% from Cambodia (Ministry of Interior, 2010). These women are constrained in many ways (Hsia, 2009).

Firstly, since these marriage migrants come to Taiwan alone, they lack a social network to serve as effective social support after they are married. Most of the marriage migrants from Southeast Asia arrive in Taiwan without knowing much of Chinese or other languages commonly used in Taiwan, which leads to worse isolation. Although Taiwan has passed a law against domestic violence and provided various services, such efforts are of no real assistance to immigrant women due to: first, language barriers and the resulting lack of access to information; and second, the fact that social workers and other service providers are not properly trained to handle multicultural issues.

¹ The word “foreign bride” is common parlance in Taiwan, and reflects the discrimination against Third World women. The term is used in quotes to remind readers that it is ideologically charged.

Secondly, since marriage migrants often marry to Taiwanese farmers and laborers, they tend to face stressed economic conditions. Most foreign spouses need to take on jobs in order to supplement family income. They experience many obstacles, however, while searching for jobs. For example, due to language barriers and isolation in the household, they do not have adequate access to necessary information and resources. Furthermore, some employers mistreat these foreign spouses, who often are unaware of their legal rights and lack social support.

Thirdly, marriage migrants face discriminatory practices in everyday lives and policies. The term “foreign brides” commonly used best captures the discrimination, because they are perceived as “foreigners” no matter how long they stay in Taiwan, and as subordinates to their Taiwanese husbands. More specifically, “foreign brides” have been commonly construed by the governmental agencies, media, and general public as a “social problem” and often attached to such terms as “fake marriage” and “real prostitution” (Hsia, 1997). As the number of marriage migrants from Southeast Asia and Mainland China increases, the anxiety about the “deterioration of the quality of next generation” (Hsia, 2007) has led the government to add more barriers for marriage migrants to acquire citizenship.

Moreover, Taiwan’s immigration regulations are highly gendered. Taiwan’s patriarchal and exclusionary policy of incorporation does not grant citizenship to foreign women as an inalienable right, but rather preconditions citizenship on their status as the wife of a Taiwanese man. Immigrant women who have not obtained Taiwanese citizenship are often ineligible for social services and welfare benefits. Before the Immigration Act was amended in 2008 resulted from the struggles of the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM)², battered marriage migrants 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 marriage migrant women often decided to endure domestic violence for the sake of their children. The husband’s power over immigrant women is thus sanctioned by the state. The following sections will illustrate in more details the obstacles marriage migrants are facing in Taiwan.

Methodology

Interviews with Marriage Migrants

Focus group discussions and in-depth interviews are employed in this research. Two types of focus group discussions were conducted: one with marriage migrants living in urban areas and the other one with marriage migrants living in rural areas. Taipei

²AHRLIM was formed on December 12, 2003 by a group of concerned organizations together with individual lawyers and scholars. The founding member organizations include organizations from the sectors of women, workers, migrants, immigrants and as well as those of human rights advocates. For more details, please see Hsia (2008).

metropolitan area is selected as the representative area for the urban sector, since it is where most public resources are concentrated. To accommodate the availability of the marriage migrants, two focus group discussions were conducted in Taipei and a total of nine marriage migrants participated. Hualien County was selected as the representative area for the rural sector, since it is located in the east coast, known to lack public resources. Research participants from Hualien County include marriage migrants both from the town center (Hualien City) and more remote areas of Hualien, in order to analyze differences in their access to services. Three focus group discussions were conducted in Hualien, two in the town center and one in a remote area. A total of 13 marriage migrants in Hualien participated in this research.

To understand the conditions of marriage migrants who suffered domestic violence, individual in-depth interviews were conducted. Originally, separate focus group discussions with victims of domestic violence were designed. However, after consulting with the victims, we decided to adopt in-depth interviews instead of focus group discussions, since all of them preferred to be interviewed in private. Seven marriage migrants with experiences of domestic violence were interviewed, two in Taipei and five in Hualien. Additionally, a series of forums on the conditions of marriage migrants who suffered domestic violence were conducted by TransAsia Sisters Association, Taiwan (TASAT), where NGOs provided cases that they found difficult to help. These cases are also incorporated in this research for analyses.

All of the research participants were referred by NGOs that have been serving marriage migrants. To broaden our understanding of the conditions of marriage migrants, we included marriage migrants from different nationalities, with different status of residency, different levels of education, different types of spousal relationship and both urban and rural areas. Guideline questions and criteria for participant selections for two types of focus groups are in Appendix 1 and 2.

Overall, a total of 27 marriage migrants participated in this research, seven of whom have experiences of domestic violence and were interviewed individually. Two of these victims of domestic violence also participated in the focus group discussions, so a total of 22 marriage migrants participated in focus group discussions. With regard to the native nationalities, 14 are from Vietnam, five from Indonesia, three from Cambodia, one from Thailand and four from Mainland China. The profile of the 27 marriage migrants participating in this research is summarized in Table 1. To protect privacy, pseudonyms are used in this report.

Interviews with NGOs

To gather information about services available to marriage migrants, six NGOs providing services to marriage migrants are interviewed. Guideline questions for the interview are shown in Appendix 3. Five NGOs are service-oriented with several centers and government-sponsored programs. Two NGOs, namely TASAT and New Immigrants Labor Rights Association (NILRA), emphasize advocacy and are members of AHRMIM. TASAT is the only NGO that stresses the importance of grassroots organizing.

Table 1. Profile of Marriage Migrants Interviewed

No.	Name	Native Nationality	Age	Residence	Experience with Domestic Violence	Marital Status	No. of Children	Years of Residing in Taiwan	Taiwanese Citizenship (without ID)	Primary Earner of Family Income
01	Lan	Vietnam	28	Taipei	YES	Married	2	2	NO	NO
02	Pei	Cambodia	28	Taipei	YES	Divorced	1	7	YES	YES
03	Fang	Vietnam	35	Hualien	YES	Divorced	0	5	YES	NO
04	Sally	Vietnam	28	Hualien	YES	Married	1	5	NO	NO
05	Ying	Indonesia	34	Hualien	YES	Married	3	16	YES	NO
06	Annie	Cambodia	26	Hualien	YES	Married	2	5	NO	NO
07	Lili	Mainland China	51	Hualien	YES	Separated (Both were remarried and husband has a child from previous marriage)	0	8	NO	NO
08	Alian	Vietnam	39	Taipei	NO	Married	1	13	YES	YES
09	Yu	Vietnam	37	Taipei	NO	Married	3	10	YES	YES
10	Yeh	Vietnam	33	Taipei	NO	Married	1	4	NO	NO
11	Ching	Vietnam	46	Taipei	NO	Married	0	7	YES	NO
12	Wu	Vietnam	33	Taipei	NO	Married (Husband remarried with 2 children)	1	7	YES	YES
13	Jei	Thailand	36	Taipei	NO	Married (Husband remarried with no children)	1	11	NO	NO
14	Rong	Indonesia	40	Taipei	NO	Married	2	10	YES	NO
15	Lihua	Indonesia	30	Taipei	NO	Married	2	8	NO	NO
16	Vivian	Vietnam	30	Hualien	NO	Married	1	9	YES	NO
17	Aya	Vietnam	38	Hualien	NO	Married (Husband remarried with 1 child)	0	1.5	NO	NO
18	Aling	Vietnam	25	Hualien	NO	Married	1	7	YES	YES
19	Fong	Vietnam	25	Hualien	NO	Married	2	5	YES	NO
20	Tsuei	Vietnam	34	Hualien	NO	Married	2	10	YES	NO
21	Ing	Vietnam	29	Hualien	NO	Divorced	2	9	YES	NO
22	Sherry	Indonesia	27	Hualien	NO	Married	1	5	NO	NO
23	Mei	Indonesia	30	Hualien	NO	Married	2	7	YES	NO
24	Pearl	Cambodia	28	Hualien	NO	Married	1	5	YES	NO
25	Wei	Mainland China	38	Hualien	NO	Married	3	18	YES	NO
26	Lin	Mainland China	34	Hualien	NO	Married	2	5	NO	NO
27	Hsiu	Mainland China	35	Hualien	NO	Married	0	2	NO	NO

All NGOs interviewed provide interpretation services, ranging from one language only (Vietnamese) to six languages. Four of the NGOs have translated information of their services. All NGOs provide training classes for marriage migrants, consultation over phone calls and case work. Four NGOs offer programs for children of marriage migrants, while two NGOs provide financial aids for marriage migrants in distress.

STATE POLICIES AND PROGRAMS

Traditional Concepts of Citizenship

Taiwan's policy of incorporation, its laws of citizenship, has been based on the principle of *jus sanguinis*, inclusive of people who can claim a common ancestral origin, real or imagined, and somewhat exclusive of people who do not share that commonality. The coupling of national identity and the political unit that was established nearly a century ago by Sun Yat-Sen, the founder of the Republic of China (ROC), reflects a traditional Chinese emphasis on lineage and ancestry in the context of Manchurian minority rule and foreign imperialism (Cheng, 2002).

Taiwan's rapid economic growth and democratization have raised skepticism concerning the nationalist ideology, and have led to a variety of alternative conceptualization vying for dominance in a new nation-state building project currently in progress (*ibid.*). Despite recent changes in the immigration and nationality laws, however, it remains extremely difficult for those excluded from nationality to become citizens of Taiwan, except for spouses and children of Taiwanese citizens (Cheng, 2002; Tseng, 2004). Prior to the changes in the Nationality Act in 1999, foreigners could not be naturalized as Taiwanese citizens except for women married to Taiwanese men. Foreign women are seen as "naturalizable" because of their ability to continue Taiwanese "blood," which apparently stems from patriarchal values perceiving women only as breeding objects, rather than independent subjects (Hsia, 2009).

Taiwan government did not really have immigration policy³ until the number of marriage migrants became very significant. The governments' attitudes suddenly changed in late 2002. As of mid-2002, government officials, including both at the levels of central and local governments, did not consider issues of marriage migrants as within their scopes of business. They simply wish that the "foreign bride" phenomenon was a short-lived "fad." During this time, the only government agencies dealing with marriage migrant issues are the National Police Agency and the Department of Health, which reveal the government's perception of marriage migrants as potential criminals and threats to national health and "quality of the population."⁴

However, in late 2002, two released statistics dramatically shifted the governments' positions. According to the statistics released in 2002 by the Directorate-General of Budget, one of every four new marriages in Taiwan was between a citizen and foreigner, most of whom are women from Southeast Asia and Mainland China. More importantly, at the end of 2002, the Ministry of Education indicated that one out of eight new-born babies was born to the family of a "foreign bride". On February 21, 2003, Premier Yu

³ Though the *Entry, Exit and Immigration Act* was passed in 1999, this act mostly stipulated regulations regarding entering and exiting Taiwan.

⁴ The major concern of the Department of Health for marriage migrants was to effectively teach them "birth control" due to the worries that marriage migrants would produce "lower quality" of children.

Shyi-kun chaired the meeting of Commission for Women's Rights and Welfare under the Executive Yuan (Taiwan's executive branch), on the agenda of "Assessment and Action Planning on Related Problems of Foreign and Mainland Spouses." This meeting concluded that starting from 2004, the government will allot budget to take care of foreign and Mainland spouses. Every Ministry began to call for meetings discussing "foreign brides" issues to come up with policies and programs (Hsia, 2010).

Hierarchical Structure of Border Control

In 2003, the Ministry of Interior (MOI), which was tasked to coordinate with other Ministries regarding policies on "foreign brides," drafted the Guidelines of Immigration Policy and tried to rush the establishment of National Immigration Agency. In the first few versions of the drafted Guidelines of Immigration Policy, the focus was to create incentives for professional/managerial/skilled foreigners to immigrate to Taiwan, and stipulate that blue collar migrant workers were not allowed to apply for permanent residency and naturalization. The bill of Organic Act of National Immigration Agency (NIA) proposed by MOI in late 2003 showed that the main functions of NIA were to police, investigate, and deport migrants and immigrants whom NIA officials deemed illegal or dangerous, rather than providing services to immigrants and protecting their basic rights. Moreover, the legal grounds for deportation—such as "threatening national security" and "violating the public interest"—were vague articulations subject to manipulation. Under the framework of the proposed Organic Act of NIA, the situation of immigrants and migrants became very vulnerable because this proposed agency did not provide any due process for prosecution or mechanism to which migrants and immigrants can make appeal before they are deported.

It is clear that the Taiwan government's intention for reformulating laws of citizenship is class-based where working class people are systematically excluded, while professional and bourgeois class are favored in immigration policies. For example, Taiwan's immigration policy has aimed at attracting the so-called "high quality immigrants", meaning the professional/management/skill immigrants, whereas blue-collar migrant workers can never be eligible to apply for permanent residency or citizenship, and marriage migrants are required to prove their financial stability to apply for citizenship (Tseng, 2006). One vivid example of this classist orientation of Taiwan's immigration policies is illustrated in the Regulations Governing Management of the Health Examination of Employed Aliens, where, compared to blue-color migrant workers, professional/management/skilled migrants are required fewer health examination items and less frequent submission of health certificates. Marriage migrants are required to submit several health certificates when they apply for a visa, alien residence certificate, permanent residence and even extension of their residency. The required health examination items are almost the same as those required of blue-collar migrant workers.

Moreover, the states often cover its class selection in immigration policies by racial discourses, that is, only certain "races" or "ethnicities" have the "qualities" to become "us" (Tseng, 2006). As Balibar (1991) points out, immigrants now are facing a new form of

racism, which targets immigrants rather than a specific race or ethnicity as the old racism did, and thus this new racism is indeed the “racism without races.”

Among the marriage migrants, those from Mainland China are governed by much stricter laws and regulations. Due to the political tension between Taiwan and Mainland China, Mainland Chinese marriage migrants are seen as the surrogates of the enemy. Compared to marriage migrants from other countries, they have to reside in Taiwan longer to apply for citizenship, and even to be permitted to work. In short, while marriage migrants from Southeast Asia are seen as the “inferior other,” the Mainland Chinese marriage migrants are seen as the “evil other.”

National Anxiety

In September of 2003, the MOI released the “Implementation Plan of Guiding Foreign Spouses for Adaptation” as the guiding plan for related programs. The objectives declared in this plan include: to improve the capacities of foreign spouses for adaptation in Taiwan; to create a multicultural society; to build successful families with Taiwanese nationals; to prevent all kinds of family and social problems resulted from ill-adaptation. It is clear that the main concern of this plan is to ensure that the foreign spouses will not cause family and social problems by improving their adaptation, and thus the orientation of this policy is “assimilation.”

As the number of immigrant women from Southeast Asia and Mainland China increases, the worry about the “deterioration of the quality of next generation” has become a national anxiety. Not supported by reliable data, this claim is indeed based on the assumption that since the marriage migrants are from the developing countries, they must lack the skills necessary to educate their own children, the so-called “new Taiwan children”—an argument which clearly has sexist, racist and classist overtones (Hsia, 2007). This fear of the marriage migrants’ contributing to the “deteriorating quality” of Taiwan’s population is a dominant discourse representing the “national anxiety” shared not only by the government officials and media workers but also the general public. Hsia (2007) has analyzed this national anxiety as summarized in the following.

The prevalent fear of people from less developed countries taking advantage of Taiwan’s prosperity derives from the firm common belief (myth) that “Taiwan’s Miracle” results solely from the diligence of Taiwanese people, and has been deepened since capitalist globalization intensifies competition among nation-states. Capital flight of Taiwanese companies to Southeast Asia and Mainland China, and the import of migrant workers from Southeast Asia strengthen this national anxiety of protecting “our” success from the poor, envious neighboring “others,” who are perceived as coming to Taiwan to steal jobs and dig gold mountains. The belief in Taiwan’s economic success as resulting from the superior quality of the Taiwanese parallels the fear that this great quality of the Taiwanese people is endangered by the influx of the “low quality” peoples from surrounding poor countries. This anxiety over the deteriorating “quality” of Taiwanese is specifically triggered by working-class women from poor neighboring countries. The fact that women have the biological abilities to give birth is often seen as problematic and dangerous for border controllers (Navins, 2002). This fear of working-class foreign

women reveals itself very graphically in Taiwan's specific policy of deporting female migrant workers as soon as they were found pregnant at their required regular medical check-ups.⁵ While direct policy can be made to deport pregnant migrant women, the government cannot implement any policy to prevent marriage migrants from giving birth, as long as the government maintains its legitimacy as a democratic country. This inability to legally stop marriage migrants from producing the next generation becomes a great threat to the national belief of the "superior quality" of the Taiwanese.

The discourse of "population quality" is closely related to family planning in Taiwan that started in late 1960s. The discourse of "population quality" focused on physiological aspects, advocating the necessity of eugenics. Specifically, it focused on the proper age for women to give birth, and other physiological concerns for preventing infantile diseases. The targeted population included people in rural areas, aboriginal communities, and low-income families. These people were considered "low quality" because of their levels of education, which is highly related to their socio-economic status.

In 1998, it first appeared in the media that "foreign brides" became the target population. Since the financial crisis that started in late 1997, global competition became a burning topic in the media, especially when Mainland China became recognized as the "world factory," with impending threats to Taiwan's economy. The discourse of global competition juxtaposed concerns about how "foreign brides" would cause population quality to deteriorate and endanger Taiwan's capacity to compete globally. Consequently, it also advocated the need to attract a "high quality" immigrant population and to "improve the quality" of those foreign brides who had already entered Taiwan.

The anxiety over the low quality of "foreign brides" intensified after 2000, especially when the public recognized the increasing number of their children. The logic behind this anxiety toward marriage migrants' children is the following: As fertility drops to a historical low point, there is a need to increase the "quantity" of births. However, since the ratio of marriage migrants' children among new-born babies has increased, the "quality" of the births is in question. Therefore, considering the low quality of our next generation, Taiwan's capability to compete in the global economy is doomed. The target of "low quality" discourse shifted from the lower class among the Taiwanese to the marriage migrants from neighboring, poorer countries. In other words, what is embedded in the discourse of population quality is classism, which at first revealed internal social contradictions and then has become externalized by finding a new target: women from developing countries in the context of intensifying capitalist globalization. In this globalization context, the discourse against the new immigrants from poorer countries is not simply classism, but rather a racialized rhetoric portraying those from countries in the lower rank of the international division of labor as essentially inferior and thus not qualified to be part of Taiwanese society. In other words, classism has also been racialized and has become "racialized classism".

The supposedly negative profiles of the marriage migrants, including low level of education and their working class status, are equally applicable to their Taiwanese

⁵ *The policy was cancelled in November 2002 as a result of continuous protests by NGOs.*

husbands. However, this does not appear much in the dominant discourse in Taiwan. This interesting omission of Taiwanese men in the imagined threat to population quality serves to further mobilize national anxiety. By arguing that marriage migrants should not give birth is actually arguing that the lower class of Taiwanese men should not continue their family lines, which would be too blunt a classism (and even fascism) for the Taiwanese to identify themselves with, and too dangerous for the government to openly agree with, lest it jeopardizes its legitimacy, especially among the working-class. The discourse of classism is therefore shifted to that of racialized classism, which serves to reveal this elitist national anxiety without confounding the status quo. In short, as capitalist globalization intensifies internal inequality, especially class division within the nation-state, the political system as a whole benefits from the maintenance of a state of anxiety among the population, and also from focusing that anxiety outwards. By diverting attention from internal inequality to the “problems” and “threats” of the marriage migrants (and migrant workers as well), the political system remains intact and unchallenged.

Furthermore, the Taiwanese husbands have been omitted from the construction of the “new Taiwanese children” discourse, which is rooted in sexism still prevalent in Taiwan. In the patriarchal Chinese society, women in Taiwan are still seen primarily as the home-makers, shouldering all responsibilities in child-rearing. The costs of social reproduction increase as capitalist globalization intensifies (such as the dramatic increase of education due to privatization), whereas the state continuously fails to establish a systematic social welfare system and purposely lets the individual family to take care of all needs in the family. Consequently, an increasing number of Taiwanese women prefer to stay single or child-free. While the state and demography experts are anxious about the falling fertility rate and would keep urging Taiwanese women to have more babies, the marriage migrants have filled in this role of social reproduction for Taiwanese society. However, sexism and the burden of motherhood shared by all women in Taiwan have become even more unbearable for marriage migrants because they are perceived as “by nature” (because of classism and racialized classism) not having the abilities to raise children properly.

The burning threat that marriage migrants appear as to the Taiwanese are not only rooted in classism and sexism, but also in their “foreign” female bodies. As mentioned, Taiwan’s laws of citizenship have been based on the principle of *jus sanguinis*. For a long time, only foreign women married to Taiwanese citizens could be naturalized as Taiwanese citizens for their ability to continue Taiwanese “blood.”

While this exclusionary practice of citizenship can be viewed as xenophobic, the resentment is mostly towards foreigners from the less developed countries. For example, in everyday idiom, “foreign workers” only refer to blue-collar workers from Third World countries, and “foreign brides” do not refer to women from developed countries married to Taiwanese men. Of all the projects aiming at “improving” the quality of marriage migrants and their children, none has targeted those from developed countries.

In the late 1990s, the Nationality Act was changed to include both male and female spouses of Taiwanese citizens as eligible for naturalization. The force behind this

change was the lobbying efforts by a group of foreign men from the developed countries (especially the U.S.) and married to Taiwanese women. The long tradition of exclusionary citizenship based on blood was first challenged and revised because of the pressure from “Western” men, revealing that these foreign men, or even foreign women, from developed countries, did not constitute a threat to Taiwanese society and consequently did not create national anxiety. What constitutes a threat and creates national anxiety are the foreign women from Third World countries, that is, the lower class in the international division of labor.

Taiwan’s tradition of incorporation is not only exclusionary, but also patriarchal. This patriarchal tradition of citizenship, ironically, allows many women from the less developed countries to immigrate to Taiwan through marriage. Since the Nationality Act requires foreigners to abandon their original citizenship to gain Taiwanese citizenship, very few foreign husbands (or wives) from developed countries attempt to apply for Taiwanese citizenship. Hence, the great majority of foreigners naturalized as Taiwanese citizens are marriage migrants from less developed countries. This exclusionary and patriarchal tradition of incorporation thus allows marriage migrants to become Taiwanese citizens and their “lower-class” status, not only domestically but also globally, consequently creates collective anxiety in Taiwan, a society filled with classism and sexism (Hsia, 2007).

This national anxiety has led the government to add more barriers for “foreign brides” to acquire citizenship. They must meet several requirements including having several medical inspections, staying in Taiwan for a certain period of time⁶, abandoning original nationality, submitting financial proof and passing Chinese proficiency exams. The one that troubles the marriage migrants and their families most is the financial proof requirement. Prior to November 2008⁷, the family must submit proof of financial security under very strict guidelines, including a bank statement or official receipts for income tax wherein the amount should be at least equal to 24 times the minimum wages (about NTD420,000 as of November 2008).

In short, citizenship in Taiwan for a long time was based on the tradition of *jus sanguinis*, one that assumes the homogeneity of its population. The Taiwan government was forced to come up with an immigration policy and related laws due to the influx of marriage migrants. However, these immigration policies and laws appeared xenophobic with the exception of foreigners of higher class background. The main concern in these policies and regulations has been on ensuring the effective measures to “govern” immigrants, which include the selection of the “high quality” immigrants and the exclusion of the “low quality” immigrants; the policing of immigrants for the prevention of crime; and education the assimilation of those “low quality” immigrants already living in Taiwan.

⁶ For marriage migrants from Mainland China, the required period was originally eight years, which was recently changed to six years as the results of AHRLIM’s efforts, effective on July 3, 2009. For marriage migrants from other foreign countries, the required period was three years.

⁷ The policy was changed as the results of campaigns organized by AHRLIM.

In the Name of “Multiculturalism”

While the exclusionary model of incorporation is the tradition, the concept of “multiculturalism” does exist in Taiwan. However, issues of “multiculturalism” were originally focused on the diverse ethnic background of citizens in Taiwan. After decades of dictatorial rule by the KMT (Kuomintang or Chinese Nationalist Party), different sectors of social movements had emerged in the 1980s, with the common goal of toppling down the KMT. Issues of the Indigenous Peoples (or Aborigines) were among those controversies raised to weaken the legitimacy of the KMT rule. As the results of the campaigns to amend the Constitution, the provision for the rights of the Indigenous Peoples first appeared in 1994, declaring that the Indigenous Peoples’ rights of political participation should be protected and their education, cultures, social welfare and economy should be improved (Lin, 2000). In 1997, another Constitutional amendment, resulting from the political struggles by the united front of the anti-KMT forces, which added more provisions declaring that “the nation recognizes *multi-cultures* and actively protects and promotes the languages and cultures of the Indigenous Peoples.” One of the significant developments of this provision is the emergence of the concept of “multi-cultures.” Though in this provision, “multi-cultures” refer to the Indigenous Peoples (as opposed to the dominant Han people), the orientation of defining Taiwan as a nation of “multi-cultures” (diverse ethnicities) was already established (Chang, 2002). According to Chang (2002), “multiculturalism,” as the results of “discursive formation” since the 1980s through various campaigns⁸, along with the introduction of North American (especially Canadian) and Australian experiences of multiculturalism by some intellectuals and activists, “multiculturalism” has gradually become Taiwan’s basic national policy and the politically correct rhetoric without most people realizing it.

Based on the survey of newspapers coverage, Chang (2002) noticed that the word “multicultural” was almost non-existent prior to 1995. It was only until 1998 did the word of “multicultural” appear relatively more frequently in the newspapers. However, it was still very unpopular in contrast to the fact that the concept of multiculturalism already existed in the Constitution. In 2000, the presidential candidate of the Democratic Progressive Party (DPP), Chen Shui-Bien, won the election and since then, from central to local governments, symbols of the Indigenous Peoples and Hakka⁹ cultures were suddenly popularized in all sorts of activities. In 2001, in the founding ceremony of the Council for Hakka Affairs, Executive Yuan, President Chen stated, “Republic of China is a multi-ethnic and multicultural nation. It is clearly stated in the Constitution.... This is the basic national policy of our country....” (Chang, 2002). In July of 2004, the highest body of cultural policies, the Council for Cultural Affairs under the Executive Yuan, announced the “Declaration of Cultural Citizenship” emphasizing the importance of

⁸ *The campaigns include the “campaign to speak mother tongues and native education (as opposed to speaking Mandarin and education focusing on Mainland China), “holistic community building”, Indigenous Peoples movement, education reforms and the movement of building Constitution for the Republic of Taiwan (independence movement).*

⁹ *Hakka people are one of the significant ethnic minorities in Taiwan. Their ancestors migrated from the Southeastern provinces of Mainland China.*

multiculturalism. In October 2004, the Council organized the Conference on Ethnicities and Cultural Development and proposed its plan of action, in which new immigrants were included as one of the main “ethnic” groups¹⁰ whose cultures should be respected and protected. In other words, at the level of national cultural policy, the cultural needs of new immigrants were already recognized by the central government in 2004 (Wang, 2006). However, the cultural needs of new immigrants still remain neglected in terms of actual programs and implementation by the Council for Cultural Affairs.

As a result of continuous protests and lobbying by AHRLIM and its affiliated organizations, the concept of “multiculturalism” has been gradually broadened to include new immigrants and migrants and has been incorporated into immigration policies (Hsia, 2009). However, while the discourse of multiculturalism has been used effectively in advocating immigrant rights in Taiwan, an impasse has been reached. Although the Taiwan government cannot negate the demands for multiculturalism, it adheres to a conservative notion of the concept. Through sponsoring various cultural activities such as “traditional” Southeast Asian dances and songs, the government aims to project itself as appreciative of multiculturalism. Moreover, the concept of cultural citizenship in Taiwan government’s policy narrowly focuses only on elitist forms of arts, neglecting other aspects such as enhancing citizens’ social and political capacities by voicing their conditions and demands through cultural forms (Hsia, 2010).

RESIDENCY RULES AND POLICIES

As indicated in the latest Flowchart for the Application for Naturalization in Marriages between Foreign Nationals and R.O.C. Citizens and Household Registration revised by MOI in December 2009 (MOI, 2009), marriage migrants must apply for the Alien Residence Certificate (ARC) at NIA offices after they arrive in Taiwan¹¹. The ARCs are valid for the maximum of three years and must be renewed before expiration date. They can apply for the “Certificate of R.O.C. Naturalization Candidature” when they have more than three years of legal residence and at least 183 days per year. Moreover, they must apply for abdication of their original nationality before they can apply for naturalization. In other words, they practically become “stateless” between the stages of holding Naturalization Candidacy Certificate and applying for Naturalization. In addition to abdicating their original nationality, marriage migrants are required to provide Certificates of sufficient property or professional skills to be self-reliant or to ensure personal sustainability, Certificates of the basic language command and Common Sense of National Rights and Duties of Naturalized ROC Citizens¹², and police criminal record certificates, in order to be eligible for applying naturalization. However, being naturalized as R.O.C. citizens does not entitle them to full citizen rights. They must apply for Household Registration Certificate and collection of Identification Card to

¹⁰ *The previously existent four main “ethnic” groups in the public rhetoric in Taiwan are the Indigenous Peoples, Hakka, Holok and Mainlanders.*

¹¹ *Within 15 days after arrival in Taiwan.*

¹² *Two forms of certificates include passing the exams for naturalization application and proof of attending required 72 hours language courses certified by governments.*

be full Taiwanese citizens. After obtaining naturalization certificates, they must apply for Resident Certificates and then Registered Permanent Residency Certificates. To be eligible for applying for the Registered Permanent Residency Certificates, they have to reside in Taiwan for a certain period of time: one year without departure from the day of naturalization; or for two years and more than 270 days per year; or for five years and more than 183 days per year. With all these complicated procedures and requirements, marriage migrants must overcome enormous difficulties in order to obtain both citizenship and Identification Certificates (ID) to be entitled stable legal status in Taiwan.

Restricted Freedom of Mobility

Many marriage migrants, especially those from Southeast Asia who do not know much Chinese, face difficulties in familiarizing themselves with regulations and policies. Not being aware of the rules concerning the rights of immigrants may lead to great troubles for them, including their legal status in Taiwan. For instance, ARC is only valid for the maximum of three years and must be renewed before expiration date. Many marriage migrants are not aware of the exact expiration dates of their ARCs, or the requirements for renewal. Those failing to renew ARCs will be required to exit and reenter after paying fines¹³, which will prolong the process for applying naturalization (which meant for them having to stay for another three years with at least 183 days per year).

A valid ARC is required at all stages prior to naturalization. Even for those marriage migrants with the Naturalization Candidacy Certificate, if they fail to renew ARC during the period waiting for applying for naturalization, they have to apply for ARC again with all the required documents, including the certificate for abdication of original nationality, Naturalization Candidacy Certificate, expired ARC and truncated passport. Though not being required to exit and reenter, the required length of residence will be recounted (another three years). If the certificate for abdication of original nationality is acquired after ARC expires, they have to apply for restoration of nationality at the authorized institutes of their native governments, and reapply for the ARC. Moreover, according to the Immigration Act, NIA can reject the application for residency if the applicants used to overstay in Taiwan. Since the required length of stay is crucial for marriage migrants at all stages before they eventually acquire the Identification Certificates, they cannot freely exit Taiwan, even to visit their families in home countries.

Many marriage migrants feel insecure and anxious during the period of being “stateless,” when they already abdicate their original nationality and apply for naturalization. The length of this waiting period varies depending on the procedures required by the governments of their home countries and if they can acquire all the required documents for naturalization. As one Vietnamese woman interviewed stated, “During this waiting period, we can’t even go back home (in native country) even if there is urgency, because if we exit and return Taiwan, the days we have accumulated before

¹³ *The amount of fines varies depending on the days of overstaying: NT\$ 1,000 for fewer than 10 days; NT\$3,000 for 11 to 30 days; NT\$ 5,000 for 31 to 90 days; NT\$10,000 for more than 90 days.*

will be void.” Moreover, marriage migrants are required to submit police criminal record certificates at the stages of applying for ARC, Naturalization Candidacy Certificate and Naturalization. They have to show “No criminal record” to proceed with application. Some very minor offenses, such as gambling, can be considered as criminal records, which will prohibit them from acquiring naturalization. This “stateless” makes some marriage migrants “feel afraid even walking in the streets,” because they “don’t know how to explain if they are checked by the police.”

The emphasis on the so-called “law-abiding people” jeopardizes marriage migrants. According to the Immigration Act, a long list of circumstances will result in the denial of a marriage migrant’s application for residence. Many of the listed circumstances are vague and easy to be manipulated, such as “is believed to endanger national interests, public safety or public order,” “has had a criminal record,” “is believed, on the basis of sufficient factual evidence, to have conspired with another person to have a false marriage or a false adoption” and “is believed to endanger national interests, public safety or public order,” “has been involved in activities or employment that is different from the purposes of his or her entry,” and “endangers the good customs of the State.” For marriage migrants from Mainland, the regulations are more constraining¹⁴. According to the regulations for the Mainland Chinese marriage migrants, their permits for spouse residency can be revoked with the following circumstances: “is believed, on the basis of sufficient factual evidence, to commit crimes or have had criminal records,” “endangers the good customs of the State, or offenses against morals, crimes against marriage and family,” “has been involved in activities or employment that is different from the purposes of his or her entry,” or “has been reported missing twice or once for more than three months.” These circumstances greatly confine marriage migrants’ personal liberty and can be easily manipulated by the husband or his family. If a marriage migrant is reported missing, her legal status is in danger, which causes marriage migrants under the threat of domestic violence afraid of reporting to the police, for the fear that “my husband would tell the police that I ran away.”

Abi’s case was brought up by an NGO in a forum organized by TASAT because it reveals the complexity of residency rules and policies. Abi is from Vietnam and was introduced to her husband by a marriage bureau. After living in Taiwan for three years, Abi was shocked to find out that on legal papers, she is married to the father of her husband. That is, her supposedly father-in-law became her “husband-in-paper.” Her son became a child “out-of-wedlock.” To make things worse, her husband married another woman from Cambodia (later divorced). According to the Article 31 of the Immigration Act, a foreign resident’s residence permits shall be revoked if the reasons for residence disappear. However, under certain circumstances, s/he will be permitted to reside continuously, including: “His/her dependent relative is deceased;” “Is a spouse of a national with registered permanent residence in the Taiwan Area and is physically or mentally abused by his/her spouse. He/She is protected by the protection order issued by

¹⁴ *Due to the tension between Taiwan and Mainland China, marriage migrants from Mainland China are governed by different regulations from those from other nationalities. The primary law for Mainland Chinese marriage migrants is the Act Governing Relations between Peoples of the Taiwan Area and the Mainland Area, rather than Immigration Act.*

the court;” “An alien acquires the guardianship of his/her own children with registered permanent residence in the Taiwan Area after his/her divorce;” “Is suffered from family violence and divorced after the judgment of the court. The alien also has his/her own minor children with registered permanent residence in the Taiwan Area, subject to court divorce;” and “Is deported from the State forcibly due to the revocation of his/her residence permit and is believed to have caused severe and irrecoverable damage to his/her own minor children with registered permanent residence in the Taiwan Area.”

However, Abi’s case is not qualified to continue her legal residence. First of all, her marriage is considered by law as a “false marriage,” subject to deportation. Secondly, if Abi does not experience domestic violence and does not acquire guardianship of her son, she still has to face deportation. Even if she re-applies to enter Taiwan as the wife of her husband, this marriage may be considered “incest” (because she was married to the father of her husband) and deemed invalid. Her record of committing a “false marriage” may cause her not be permitted for residence. Abi’s case illustrates the extreme vulnerability of marriage migrants who have been deceived.

Burden to Prove Financial Security

To be eligible for applying naturalization, marriage migrants have to prove their financial security. Prior to changes of regulation effective in November 2008, 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. Since many marriage migrants and their Taiwanese husbands work in informal sector (such as peddlers, workers paid by hours, small farmers, etc.), they do not have the official receipts of income tax and are therefore forced to loan money to obtain a bank statement. However, marriage migrants mostly face stressed economic conditions. According to survey of MOI (2008), the average monthly family income for marriage migrants from the Southeast Asia and Mainland China is between 20,000 to 40,000NT\$, which barely meets the very basic family needs. Consequently, many families are forced to borrow money from brokers and are exploited by the loan sharks. This financial requirement for naturalization causes much resentment from marriage migrants. As marriage migrant Wu complained, “We don’t even have enough to make a living. How can we have such big saving for proof? It’s really a huge burden! I really don’t want to stay in Taiwan! No matter how hard you work, life is still very difficult!”

After long struggles of many grassroots organization and advocates for marriage migrants, this financial requirement was loosened. Effective November 16, 2008, marriage migrants only need to submit a statement declaring that they can make a living. However, the changes are made in the Enforcement Rules of Nationality Act, whose mother law is the Nationality Act, which remains the same dictating that foreign residents must have “enough property or professional skills for his/her self-support or ensuring his/her living.” That is, the financial requirement for naturalization has not been fully abolished yet.

Difficult Interviewing for Visa Application

Marriage migrants are required to be interviewed with numerous documents for visa application before they are allowed to enter Taiwan. Since many marriage migrants are not familiar with regulations of Taiwan government nor fluent in Chinese languages, they are often deceived by marriage bureaus and travel agencies. Some are misinformed by the agencies and denied visa to enter Taiwan. Alian, a Vietnamese marriage migrant, shared her unfortunate experience of applying for visa for the first time:

I wanted to go to Taiwan with my husband. We asked a travel agent to arrange my passport and paid them 600US\$. The agent told me, "The Taiwanese fear that you Vietnamese commit false marriages, so you should not tell them that you are going to Taiwan for marriage." I did not know the situation so I just did what the agent told me and my application was denied! If I had known better, I should have shown them my wedding pictures to prove that we were married, so they would have approved my application the first time.

Marriage migrants are often suspected of committing "false marriages" to work or even commit criminal acts in Taiwan, and consequently government officials often exert humiliating attitudes towards them during the interviews. According to the NIA, from September 2003 to January 2010, 12.49% of marriage migrants from Mainland China were denied entry to Taiwan after the interviews (NIA, 2010).

Marriage migrants from Mainland China are particularly discriminated and have complained that many inappropriate or even insulting questions were asked, such as "the color of your underwear at the wedding night." Lili, from Mainland China, was once married in China, before she married her Taiwanese husband. Because this is her second marriage, it was suspected as "false marriage" during the interview:

We were interviewed separately. The official asked me dozens of questions, such as "How did you meet your husband?" "Where does your family live?" "How many apartments do you have?" They asked the same questions to my husband to see if our answers matched. They asked, "When you got married, what gifts did you give to your parents?" My husband's answer was "not much." After I answered to this question, one lady came and said "your answers are different!!" The fact is that when my husband went to our home, he gave me money to buy things. He did not know exactly what I had bought, because he was not involved in shopping. The interview officials suspected that our marriage was false, and threatened me that they would deport me. I said to them, "Fine, if you dare, you deport me now. My husband is just nearby. He will come back to you!!" Actually, they already checked with my husband. They just bluffed and wanted to see if my reaction seemed guilty. It's just because I was once married.

Marriage migrants from Mainland China are required to be interviewed at all stages of residence applications. Moreover, the government officials are authorized to require their Taiwanese spouses or relatives to be interviewed as well, if they find it necessary. Moreover, within one month after the application, NIA will visit the marriage migrant's Taiwanese spouse or relatives and investigate their family and economic conditions as the basis for the decision for the application.

Marriage migrants are constantly under inspection before and after they enter Taiwan. This does not only reflect the government's control over these transnational marriages, but also illustrates the national anxiety of "illegal working" in disguise of "false marriages." Moreover, the government officials are not required to provide solid reasons to deny visa application, in the name of the State's "sovereignty." Consequently, marriage migrant's right for family reunification is not protected.

ECONOMIC AND SOCIO-CULTURAL CONDITIONS

Marriage and Family

Unlike the conventional marriage of the same nationality couple, marriage migrants cannot enjoy the support of her own family and social network. Consequently, they tend to be isolated in the household and the good relationship with the husband and his family becomes crucial for their welfare in Taiwan. However, due to the differences in languages and cultures, misunderstanding and conflicts often arise in their families. Since they cannot easily return to their own families or close friends for support in the midst of crisis, like most married women do, they often endure suffering alone.

The myth of "gold-diggers"

Marriage migrants from Southeast Asia and Mainland China are often portrayed as evil-doers, who are money-driven and marry the Taiwanese men just to suck their money (Hsia, 2007). However, most of the money the Taiwanese man gives supposedly as "betrothal money" to the marriage migrant's family goes to the marriage brokers' pockets.

"I really did not receive your money!!" is a common theme of the argument between marriage migrant and her husband. Alian's friend in Vietnam also married a Taiwanese husband. Her husband only gave the money enough for inviting three dozens of her relatives for their wedding and 2,000NT\$ for her parents as the "betrothal money." Her family thought, though the betrothal money was little, as long as she could have a better life in Taiwan, they would not complain. However, her husband's family did not know that her family only received little while he paid a great amount to the brokers. Pei, from Cambodia, commented, "Our thinking is that life will be better in Taiwan with higher salary, so we don't think much about the amount of betrothal money."

It is the common custom in Taiwan for the man's family to give the woman's family six to twelve gifts, in addition to the betrothal money, as part of the engagement ritual. By receiving the betrothal money, the woman's family is not stigmatized as "digging gold from the man." Rather, it is seen as the symbolic gesture for the man's family to show their appreciation for the woman's family, as well as the promise to provide a good life for the woman. However, the same ritual for the marriage migrants is interpreted as the "evidence" of their intention to "dig gold" from the Taiwanese families, which is obviously discriminatory and humiliating to the marriage migrants and their families.

As the results of the deceit by the marriage brokers, the amount the man pays the brokers is misinformed as the betrothal money given to the woman's family. In the past, it is common to see demeaning advertising signs by marriage brokers¹⁵, such as "whole sale for 400,000NT\$," and "virgins guaranteed". Some Taiwanese husbands and families feel that marriage migrants are "commodities" they purchased, and in order to ensure their "commodities" would not run away, they constrain the freedom of mobility of marriage migrants, even by confiscating their passports, not allowing them to send money or pay visit to families in home countries. Some marriage migrants even complained that the gifts they received at the wedding, such as jewelry, were taken by the husband's family in the name of "safety".

To increase the success rate in match-making, some marriage brokers deceive marriage migrants by misinforming them of the economic conditions of the husbands and their families. Marriage migrants are often told by the marriage brokers that the husbands have a good job, with high salary, and it is easy for them to find a well-paid job once they arrive in Taiwan. However, many of them are surprised to find out the harsh realities: husband's economic conditions are not good as promised; they live with other family members and have to take care of them, including young children, elderly or even ill parents-in-law, and hard for them to find good-paying jobs in Taiwan.

"I could work and send parents money when I was in my own country. Now I cannot afford to send money home," one marriage migrant complained. Most marriage migrants could not afford to send money to their own families and many of them even become the primary income-earners for the families in Taiwan. However, they are stigmatized as gold diggers, which was beyond their imagination before they arrive in Taiwan.

Not feeling at home

Under the patrilineal family structure in patriarchal societies, married women have to leave their natal families. Like their Taiwanese counterparts, marriage migrants face this family structure, yet with much more vulnerable conditions. Most of them do not feel comfortable telling natal families their difficulties and suffering in Taiwan, because they do not want to worry them and they are too far to lend any help.

¹⁵ *Marriage brokers are not allowed to advertise since the Immigration Act was revised in 2007.*

Lihua came from Indonesia. She lives with her husband's extended family, including parents-in-law, two brothers, two sisters-in-law, and their children. Though she used to live in a big family as well in Indonesia, she does not feel the sense of belonging in her "family" in Taiwan:

I cook for them. My sister-in-law complains about my cooking. I do laundry for them. My sister-in-law complains that I do not wash it well. I feel sad sometimes. But I can't tell anyone. My sister-in-law says that I don't know how to do house chores, but I can't say anything to my mother-in-law, because it may cause more troubles. I just take it. When I was pregnant with the second son, my sister-in-law threw the laundry powder by the door. My eldest son was still a baby and he put the powder in his mouth. It was very bad. I could not stand it anymore so I told my mother-in-law. But she told me to endure it, because she wanted us to be happily living together. She always says that. So I won't tell her anything anymore. My sister-in-law sometimes even cut my clothes or bed sheets. I told my husband, but he did not believe me. I don't want to cause troubles to the family, so I just keep taking it.

Another Indonesian marriage migrant, Sherry, shared the similar experience: "My mother-in-law never treats me as part of their family. Even until now, I am just a maid to them." Feeling treated as an outsider in the family, marriage migrant often have to swallow her sorrows alone. Vivian from Vietnam shared her sad experience with her mother-in-law:

When I had my month-long postpartum rest and recuperation, I could not work or stand for long, because I had a Caesarian section. My husband worked so he could not help me take care of the baby. I asked my mother-in-law to help. She said, "I don't want to take care of the baby. I like to sleep. I can't handle the baby." How could I take care of the baby? I also had to cook and do housework. But my mother-in-law would make dinner ready before my sister-in-law (younger sister of her husband). She treated her daughter very well. When she cooked something, she said, "bring this to that person to eat!" She meant to give food to me to eat. It sounds awful. I just cried.

Many marriage migrants choose to be silent when facing family problems. In addition to not wanting to make their natal family worried, they are also worried that telling others their difficulties would be seen as "whining" and "trouble-making," which would cause more problems. Aya, from Vietnam, also faces difficulties with her mother-in-law, who does not allow her to go out and scolds her a lot. She told her husband but her husband only believes her mother-in-law's words. She does not dare to tell anyone because no one believes her. In patriarchal societies, all women, including the mothers-in-law and sisters-in-law of marriage migrants, are the oppressed. However, the oppressed women tend to hold on to their already limited resources, trying to get on top of other women, rather than work with them collectively. This tension among women does not only exist between marriage migrants and their female-in-laws, but also between

marriage migrants of different nationalities. Aling, from Vietnam, lives with her sister-in-law, from Mainland China. Aling shared her resent towards her sister-in-law, who is a marriage migrant from Mainland China:

She is from Mainland China, so she is formidable. She always likes to ask for troubles, even when you are at sleep. She said that since our mother-in-law past away and she is the wife of the eldest son, so she is now in charge. She would throw away our things, claiming that they are trash. She even goes out badmouthing about us. My husband is aware of it but he does not want me to say anything. She sometimes takes it out on my kids, causing them troubles. She scolds me. But I did nothing wrong. She is from Mainland!! She acts nice with guests around and has different face when the guests leave!

From the interviews of this research, we sadly see the distorted relationship among women: between mother-in-law and daughter-in-law, and between sisters-in-law. For marriage migrants, the battles between women sometimes are even interpreted as wars between “nationalities”, be they with Taiwanese mothers/sisters-in-law or with sisters-in-law who are marriage migrants from other nationalities.

Family Economy and Employment

Stressed family economy and burdened to raise family

According to the MOI survey with 13,345 marriage migrants (with cases of all stages of residence status) interviewed (MOI, 2008), as of July 31 2008, 42% of Southeast Asian marriage migrants’ average family monthly income is less than 20,000NT and 23.3% is between 20,000 to 30,000 NT\$. Only 6.1% reported that their family economy is “fair” while 36.3% reported “unstable family income,” and 14.5% reported “economic difficulty and stressed in living.” In other words, more than half of the marriage migrants’ family economy is in stress. For Mainland Chinese marriage migrants, 46.2% has family monthly income less than 20,000NT\$, 23.8% between 20,000 to 30,000 NT\$. 46.2% of Mainland Chinese marriage migrants reported “unstable family income,” and 18.1% reported “economic difficulty and stressed in living.” That is, the Mainland Chinese marriage migrants experience even worse family economy than Southeast Asia marriage migrants, with 62.4% of them live in economic stress.

Many marriage migrants face family economic crisis because their husband’s jobs and income are unstable. Yu’s husband’s job is extremely unstable, as she commented, “work for only a few months and then jobless for long.” Though Yu has work now, but with her husband’s unemployment and two young kids, she feels like “raising three kids!” Similarly, Yeh was in debt shortly after she arrived in Taiwan, because of husband’s failure in business. “He failed in his business, owing a lot of money to others. I had to go to work just two to three months after my arrival in Taiwan, to help him pay back the debt. He also has a job but with very little pay.” Another marriage migrant from Vietnam, Wu, works in a factory and her husband is a peddler selling children’s clothes on street.

Because of the economic downturn, her husband often loses money by going out to work. “He needs to pay for gas and rent for the peddling stand. If the sales do not exceed the expenses, then he loses money!” Similarly, Lan had a daughter and her husband only “works for two days and rest for one day.” Lan got pregnant when her daughter was one year old, so she had to quit her job. With the very unstable income from her husband, the basic family needs can barely be met.

While many marriage migrants’ families face economic difficulties, they are not eligible for much of government funds. As Liao (2005) points out, Taiwan government’s welfare subsidies often make the “household registration” as part of the requirements, which excludes marriage migrants who have not acquired the Identification Certificates yet. Additionally, welfare funds for the “disadvantaged families” are only available for those who do not reach the “limits of property ownership.” Even if the place they live in is only a shanty, they may be disqualified for welfare fund application. Moreover, some marriage migrants have to raise kids of the husband’s from the previous marriage. However, they are not eligible to apply for childcare subsidy because they are not the biological mothers of such kids. For instance, Wu has a daughter with her husband. Her husband’s income is very unstable as he is selling children’s clothes on the street. Her husband’s two kids from previous marriage also live with them, so Wu is raising three kids altogether. When she applied for childcare subsidy for all the kids, she was told that she is not eligible to apply for subsidy for the two kids from her husband’s previous marriage. Wu found this regulation very unfair, “I am the de facto mother raising these kids. When we actually need to apply for the subsidies, I am not qualified as their mother!”

As indicated in the MOI’s survey (MOI, 2008), almost 70% of marriage migrants are the primary income earners of the families, which subverts the public assumption of marriage migrants as “gold diggers.” Many marriage migrants interviewed in this project express their frustration: “We can hardly survive in Taiwan!” “When we were in our home countries, lives were even easier. Because we just spent what we earned, not much stress. But now we have to think about paying taxes, utilities, all these expenses. We have to take the pressure on our own.” “We thought lives would be easier when we get married in Taiwan. But the reality is far from what we had expected.” Marriage migrants face a dilemma: While their lives are very difficult to survive in Taiwan, they cannot return to home countries. “You can’t simply just leave them because you already have your own kids. Or should I divorce my husband?”

To raise kids and family, many marriage migrants have to take up several odd jobs with very limited pays to survive. Alian, from Vietnam, joked about her life in Taiwan as being a “reform-through-labor”. Alian’s husband became unemployed for two years after she arrived in Taiwan. Alian had to take up part-time work in factories when she had lived in Taiwan for only six months with very limited capacities of speaking Chinese. She had to work for at least twelve hours every day. In addition to working in factories, she also did some piece-rate work and clothes alterations at home. Life got even more difficult after she got pregnant.

I got pregnant but I still had to work. On the date I was about to deliver, I still went to market to buy food and cook, clean the house, and even

mop the floor. I had to do all the housework after working outside. He had not held the baby much. When the baby got sick at night, it's me who hurried the baby to hospital. I have been married for fifteen years, but I haven't seen him pick up the broom to sweep the floor. Can you believe that? Looking back my life in Taiwan, I feel like I have been here for 'reform-through labor.

Limited choices of work

For most marriage migrants, the unpaid housework and caring for children take up much of their time, which leaves them very limited spare time for paid-jobs. They can only find some part-time jobs during the free time between taking kids to/from school, housework, and making meals. They have to juggle between paid-jobs and various family responsibilities. This condition leaves not much room for marriage migrants to choose while looking for paid jobs. As Wu points out, "We Vietnamese can only take drudgery. Not much choice for us." Most marriage migrants' paid jobs fall in the 3D category (dirty, dangerous and demeaning). The most common work for them includes serving at restaurants or food stands on streets, factory, and cleaning. According to MOI (2008) survey, the most common industry for marriage migrants' work is in manufacturing industry (35.3%), followed by "lodging and food industry" (21.5%), "wholesale and retail industry" (12.9%) and other service industry (10.7%). Moreover, the most common occupational category for marriage migrant is "unskilled and manual labor" (38.9%) followed by "service and sales worker" (29.8%).

Lack of skills in local languages and status of residence often become obstacles for marriage migrants to work at service sector. Even working as servants at food stands, they are often required to be fluent in Chinese. Some employers reject marriage migrants applying for jobs because of their language skills, while others reject them because they do not acquire Identification Certificates. According to the MOI survey (2008), the most common reported difficulty for marriage migrants to look for employment is "employer rejects on the basis of no Identification Certificate" (30.7%), followed by "weakness in verbal language skills" (21.9%), "weakness in Chinese reading and writing skills" (13.8%) and "employer rejects on the basis of accents" (12.8%). Mei is a Chinese descendent from Indonesia and shared her experience of seeking for employment.

I saw advertisement looking for salespersons at a department store. But they told me I am not qualified for desk-clerk or cashier. The only post available for me is cleaner.

When marriage migrants cannot take shifts as flexibly as the employers want, due to their heavy responsibilities at home, their competence at work is questioned. Moreover, the chances for them to keep their already limited job opportunities rely on the orders their employers can receive for the factories. During time of recession, they are forced to "leave without pay." As Ching lamented, "We don't even have work to do even if we want to, because the boss said our factory got no orders."

Unequal pay for equal job

MOI (2008) survey shows that most marriage migrants' income fall in the category of "between 10,000 to 20,000NT\$" (47.2%), 61.5% of whom receive salary lower than the minimum wage (17,280NT\$). Alian said, "The employer gave me very little salary and treated me badly. He knew I did not have work permit.¹⁶ But we are from other countries, if we don't go out to work, you can't learn much local languages. It's also better if we can make some earnings. But when you go out to work, sometimes people treat us badly when they know we are from other countries."

Even though marriage migrants without ID can already work under the revised regulations, some employers still reject their job applications or lower their salaries for the excuse of not acquiring ID. Most marriage migrants' dissatisfaction with employment is "salary less than minimum wage" (58%) (MOI, 2008). Even for those marriage migrants who know that ID is no longer a requirement for them to seek employment and be protected by minimum wage, they feel they cannot do anything, "The employers just don't want to give you work! What can you do?!"

Similarly, though the employers are not supposed to lower salary for non-ID holding marriage migrants, marriage migrants cannot do anything but take it for the fear of being laid off. As Ching shared her experience:

I do everything the boss requests, while the local workers won't. But my salary is still much lower than the local workers! I asked my boss why but he ignored me. He said if I don't like it, he will not keep me to work.

Wu had similar experience:

My salary is unreasonably lower than others. But what can I do? I talked to my boss, but he said that is the only amount he can give me, and if I don't like it, I can quit. What can I do? I even tried to contact some labor NGO for advice, they told me what the employer does is illegal and they can help. But when my husband learnt about it, he was scared. He told me not to do anything. Because we cannot afford to lose the job!

Social Isolation

As the result of being uprooted from their home countries and familiar societies, marriage migrants face great difficulties in adjusting to the strange environment of the host countries. The lack of skills in local languages further worsen their sense of isolation, because it makes them more fearful of going out, which makes them more isolated at home.

¹⁶ Prior to the changes in Article 48 of the Employment Service Act in May 2003, marriage migrants without Identification Certificates had to apply for work permit in order to work.

Barriers to establish new relationship and to maintain old relationship

For marriage migrants, especially those from Southeast Asia, lack of Chinese skills confine their mobility and chances of making friends. They are worried that their poor Chinese skills will make them misunderstood or even mocked, if they step out of their home and meet others (Huang, 2009).

Being confined to home is a common experience for most marriage migrants. As one Cambodian marriage migrant recalled, she did not dare go out for the first six months after she arrived in Taiwan. She only stayed at home watching TV, only looking at the screen without much understanding of the content in programs. Some marriage migrants from Vietnam study Chinese for one month before they leave for Taiwan. However, they realize later that the accents taught by their Vietnamese teachers are quite different from the accents in Taiwan.

For those who stay long and become familiar with languages in Taiwan, they might find an irony they did not expect. As the result of lacking the practice of their mother tongues, their skills of native languages and familiarity with the customs and cultures of home countries are gradually lost. As the results of long distance and economic difficulties, many marriage migrants cannot afford to keep close contact with their family and friends in home countries by frequently visiting or making phone calls. Their social circles gradually become confined to those of husbands. Their contacts with home countries decrease as the length of stay in Taiwan increases. Moreover, if they frequently remit money to natal families, it is more difficult to be well accepted by husband's family and friends (Ho, 2004). In other words, marriage migrants' social relationships are double marginalized: on one hand, they cannot maintain good relationship with old social network; while on the other, their unfamiliarity with local languages hampers them to establish new relationship.

Confinement worsened by prejudice and discrimination

The negative public images of marriage migrants add barriers for them to break confinement and establish new social network. They are afraid of being identified as "foreign brides," who are construed as "social problems." As Pei experienced, "I felt discriminated, as if we were things they bought. They say we foreign brides are here for money, but they do not know that it's the brokers that take the money. Not us." Wei, from Mainland China, expressed similar resentment, "People around us said that we Mainland Chinese women are money craving. We are here just to make money." Lin, also from Mainland China, points out a particular discrimination Mainland Chinese marriage migrant have to face, "They see us as enemy, as if we are coming here to invade Taiwan!"

The Taiwanese families of marriage migrants are also discriminated. The men marrying marriage migrants are portrayed as "socially undesirable," who cannot even find local women to marry (Hsia, 1997, 2007). Being worried that their "foreign wives" will "run away," as the public images portray, some of them prefer their wives to be

confined at home. These Taiwanese families confine the marriage migrants for the fear of discrimination. However, there are also reported cases where the Taiwanese husbands and families treat marriage migrant as their “commodity” which they are entitled to confine. Whether it is because of the innocent fear of discrimination or intentional disrespectful treatment, the consequence is that some marriage migrants are constrained from free mobility, which results in worse social isolation.

Aling’s husband spent more than 100,000NT\$ when he went to Vietnam to marry her. Her family gave her husband around 50,000NT\$ to ensure that she would have a better life in Taiwan. She emphasized, “I don’t want money or anything. I am not married for money.” Though the money her husband paid was not with her family and she never thought of marriage for money, her mother-in-law still has the idea of “purchasing a bride.”

My mother-in-law does not see me as her real daughter-in-law. She did not allow me to go out to study (Chinese) or meet many Vietnamese. She doesn’t like it. I had cried for more than a year after I arrived. She did not let me chat with others. She wouldn’t let me go out!

One time when Aling went out, her mother-in-law thought she went to the township office to file a complaint against them. The mother-in-law scolded her, “You thought you have some important contacts. We too have good contacts!” Aling could not share her frustration with her husband, because he is a “mother’s boy.” Aling is also afraid of sharing her problems with others, even with fellow Vietnamese, for the lack of trust. Trust can only be developed through time and closer interaction. Being confined to home, many marriage migrants find it difficult to develop friendship, which worsen their condition of isolation.

The Taiwanese husband’s and his family’s attitudes are critical for the extent the marriage migrants can develop network. If their attitudes are not friendly and trusting, marriage migrants will be more isolated, which makes the social services inaccessible to them.

Though Mainland Chinese marriage migrants do not have more difficulties in languages, they also feel isolation. Lin, from Mainland China, has been in Taiwan for five years when she was interviewed. She said:

Actually, I only started to go out and make friends this year. I had stayed at home for years, and became stupid. Because I got pregnant soon after I arrived in Taiwan. After that, I just stayed home taking care of kids, until the kids learnt how to walk, so I just began to go out and go to classes.

Some marriage migrants feel being treated as a “foreign maid” rather than as a “wife.” One marriage migrant shared her sorrows:

I often locked myself in toilet to cry when I was still new in Taiwan. I had a lot of difficulties taking care of my mother-in-law and did not know what to do. Sometimes I felt I was not even as worthy as a foreign worker, because foreign workers can ask their employers or brokers if they need something. But I have no one to seek help. My husband also did not know what's in my mind. His brothers and sisters all kept distance from me. I felt helpless. I had no one but myself to rely on.

Sally has a daughter, but her husband keeps telling his friends that she is his “foreign maid.” He told Sally, “I married you so that you can take care of my mom.”

These attitudes of treating marriage migrants as “foreign maids” or “commodity” also constrain interaction between marriage migrants and their children. In a three-year project, Hsiao-Chuan Hsia found that most marriage migrants’ interactions with children are confined to home, and related to housework. For instance, in the workshop where marriage migrants were asked to draw activities that they often do together with children, the most common activities are “sleeping,” eating/cooking,” “grocery shopping,” and “bathing.” The same theme was conducted with children in a separate workshop. From the artwork of these children, the most common activities they have with mothers are “watching TV,” “eating/cooking” and “sleeping.” Marriage migrants are made the primary responsible persons for childrearing. However, they do not have much support system, such as help from natal families, and they are often confined to home and not familiar with social services. Consequently, their interactions with children are often confined to home as well.

Access to Services

Presently, many NGOs and governmental agencies provide various services to marriage migrants. Although MOI released the “Implementation Plan of Guiding Foreign Spouses for Adaptation” in December 1999, government officials, including both at the levels of central and local governments, did not consider issues of marriage migrants as within their scopes of business until late 2002, when statistics showed the significance of the population of marriage migrants and their children.

In September of 2003, the MOI amended the “Implementation Plan of Guiding Foreign Spouses for Adaptation” as the guiding plan for related programs. The main concern of this plan is to ensure that the foreign spouses will not cause family and social problems by improving their adaptation, and thus the orientation of this policy is “assimilation.” In 2005, MOI’s establishment of “Guidance and Assistance Funds for Foreign Spouses” triggered lots of NGOs and government agencies to conduct programs in the name of providing services to marriage migrants. Though enormous funds are available for providing services and as of 2007, in all of the 20 counties and cities, “Service Centers for Foreign Spouses and Families” have been set up, marriage migrants still lack access to services.

Isolation makes services unreachable

As previously mentioned, marriage migrants have to face severe isolation. For those isolated marriage migrants, social services are practically beyond their reach.

I didn't know anything before. Nobody told me to do things. We were like so dumb. Know nothing, just cry. When I did not know Chinese, I did not know how to look up phone numbers for places that I could seek help.

Though many NGOs providing services to marriage migrants, including those interviewed in this project and provide multilingual pamphlets, and several government-sponsored service centers for foreign spouses and families have multilingual lines for services, many marriage migrants are still not aware of these information and services.

NIA requires all its branches to conduct at least one “visit” (actual activities vary, ranging from playing DVD of information to face-to-face interviews) with marriage migrants after their arrivals, with the purpose of providing information. To take the NIA office in Hualien County as an example, after conducting face-to-face or phone interviews with the newly arrived marriage migrants, a file folder will be given to them, including information about local resources, such as the phone numbers of police stations, health bureau and other service providers. However, for those marriage migrants unfamiliar with written Chinese, much of the information is useless. Even the NIA cannot effectively convey crucial information to marriage migrants, especially the newly arrived, NGOs not contracting governmental projects find much more difficult to get information across widely, because they are not entitled to have access to know whereabouts of marriage migrants.

Alian has been in Taiwan for 12 years and she said:

I don't know any information from those services. Even if they mail it me, nobody got it. I don't know anything about it. Sometimes my family thought it's junk mail, so they just throw it away. So even though I have been here for so long, I still don't know!

For those marriage migrants who have to be busy caring for the family and working, they tend to ignore information. Many marriage migrants do not know which agencies or organizations can help them when they are still new in Taiwan. Usually, only when they have lived in Taiwan for many years, via friends' introduction, especially when their friends or themselves are in troubles, will they begin looking for services.

For marriage migrants residing in remote areas, it is much more difficult for them to access services. To take Hualien County as an example, being in the east coast and known as lacking public services, the Service Center for Foreign Spouses and Families was only established in November of 2006. Prior to its establishment, as commented by a marriage migrant interviewed in this project, “Nobody could help us and everything was so difficult.”

However, even after the establishment of the Service Center, many marriage migrants in Hualien still cannot access services. Since Hualien is a large county, many marriage migrants who live far away from the Center, located in the downtown of Hualien, are not even aware of the existence of the Center. A group of marriage migrants at Fonglin Town, which is one hour drive away from the downtown of Hualien, are completely ignorant of the services provided at downtown. Some even commented, "Isn't the Center closed down?" These marriage migrants have lived in Taiwan for more than five years, yet their common difficulty in terms of accessing to services is: too far from the Center where most resources are concentrated. Vivian, from Vietnam, has a daughter diagnosed as having severe problems in language development. She has to spend at least two hours on the road taking her daughter to the hospital at downtown once a week, for each treatment, which only lasts for half an hour.

Two issues have arisen regarding the access to services for marriage migrants residing in remote areas. Firstly, the personnel are insufficient to provide services. The ratio of the number of resident marriage migrants to the number of cases handled by the Service Centers for Foreign Spouses and Families is extremely high. According to Tseng et al (2007), as of July 2007, the total number of marriage migrants in Taiwan was 338,151, while the number of social workers of all the Service Centers for Foreign Spouses and Families (their supervisors not included) was only 54. Moreover, the average monthly visits with marriage migrants (including both phone calls and house visits) of the Service Centers for Foreign Spouses and Families was 4779.76, plus the 4,041 person-time of the communities service sites sponsored by the governments, it only covered 2.6% of the population of marriage migrants. The rate would be lower if we consider the number of marriage migrants who received more than once services.

Secondly, the service agencies and organizations lack resources for case referrals. It is commonly known that Taipei City is where most resources are concentrated. Service agencies and organizations located in areas outside of Taipei often face difficulties in referring cases of marriage migrants to other agencies and organizations. For instance, New Immigrants Labor Rights Association (NILRA) is based in Taoyuan County. Unlike organizations based in Taipei, though it has partnership with many organizations in the campaign for im/migrant rights, it can hardly refer cases to those organization based in Taipei, which cannot provide direct services to cases in Taoyuan due to geographical distance. Another reason why NILRA finds difficulty in referring cases is because there are not as many NGOs in Taoyuan as in Taipei. Due to the lack of resources, most NGOs, especially those very few in the remote areas, tend to refer cases to the government-sponsored Service Centers for Foreign Spouses and Families, which lack personnel to handle cases as well. As Tsao (2009) points out, the MOI lacks comprehensive plans and effective implementation to distribute welfare services. The result is the lack of services at the community level and severely uneven distribution of resources. Under these conditions, it is crucial to empower marriage migrants at the community level.

Some more fortunate marriage migrants have the luxury to attend various classes, where they meet fellow marriage migrants. "Attending classes" becomes an important channel for them to access to other services. Some marriage migrants point out that via attending classes (mostly Chinese lessons) offered by various NGOs and primary

and secondary schools, they are informed of other services, such as Service Center for Foreign Spouses and Families, New Immigrant Halls (in Taipei) and some NGOs. As one Mainland Chinese marriage migrant explained, “For example, if I am the new one and don’t know much while she has been here for many years, so I will ask her and she will give me information.” For those who do not even have the luxury to attend classes, even when they meet some marriage migrants via grocery shopping or taking out garbage, they do not necessarily get information of various services. As marriage migrants responded, “I can only ask my friends but they also don’t know much.” “Actually, the few friends I know don’t know either.” The network of the marriage migrants who are isolated does not help much for them to access to crucial information and resources.

Negligence of service providers

Some marriage migrants report that staff of government agencies has problems of attitudes and efficiency. Lihua from Indonesia complains, “When we need to do some paper work, we have to see their moods! It makes me feel very bad.” Wu from Vietnam has similar experience, “They have such arrogant attitudes when we request them to process some paper. They would just chat with each other, ignoring us waiting for long time. Can you believe it? They are so inconsiderate! They don’t even consider that we have to ask for a leave from work, or just break for a few hours and have to rush back to work.”

Even though some marriage migrants are mistreated by the staff of government agencies, they do not dare to make a complaint. On one hand, they do not know the mechanism to file a complaint to the supervisors of the staff. On the other, they are afraid that their complaints may worsen their interaction with the staff, which may cause troubles for them or other marriage migrants.

When Sally went to the local government agency to request for information regarding the procedures for Identification Certificate application, the staff at the counter glared at her and said, “You haven’t been here for three years yet! Come back to request when you live for more than three years!” Sally explained to the staff that she only wanted to understand the procedures and requirements, but the staff responded, “I am telling you, even if I tell you today, you will forget right away.”

When marriage migrants manage to find agencies to request for information or services, they often experience inadequate services, such as unfriendly attitudes and not giving them the most updated and correct information of laws and regulations. This negligence of the staff of government agencies may cause marriage migrants troubles, or even lead to severe violations of the rights of marriage migrants. For instance, Mei already acquired the permanent residence. When she went to the police station to apply for a temporary household registration, the police told her that her passport already expired and thus she had to go to NIA to apply for extension. Mei told the police that she already renounced her native nationality, but the police insisted that she had to bring the expired and truncated passport to NIA. When she visited NIA, the staff told her, “You already acquired Permanent Residency Certificate, so you don’t need to apply for extension.” Mei went back to the police and explained, but “they simply did not want to accept it.

They thought we foreigners did not know the regulations.” Due to the service provider’s lack of knowledge about the immigrant-related regulations and laws, Mei had to waste her time and energy running back and forth. Other marriage migrants have even worse experience. According to the NGO forum organized by TASAT, one marriage migrant from Vietnam thought she should be able to apply for citizenship because she had been in Taiwan for many years. However, when she applied for naturalization, she was told that she had to meet the requirement of residing for the minimum of 183 days per year, which delayed her procedure to apply for ID. Unfortunately, her husband past away before she met the requirements, so she was forced to apply for naturalization as a “general foreigner,” who has to meet much stricter requirements than a “foreign spouse.” As this case shows, not informing marriage migrants of the requirement even when they have not stayed in Taiwan for long, as what Sally experienced, can possibly jeopardize marriage migrants’ rights to acquire their legal status.

Some service workers realize that they lack understanding of the conditions of marriage migrants. When facing marriage migrants from different countries, these service workers have to develop their knowledge of multiculturalism. Trainings for service workers are crucial for marriage migrants to receive adequate services.

Domestic Violence

Taiwan passed the Domestic Violence Prevention Act in 1998. According to the statistics released by the Domestic Violence and Sexual Assault Prevention Committee under the Ministry of Interior, among the victims of reported marital violence in 2006, more than 90% are women and 12.7% are marriage migrants, who only compose less than 2% of the total population.

Since March of 1997, a 24-hour hotline was set up for reporting and seeking help for victims of domestic violence. It is mandatory for all personnel in the domestic violence prevention network, including health care providers, social workers, school teachers, police officers and immigration officers, to report domestic violence cases. The general public can also report cases, usually to the police. Due to the significant increase of the number of marriage migrants, MOI established a special line for marriage migrants in April 2003, which provides information in English, Vietnamese, Bahasa-Indonesia, Thai and Cambodian. Initially, this line operated only during office hours and each language had a special period of time during the day. It became a 24-hour hotline in April 2005.

The reporting system appears comprehensive. However, in terms of implementation, many marriage migrants who are victims of domestic violence find it difficult to seek help.

Constraints in access to information and usage of services

As previously illustrated, marriage migrants have difficulties in accessing services due to their unfamiliarity of local languages and isolated environment. Though the government established the reporting system for domestic violence cases, many of them

still do not know that they “can” report or “how” to report. More than 70% of victimized Southeast Asia marriage migrants have never requested help from the police (Tsai and Chen, 2003). Ying, from Indonesia, reflected back on her experience of domestic violence, “My husband hit me badly nine years ago. It was in the evening when he hit me. I called the police the next morning. The police asked me why I only reported it now. I told them that I did not know I could call in the evening. They told me that we can call 24 hours.” Sally also experienced domestic violence, but she did not even know that she could call the police, “When I was new, I could not understand anything. It took forever for me to communicate with others. I did not even know the phone number of the police.” Pei had to endure the vicious cycle of “arguments-beating” for four years, because she “did not know I could have reported to the police.” Sally only learnt about it when a Taiwanese friend told her, “If he hit you, you can sue him!”

Some marriage migrants do not “dare” to report violence, because they thought reporting means divorce, and fear that “they see me as someone being bought and should not complain.” The first fear is the result of the unfair immigration policies that treat marriage migrants as the dependents of the Taiwanese husbands, which jeopardize their residence and rights to their children’s custody if they are divorced. The second fear illustrates the discrimination against marriage migrants. Those marriage migrants experiencing domestic violence tend to be under more severe control of mobility by their husbands, which further isolate them and block them from gaining access to information and services.

Ying repeated stating, “You can only rely on yourself,” to break away from domestic violence. Ying suffered from the neglect of others when she sought help from neighbors.

My husband beat me several times. The first time, I went to ask my next door neighbor for help. But they would not even open the door for me.

Sally shared similar frustration.

I could not find anyone to help. All I could do was to endure! My Vietnamese friends kept telling me to endure, because they all feared troubles. One time, I could not endure it anymore. I talked back and he slapped my face... I told my friends about it but it's useless. Instead of helping me, they told on me! After that, I didn't tell anyone, because I was afraid.

As we can see from Ying’s and Sally’s experience, the attitudes such as “not intervening family matters” and “one should endure domestic violence” and the betrayals of friends not only make the victimized marriage migrants inaccessible to domestic violence prevention network, but also further constrain their already isolated network (hesitant to seek help for the fear of being mistreated again).

Fang’s husband had an extramarital affair with her fellow Vietnamese marriage migrant and began to physically abuse her. She was forced to sleep outside the house

at cold winter night without blankets, and was dripped with ice water when she felt asleep after several sleepless nights. Fang did not know how to seek help. Her godmother (Taiwanese) in Taipei informed her of the special line for foreign spouses, and later via several persons, she got the number of Service Center for Foreign Spouses. Social workers requested Fang to visit the Center to give more details of her case, but she did not know how to go there because of unfamiliarity of roads and lack of vehicles and driving licenses. Fortunately, she borrowed a bicycle and finally found the Center by asking around directions. Eventually, the social worker accompanied her to the hospital for examinations and helped her file the case of domestic violence.

From Fang's case, we can see the barriers for marriage migrants to successfully report their cases of domestic violence. Even Fang eventually got the information about the hotline and service center, she had hard time reaching the service center, due to unfamiliarity of the environment and lack of transportation and driving license. The situation is worse in remote areas because little public transportation is available. Without vehicles on their own, it is extremely for them to escape from the constrained and violent household.

Problems in implementing the reporting system

Some marriage migrants manage to break all the barriers and attempt to file a report. However, they still encounter many difficulties.

Pei, from Cambodia, had been emotionally abused by her husband, who has had extramarital affairs and became unemployed. Her mother-in-law took her anger out on her due to the frustration from the husband's long term instability of employment, by not allowing Pei to go out and to use appliances. Pei told her teacher at the Chinese language classes, but Pei was told, "It's not a big deal. Everybody has the same problems. You just have to endure it, trust your husband and say nice words to him."

"Endurance" is the common advice marriage migrants under domestic violence receive from others. Pei finally made the call to the hotline for marriage migrants after her long endurance of her husband's abuse, yet she was not given proper assistance to file the report.

Do you know what she (from the hotline) told me? I told her that I could not take it any more and asked what I should do. She said, 'your child belongs to your husband.' She told me that I had to endure it and acquire my ID." I asked her what I can do to protect myself, but she did not tell me anything.

Since the hotline could not give Pei good advice, she asked her friend for the phone number of a local agency to help. "But it's even worse than the hotline. They also told me to endure it!" Out of frustration, Pei threw all the pamphlets of these agencies to a trash can.

Similarly, Mei's friend had fights with her alcoholic husband. She learnt about the "Care for Foreign Spouses Hotline" from newspapers and called to seek help. The staff answering the hotline surprisingly told her, "Taiwanese men love drinking! You must endure." Sally had a similar experience: "One time my husband scolded me after drinking. I learnt about the hotline number from newspapers, so I immediately called it up. The staff told me that if you get divorce, your kids will belong to them, and asked if my husband hit me. I said he did not hit me but I knew she was about to hit me. The staff also told me to endure!" Sally angrily commented, "They make it sound it so nice! They say they care for us? Not at all!" The inadequate quality of services of government agencies makes some marriage migrants who have experienced frustration think that service is useless and refuse to seek service again.

The information that divorced marriage migrants without ID will be deported is outdated. After the revision of the Immigration Act effective in 2008, marriage migrants, who are victims of domestic violence, can continue to stay. Sometimes, the staff working at the agencies providing services gives wrong information to marriage migrants due to their lack of the most updated information about immigration regulations and laws. Some staff advise marriage migrants to "endure" violence because of their patriarchal ideology (i.e. Good women must obey the rules of the husbands) and discrimination against marriage migrants (i.e. Marriage migrants are commodities purchased by Taiwanese men).

Many instances have arisen when marriage migrants make reports, but their reporting is not recorded properly. Annie, from Cambodia, called the hotline for domestic violence (113) after she was beaten the third time. She hid herself in the bathroom and called 113.

I said I want to report to the police. My husband is beating me. But the lady on the phone asked me, 'Can you call 110 (police hotline)?' I kept crying over the phone and she kept asking, 'Can you call the police?' I finally had to say, 'Ok. I will.' Then I hung up the phone.

Though the difference between 110 and 113 hotlines is that the former is for immediate police intervention on a crime scene, yet the 113 hotline is also responsible to immediately contact 110 if the case concerned is under immediate threats. If Annie or others with similar experiences fail to make another call to the police, they will not receive proper assistance.

For instance, one marriage migrant's husband constantly threatened and insulted her verbally after drinking. She reported to 113, but the social worker answering her call told her, "There is no immediate danger. Call the police tomorrow morning." She went to the police station and attempted to file a report. She was told that the report cannot be filed because she does not have "obvious physical injuries and injury assessment report from hospitals" and "husband's ID number."

Similarly, Lili from Mainland China went to the hospital three days after she was beaten by her husband. The hospital personnel filed the report for her. She went home

for the fear that her husband will confiscate her documents. Her husband threw objects at her when seeing her at home. "I hid myself in the bathroom in my room and called the police station. But they kept saying that I was making up stories and would not come to our home." Eventually, Lili had to go to the court to fight for the custody of her child. She told the judge that she made a report but the police argued that there was no record of reporting. Without the proof of reporting, it is very hard to prove the case of domestic violence, which is relevant for the rights of marriage migrants, especially for those without ID yet.

All phone calls to the hotlines, including 113 and 110, are supposed to be audio-recorded and the clients are entitled to track the records of audio-recordings, which can be used as a proof of reporting domestic violence, if necessary. However, most marriage migrants are not aware of it and assume there is no official record of their reporting after they call the hotlines. If the clients visit local police station to report, the police is supposed to give a written document of reporting to the clients. However, some police will dismiss the clients without providing the document, which means the reporting is not officially recorded and the marriage migrants do not have any proof of reporting. Many marriage migrants are not aware of their rights to demand for the written documents of reporting. They are often discouraged by the police for the excuses like "no obvious physical injuries and injury assessment report from hospitals." Some are even told that foreigners (without ID numbers) cannot make a report. Not knowing their rights, many marriage migrants are sent away by the police without acquiring any written document of reporting, which will jeopardize their rights when it comes to legal procedures, including filing a divorce, applying for a protection order, demanding custody and their entitlement to stay after divorce.

Negligence of the police

As shown in the statistics (Directorate-General of Budget, 2006), there were 41,000 reported cases of domestic violence in 2006 and the police agencies were the most common agencies the cases were reported to. Consequently, the actual practices of the police when they are approached by marriage migrants to file a report are crucial to the rights of marriage migrants under domestic violence.

An NGO brought up the case of Tsao in a forum organized by TASAT. Tsao, from Vietnam, had been suffering from domestic violence, yet for the fear of losing children's custody and her rights of residence, she had endured the violence. She eventually decided to call 110 for help but when the police arrived, she was scolded as "causing the police troubles." Many marriage migrants experienced negligence and discrimination by the policemen. Yaya, another case brought up in the forum, came home after work and realized that her husband locked her out. Her neighbor accompanied her to the police station, yet the police said they had no rights to force her husband to let her in, and that they could not give her a written report without her husband's signature.

When handling cases of marriage migrants, the police tend to favor Taiwanese families who have much rooted network in the neighborhood. Hung, from Mainland

China, was assisted by an NGO. When Hung called the police station the first time, she was told to endure violence because she had no ID and no written report was made. She called the police the second time when her husband beat her and the kids. The police did not make written report nor check her wounds. She called the third time when her husband took her daughter away from her with force. The police did not even come to her house because her husband threatened the police by claiming that he knew some VIP. A few days later, the police got a report from her family claiming that she attempted to kill her daughter. Instead of handling the case fairly, the police told Hung in private, "Just give the girl to them if you already have a boyfriend." After a series of attempts to report to the police, Hung feels no trust with the police and thinks they police have no respect for marriage migrants and always take sides with Taiwanese husbands.

Some Taiwanese families of marriage migrants confiscate their passports and other important documents. According to the MOI guidelines for handling marriage migrants under domestic violence, the police are required to accompany marriage migrants to get their documents back, and, if the family refuses, the police should help marriage migrants to nullify the documents and apply for new documents. However, in many instances, the police do not live up to what they are required to do. Without the help of the police to reclaim their important documents, marriage migrants threatened by violence either have to endure violence or run away from home without documents, which may lead them to become undocumented if they fail to extend their Certificates of Residence.

Pan from Mainland China has horrible experience with the police and has been assisted by an NGO. She was given a divorce and custody of her son by the court on the ground of domestic violence. She made several attempts to take her son with her, but she was beaten and insulted by her husband every time. She called the police, yet the police not only did nothing to help her, but also distorted the written report, by stating that her wound was only accidental, rather than from her ex-husband's beating.

Another type of negligence of the police and other concerning officers is that they do not properly inform the marriage migrants of their rights of residence. According to MOI guidelines, NIA officers, police, and other concerned personnel should inform marriage migrants threatened by domestic violence of the procedures to extend their Certificates of Residence, lest they would be penalized or even deported if they overstay. However, this guideline is far from the reality. For example, a marriage migrant from Cambodia was accompanied by the police after she reported domestic violence. Her husband's family and she got into fights with the presence of the police. She was asked by the police, "Do you want a divorce?" Without being informed of the consequence of the divorce on her rights of residence, she agreed to divorce under the violent conditions. Her husband immediately finished procedures for the divorce, but she only realized that she only had four months to reside in Taiwan before the Certificate expired.

Constraints of immigration policies

Prior to the amendment of Immigration Act on November 31, 2007, marriage migrants who divorced before they acquire citizenship had to be deported, which caused victims of domestic violence to endure violence for the fear of being deported back their

home countries. The amended Immigration Act permits marriage migrants to continue to reside under certain circumstance, including: “if s/he is physically or mentally abused by the spouse and protected by protection order issued by the court; and if s/he is suffered from family violence and divorced after the judgment of the court, and also has minor children.” Though the amended Immigration Act provides more protection for the rights of residence for marriage migrants suffering from domestic violence, there are still obstacles for them. First of all, they need to acquire protection order issued by the court, which might be difficult given the difficulties in reporting domestic violence as previously mentioned. Secondly, the protection court order has expiration date and therefore is not a guarantee for their permanent residence. Thirdly, if they are divorced before acquiring citizenship, they can only reside in Taiwan if they have children who are minors. That is, they cannot continue to stay if they have no children, and can only stay until their children reach eighteen years old. Fourthly, if they want to apply for citizenship, they have to apply as the “general foreigners” whose requirements are stricter, such as the financial proof of five million worth of property. With the economic difficulties mentioned previously, it is almost impossible for them to meet this requirement of the financial proof. Many marriage migrants do not want to return to home countries after divorce, because divorced women are considered shameful at home. However, if they want to stay, they have to overcome the above mentioned obstacles. If they continue to stay in Taiwan after the expiration date of their Certificates of Residence, they become “illegal,” meaning that they will have no national health insurance, no protection by any laws, and run the risks of being deported.

Lack of proper interpretation

Most of the policies, laws and regulations are written in Chinese with a lot of professional jargons, which appear difficult to understand even to native Taiwanese without professional backgrounds. Only a few laws and regulations have English version but are useless for those who cannot read English. Under these circumstances, proper interpretations are crucial for marriage migrants to protect their rights, especially when they are facing issues about their rights of residence. However, in most instances, marriage migrants are not provided with interpreters. Sometimes the police or the courts will request interpreters, most of whom are marriage migrants. However, these interpreters are not properly trained with knowledge of the most updated policies and regulations. Therefore it is difficult for them to interpret adequately.

Inadequate shelter services and economic stress

As the results of being constrained by immigration laws and regulations, marriage migrants who suffer from domestic violence have very limited choices. Without much support from their natal families and lacking network in Taiwan, victimized marriage migrants urgently need a place to stay. Lu filed her case of domestic violence and was arranged to stay at a shelter by the domestic violence prevention center. However, she was told that she could only temporarily stay at the shelter for two weeks.

There are three types of shelters for the victims of domestic violence in Taiwan: governmental shelters, shelters managed by NGOs with governmental contracts, and shelters purely owned and managed by NGOs. Most shelters are either purely governmental or government-sponsored, which require the victims of domestic violence to be referred by the agencies under the city or county governments in order to be sheltered. This requirement sets up barriers for marriage migrants who are in urgent needs of shelter. Though it is not required to acquire a protection order from the court to be sheltered, in practices, many victimized marriage migrants are not provided shelters because they are not in “immediate danger.”

Moreover, most shelters regulate limited length of stay, often times up to three months if approved by social workers after assessment. Due to limited space of shelters, most social workers or staff of the staff would inform the victimized marriage migrants that they have only two weeks to stay, which make many marriage migrants insecure and even decide to return to the families that they suffer violence from. According to the statistics, there are only 405 beds in shelters in Taiwan. On average, 4,860 person-time can be sheltered per year. However, in 2008 alone, there were 46,530 cases of domestic violence reported. The average rate of cases admitted to shelters is 50%, which means 23,265 cases in 2008 (Lihpao, 2009). In other words, only 20.89% of those admitted to shelters can actually find a bed in shelter. This serious lack of shelters is especially problematic to marriage migrants, who do not have natal families and social network available.

Without shelters, victimized marriage migrants have to rent a room for accommodation, which is an extreme burden. As mentioned previously, marriage migrants often face economic stress. Even if they are fortunate enough to be provided shelters, they still lack sources of income for survival. Some are able to be provided welfare subsidy, which, however, is also limited and temporary.

STRATEGIES AND RECOMMENDATIONS

Advocate for Changes of Policies and Laws

Many social workers or other service providers mean well and try their best to provide services for marriage migrants. However, they often feel exhausted and frustrated by handling and referring cases. It is crucial for service providers to realize the root causes of problems faced by marriage migrants are discriminatory policies and laws. Without addressing to the root causes, the same pattern of problems continue and service providers can be easily overwhelmed by cases. Service providers and NGOs must collaborate with advocates and movement organizations to challenge the existent policies and laws and advocate for changes. To take AHRLIM as an example, it is composed of both service-oriented NGOs and social movement-oriented organizations. When service providers encounter problems in handling cases, they will bring it up in AHRLIM and collectively, the problems will be discussed and action will be taken to address the issues. Since the establishment of AHRLIM in 2003, numerous policies and laws, including the Immigration Act and the requirement for financial proof for naturalization, have been

changed, as the results of close collaboration between service providers and movement organizations (Hsia, 2008).

Educating the Public

Discrimination in the host country is one of the major problems that marriage migrants have to deal with. Most local citizens have prejudices and discrimination against marriage migrants because they are not aware of the real conditions of marriage migrants. Therefore, it is important to educate the public regarding the issues of marriage migrants. Some strategies have been employed in Taiwan to transform the public images of marriage migrants, including radicalizing existent values and rhetoric, constructing “*betweenness*” of “Us” and “Them,” and demonstrating the subjectivity of marriage migrants. Elsewhere, the first author illustrates these strategies (Hsia, 2008), which can be summarized in the following.

Firstly, to establish dialogue with the public, AHRLIM has gradually radicalized existent values/rhetoric, including human rights, multiculturalism and democracy. Secondly, constructing a sense of empathy in the public discourse is another important strategy. To break the views of perceiving marriage migrants as the “other,” AHRLIM has endeavored to create the sense of empathy from the local citizens. For example, in AHRLIM’s first petition, 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. Thirdly, to ensure the legitimacy of the immigrant movement, it is essential to have active participation of immigrants themselves, which will be discussed in next section.

Empowering and Organizing Marriage Migrants

As illustrated in previous sections, the problems that marriage migrants face are multi-faceted, including social discrimination, unjust laws and policies and economic difficulties. These problems can only be solved through continuous struggles. To sustain the struggles for fundamental social transformation for the betterment of marriage migrants, it is crucial to ensure that marriage migrants are actively involved in the process, because they are people most affected and they cannot simply depend on the good-wills of others, who might decide to leave the struggles because of other priorities or frustration.

Many advocates and activists tend to 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 participates in the protest action is

“mobilized” without knowing fully the issues at stake and sadly becoming only “props.” This tendency of social movements to speak on behalf of the marginalized has been much criticized by feminists of color and from the third world (e.g. Hooks, 1984; Collins, 1990; Monhanty, et al 1991). To avoid these pitfalls, we need to make the subjectivity of marriage migrants as the priority in our struggles for the rights and welfare of marriage migrants.

For example, the active participation of marriage migrants has played a crucial role in the success of the AHRLIM to advocate for changes of policies and laws in Taiwan. For instance, at the first rally initiated by AHRLIM in 2003, marriage migrants organized by TransAsia Sisters Association, Taiwan (TASAT) was at the frontline voicing their dissent by performing a short skit in front of the Legislative Yuan. In the morning of July 6th, 2005, marriage migrants from Taipei, accompanied by many women, workers and human rights groups, awaited other marriage migrants 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 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 joined the rally.

The active participation of marriage migrants has gradually changed the media construction. For example, a major newspaper significantly reported AHRLIM’s protest on July 6, 2005, 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 marriage migrants, 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.

To demonstrate the subjectivity of marriage migrants, it takes a long process of empowerment. TASAT has been empowering and organizing marriage migrants long before AHRLIM was established, starting from the Chinese program initiated in 1995. Via learning Chinese, TASAT has gradually enhanced the civic participation of marriage migrants, 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 friendlier environment for the marriage migrants. It is crucial to stress that the marriage migrants 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, “foreign brides” often appear as victims, which will reinforce the dominant media construction of them as problematic. Many NGOs have “foreign brides” present at the press conferences with tears and even with their faces covered.

This may be well-meant 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.

To empower marriage migrants, efforts have been made since 1995 when the “Foreign Brides Chinese Literacy Program” was initiated. 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”* (see Hsia 2006, 2006a for details). After eight years of empowering marriage migrants, the first national grassroots organization for marriage migrants, TransAsia Sisters Association in Taiwan (TASAT) was founded on December 7, 2003. TASAT was one of the founding member organizations of AHRLIM.

Since the establishment of AHRLIM, marriage migrants organized by TASAT have become significantly more active after their first protest, often participating in AHRLIM activities, speaking at protests or press conferences, and sharing their experiences and opinions at various activities. The voices of marriage migrants often are able to help subvert the public image of them as submissive, problematic, and incompetent. Via theater, paintings, writings, and other types of sharing at various forums and activities, marriage migrants have changed many Taiwanese’s stereotypes. Another more recent effort to change public perceptions is TASAT’s program of Southeast Asian languages and cultural courses, where marriage migrants teach the local Taiwanese about Southeast Asia and issues of multiculturalism. From these courses taught by the marriage migrants, the local Taiwanese realize that marriage migrants can offer much expertise to the Taiwanese societies. 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”*, the book has caught public attention (The first print was sold out in less than a month). As the editor of this book, Hsiao-Chuan Hsia noticed that one of the most common responses from readers has been amazement over how talented marriage migrants are, and how the book has made many readers so much more appreciative of multiculturalism and aware of their own prejudices.

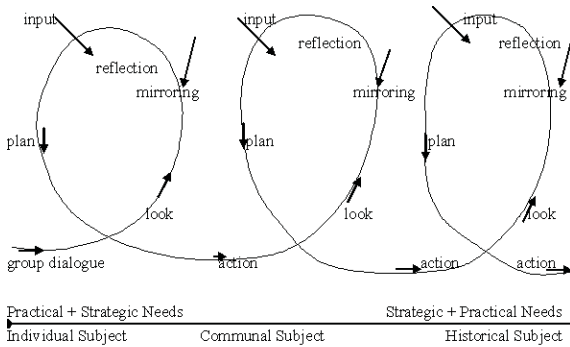
In 2009, TASAT formed the TASAT Theater Group, which effectively projected issues of marriage migrants via stage performance, with stories and scripts collectively developed by marriage migrants themselves.

Recently, TASAT produced a documentary film titled “Let’s Not Be Afraid!—A Documentary on the Struggle of Marriage Migrants in Taiwan”. This would also serve as an educational tool for other marriage migrants to emulate.

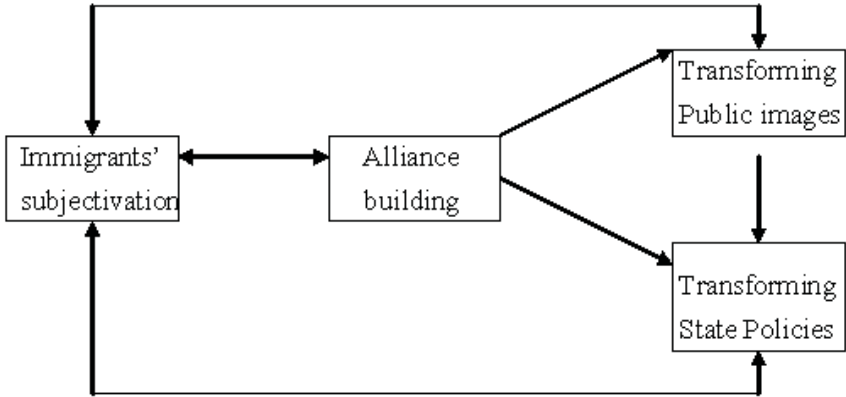
The process of TASAT’s experience of empowering marriage migrants can be illustrated as Figure 1. This process of empowerment starts from fulfilling marriage migrants’ practical needs of learning Chinese, and gradually moves towards meeting their strategic gender needs. Via fulfilling their needs of 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, marriage migrants 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 empowerment 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 marriage migrants as teachers for multiculturalism and Southeast Asian cultures was initiated. As marriage migrants 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



Moreover, the subjectivity of marriage migrants is the basis of the formation of the immigrant movement. The experience of the development of immigrant movement in Taiwan can be illustrated as Figure 2. After years of empowerment, 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 marriage migrants, and immigration laws and policies. By actively participating in the alliance for movement and being able to transform public images and state policies, marriage migrants are further encouraged and their sense of historical subject is strengthened (see Hsia 2006 for details).

Figure 2. The Formation of Immigrant Movement in Taiwan

Importance of International Networking

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, governmental 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 argued that financial requirement is "universal norm". 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. In September 2007, TASAT co-organized the International Conference on Border Control and Empowerment of Immigrant Brides. During the conference, AHRILM held a press conference and a dialogue with MOI officials where the delegates from different countries openly confronted MOI's distortion of immigration policies in those countries. Moreover, as a result of this conference, the Action Network for Marriage Migrants' Rights and Empowerment (AMM♀RE) was established, which is currently undertaking an international campaign against state violence on marriage migrants: *unVEIL*.

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.

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Marriage migrants from Taiwan, Korea and Japan held an exchange visit last July 2009 to share about their experiences and meet with supportive groups. This photo was taken at the Osan Migrants Centre where marriage migrants from Seoul converge. (Photo courtesy: TASAT)



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INTRODUCTION

Overview of Marriage Migrants Situation in Korea

The phenomenon of marriage migrants came about when South Korea became an industrialized country more than two decades ago. The improved economic situation in the country gave rise to better employment opportunities for the people as more Korean women and men decided to take on high paying jobs because of their access to higher education. As a result, foreign migrant workers have been employed in small and medium scale industries that were shunned by many Koreans.

There was the depopulation of rural communities because of the attraction of good-paying jobs in highly urbanized areas in the country. The increasing number of Korean men married to foreign women has drastically increased in the last two decades. Women from low to middle income countries in Asia such as China, Vietnam, the Philippines, Cambodia, Thailand, and few others have been lured to either work as migrant workers or marry Korean men to escape poverty and turbulence in their home countries. However, these marriage migrants, many of whom are women, find themselves suffering from domestic violence, racial and gender discrimination and other forms of human rights violations.

Table 1. Number of Registered Marriage between Korean and Foreigners
(Korea National Statistical Office or KNSO, 2009)

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total number of marriage	332,090	318,407	304,877	302,503	308,598	314,304	330,634	343,559	327,715
Marriage with foreigner	11,605	14,523	15,202	24,776	34,640	42,356	38,759	37,560	36,204
Korean men + foreign women	6,945	9,684	10,698	18,751	25,105	30,719	29,665	28,580	28,163
Korean women + foreign men	4,660	4,839	4,504	6,025	9,535	11,637	9,094	8,980	8,041

In 2008, there are already 28,163 marriages between Korean men and migrant women while 8,041 marriages between Korean women and migrant men. The total number of registered marriages in 2008 has increased three times from 2000.

From 2000 to 2008, there have been fluctuations in the number of migrant women from other Asian countries who registered marriage with Korean men as shown in Table-2. The 2008 data show that Chinese and Korean-Chinese women from China are on top with the biggest number of registered marriage to Korean men (46.9 %) followed by those from Vietnam (29.4%) and the Philippines (6.6%), respectively.

Table2. The number of migrant women who registered marriage with Korean men by country (Korean Statistical Information Service or KOSIS, 2009)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total	6,945	9,684	10,698	18,751	25,105	30,719	29,665	28,580	28,163
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
China	3,566	6,977	7,023	13,347	18,489	20,582	14,566	14,484	13,203
%	51.3	72.0	65.6	71.2	73.6	67.0	49.1	50.7	46.9
Viet Nam	77	134	474	1,402	2,461	5,822	10,128	6,610	8,282
%	1.1	1.4	4.4	7.5	9.8	19.0	34.1	23.1	29.4
The Philippines	1,174	502	838	928	947	980	1,117	1,497	1,857
%	16.9	5.2	7.8	4.9	3.8	3.2	3.8	5.2	6.6
Japan	819	701	690	844	809	883	1,045	1,206	1,162
%	11.8	7.2	6.4	4.5	3.2	2.9	3.5	4.2	4.1
Cambodia	-	-	-	19	72	157	394	1,804	659
%	-	-	-	0.1	0.3	0.5	1.3	6.3	2.3
Thailand	240	182	327	345	324	266	271	524	633
%	3.5	1.9	3.1	1.8	1.3	0.9	0.9	1.8	2.2
Mongolia	64	118	194	320	504	561	594	745	521
%	0.9	1.2	1.8	1.7	2.0	1.8	2.0	2.6	1.8
Uzbekistan	43	66	183	328	247	332	314	351	492
%	0.6	0.7	1.7	1.7	1.0	1.1	1.1	1.2	1.7
USA	231	262	267	322	341	285	331	376	344
%	3.3	2.7	2.5	1.7	1.4	0.9	1.1	1.3	1.2
Others	731	742	702	896	911	851	905	983	1,010
%	10.5	7.7	6.6	4.8	3.6	2.8	3.1	3.4	3.6

Table 2 shows the annual changes in the number of migrant women who registered marriage with Korean men. It presents that while Chinese women married to Korean men remain the majority of the marriage migrant population, their number has decreased. The number of Vietnamese women marrying Korean men, however, continues to grow.

Types of marriage and the difference of age

Also, in 2008, Korean men who married migrant women for the first time take up 64.7% of the registered marriages while 35.3% are those who have had been married for the second time or more (KNSO, 2009). The average difference of the ages of these couples is 11.8 years. This is 9.5 times more than the average difference of ages of Korean couple, which is 2.3 years.

As for the types of marriage, marriage migrants who marry previously-married Korean men implies greater possibility for them to face complex personal difficulties like the issue of children from latter's previous marriage than those married to Korean men for the first time. The difference of ages between the couples is also regarded as an important factor to understand the diverse experience of women from various perspectives.

International marriage and divorce

As in the case of divorce before acquiring Korean nationality or permanent residency, if a foreigner does not satisfy the conditions required by the Nationality Act or Immigration Control Act, she or he should leave the country.

Table 3. The number of divorce of foreign wives by nationality (KOSIS, 2009)

	2002	2003	2004	2005	2006	2007	2008
Total	380	547	1,567	2,382	3,933	5,707	7,962(100.0%)
China	180	274	835	1,425	2,538	3,654	5,398(67.8)
Viet Nam	7	28	147	289	610	895	1078(13.5)
The Philippines	28	43	108	140	165	213	268(3.4)
Japan	78	89	114	116	147	157	205(2.6)
Mongolia	10	6	83	116	132	173	213(2.7)
Uzbekistan	3	16	67	75	105	112	160(2.0)
Cambodia	0	0	4	6	19	99	178((2.2)
Others	74	91	209	215	217	404	462(7.1)

Table 3 shows the number of divorce of migrant wives by nationality. Migrant women from China have the highest rate of divorce with Korean men while Cambodian women show a dramatic increase in cases of divorce between 2007 and 2008.

The period of living together before the divorce between migrant women and Korean men is more worthy of notice than the number of divorces. In 2008, their average period of living together is 2.7 years; thus, many migrant women get divorced before they acquire Korean nationality or permanent residency. In addition, 90.2% of migrant women divorced in 2008 turned out to have lived together for less than 4 years.

Also, 7,962 migrant women get divorced with Korean men in 2008; and 90.1% of them do not have minor children. What kind of legal relationship with 'minor children' is guaranteed at the point of getting divorced may become an important fact to decide whether migrant women can live with their children or get separated forever.

Methodology

The research approach used in this research emphasizes a focus on marriage migrants' subjective experiences particularly on social equity as immigrants in the new or another country other than their own and in the context of marriage and access to social services such as employment, health and medical services, social security and pension benefits. The marriage migrants' perspective and interpretations of the world are also taken into consideration. The data gathering methodologies used in for this research are focus group discussion (FGD) and structured interviews using a prepared questionnaire. Case study method is also used for some individual respondents, with whom the researchers have adequate social interaction including unstructured interviewing, direct observation or actual involvement in the actual life situation where the subjects live.

In the focus group discussion (FGD), the personal profiles of the subjects were taken and the guide questions are outlined as follows: 1. Residency status, 2. Marriage and Family, 3. Family Economy and Employment. The answers to questions are summed-up and analyzed and form the basis for findings, strategies and recommendations to improve the quality of life of marriage migrants.

The focus group discussion was conducted with 14 women marriage migrants from Thailand, Vietnam, China and the Philippines. The outline of the research questionnaire was followed in the discussion that ensued with the women. The participants profile is seen in the table below:

Table 4. Profile of Respondents in Focus Group Discussion

Respondent	Age	No. of years living in Korea	No. of years of marriage	Prior stay in Korea before marriage	Current residency status	Country of Origin	Current marital status	Children			Employment		
								number	ages	previous marriage	Paid	type	No. of years
1	32	8	8	no	F5	Thai	M	3	1, 6	0	No	NA	NA
2	26	5	5	no	C	Viet	M	1	4	0	No	NA	NA
3	34	6	6	no	F2-1	Ch	M	1	4	0	No	NA	NA
4	42	15	15	no	C	Ch	M	1	12	0	No	NA	NA
5	40	10	10	no	C	Phil	M	2	7-9	0	Yes	T	1
6	33	7	7	no	C	Phil	M	3	5-6	0	Yes	T/F	5
7	33	8	7.5	no	C	Phil	M	1	6	0	Yes	T/F	5
8	38	8	7.5	no	C	Phil	M	2	-1, 6	0	Yes	T	3
9	46	13	13	no	C	Phil	M	1	1	0	Yes	T/F	7
10	23	3	2	no	F2-1	Phil	D	1	2	0	Yes	F	1
11	43	8	8	no	C	Phil	M	1	7	0	Yes	F	1
12	40	13	12	no	C	Phil	M	2	12,13	0	Yes	F	5
13	38	9	9	no	C	Phil	M	1	9	0	Yes	T	5
14	38	10	10	no	C	Phil	M	2	8, 10	0	Yes	F	1
Ave.	36.1	8.7	8.57					1.6	6.45				3.4

Note:

Residency status: C- Korean citizen; F2-1- family visa; F5-permanent residence.

Current marital status: M-married; D-divorced.

Type of employment: T-tutor or teacher in a private institute; T/F-tutor and factory worker; F-factory worker; NA-not applicable.

Country of origin: Thai-Thailand; Ch-China; Viet-Vietnam; Phil-Philippines.

The profile of respondents to the focus group discussion shows that the average age of women marriage migrants is 36.1 years and the number of years they have lived in South Korea is 8.7 years which has only 0.13 years difference to the number of years in marriage which is 8.57 years. The data also shows that the women were only in their late 20's when they married their Korean husbands.

Ten of the participants in the FGD were members of the Osan marriage migrants association with whom the researchers have direct interaction with. The other four came from rural areas, from Pyeongtaek and nearby towns. The limitation of the FGDs and the interviews was on the nationality of marriage migrants who were mostly women from the Philippines. Considering the scope of influence of the researchers which normally revolve around particular ethno-linguistic origin of respondents, there has been a greater tendency for a particular ethno-linguistic group to gravitate to their own group and less on other groups or nationalities. However, responses gathered from the respondents from other ethno-linguistic groups or nationalities are very similar to that of the majority group.

Individual interviews were made before and after the group discussion. For the pre-discussion interview, each respondent was asked to fill out the background information sheet as verification and clarifications were made by the researchers on their marital and visa status which were substantiated during the discussion proper. The post-discussion interviews were mostly on identified respondents who have prolonged emotional trauma with their experiences or those who have expressed the need for further disclosure on sensitive personal issues.

On those who experienced domestic violence, we had four women respondents who openly discussed that they were victims of domestic violence inflicted either by their husbands or by their in-laws, most often by their parents-in-law. They did not have a separate focus discussion group.

Members of non-governmental organizations were likewise interviewed, namely: Korean Public Interest Lawyers Group, 'Asia Chang' Migrants Center, Osan Migrant Workers' Center, Shin Weol Dong Filipino Community, KASAMMAKO or the Alliance of Filipino Migrant Workers Associations in Korea, while Seoul Women Migrants Human Rights Center and Cheongju Women Migrants Human Rights Center have collaborated in case studies used in this research.

The Korean government's data of ages of children of marriage migrants being minors is re-affirmed by the profile of respondents whose children have an average age of 6.45 years. The traditional role of Korean women in marriage has been assumed by marriage migrants such as child-rearing and household work as seen in the average number of years that women have taken irregular paid jobs (which is only 3.4 years while they have lived in the country for more than eight years).

STATE POLICIES AND PROGRAMS

This section reviews the Immigration Control Act and Nationality Act of Korea and the conditions required for marriage migrants to reside in South Korea. Also, it discusses the problems encountered by marriage migrants in terms of fulfilling these laws.

Residency Rules and Policies

Marriage migrants are entitled to Residential Status (F2-1) in accordance to Article 12 of Immigration Control Act and Enforcement Decree of Immigration Control Act. Those who have this status may freely work in Korea without special permission.¹

First, if a migrant intends to stay in Korea for a long time, he or she must acquire alien registration from the immigration authority within 90 days of arrival in the country. Those with resident visa are entitled to one-year stay per application, which can be renewed before expiration. If one fails to apply for the extension of stay within the period, the person may fall into the status of so-called ‘illegal’ sojourner and face the risk of arrest and deportation.

Migrants who stay longer than two years are entitled to a permanent residence status (F-5) or for naturalization as a Korean citizen.

The Korean government recently introduced Subparagraph 3 and 4 of Paragraph 2 of Article 6 of Nationality Act in 2004 to accept humanitarian requests. These new provisions grant the opportunity of acquiring nationality for those who cannot keep the marriage going through unforeseeable reason that is not the fault of the foreigner in question. Such reasons would include death or disappearance of the Korean spouse or who has under-aged child/children, through marriage, of a Korean spouse to look after, and who were in marital situation with Korean spouse and have address in Korea. Therefore if marriage migrants can legally prove the break-up of the marriage or divorce is not his or her fault, he or she may stay and apply for naturalization.

The basic documents required for the application for simplified naturalization are the following: (1) Naturalization Application Form; (2) Photocopy of Passport; (3) Statement for Citizenship Application; (4) Statement of Identity; (5) Family registration, basic registration, marriage certificate and resident registration transcript of the Korean spouse; and (6) Financial registration (to verify the ability of the applicants, or their family, to maintain themselves. Any one of the following documents also needs to be submitted: (a) Bank Balance containing more than KRW 30 million in the name of the applicant or the family; (b) Lease contract or estate registry equivalent to KRW 30 million; (c) Certificate of Incumbency (Attached the copy of Employer’s Business

¹ Official English information of Korean government on the sojourn status, foreigner registration, required documents is available from <http://www.hikorea.go.kr/>

Registration certificate); (d) Certificate for the employment expected (Financial guarantee not allowed); (e) Other materials to prove the fact that the marriage status is maintained; and (f) Photos, Statement of people around, Letters exchanged before the marriage, etc.

After applying for naturalization in accordance with Nationality Act, the applicant will have to wait from one and a half to two years to receive final notice of the approval of naturalization. Thus, marriage migrants actually have to live for a period of four years in Korea with the status of “foreigner”.

Indefinite power to Korean spouses

The support of a Korean spouse is essential for marriage migrants living with the status “foreigner” to apply for the extension of sojourn period or for naturalization. In the name of examining the validity of marriage, immigration authorities require the marriage migrants to be accompanied by their Korean spouses to attest to the veracity of marriage.

Moreover, the visa of a marriage migrant continues to be valid only when references are submitted by the Korean spouse. With such consent and reference, there is a greater chance for marriage migrants to prolong their stay in the country. If a Korean spouse refuses to accompany the marriage migrant or withdraws the reference, the marriage migrant could not legally stay in Korea or acquire nationality. In reality, marriage migrants are often found to have failed to apply for permanent residence or simplified naturalization even after having a married relation for more than five or six years because Korean spouse did not support them.

Consequently, the perpetual stay in Korea and the acquisition of nationality of marriage migrants totally rely on their Korean spouses. As long as the status of marriage migrants depends on the Korea spouse, marriage migrants will have to endure human rights violations such as domestic violence.

Visible or invisible domestic violence and residence

According to surveys and consultations of NGOs in the field of migration, many marriage migrants experience the visible or invisible form of domestic violence. However, they fail to take active response such as reporting the case to police.

According to the survey of Ministry of Health and Welfare (2005), 31% of international marriage migrant women who responded to the survey have experienced verbal violence in the last year. Of this 31%, 13-14% experienced physical violence, 14% were forced into sexual intercourse by their husbands, and 9.5% were forced into abnormal sexual intercourse by their husbands. Approximately a third of them endure these abuses and violations. Those who reported domestic violence to police are only 8%.

On the question why the respondents did not report the case to the police, they replied that they wanted to keep their marital life (20%), they did not know how to report the case (14%), they thought that the police would not solve the problem (13%), or due to unstable sojourn status (10%).

It is very difficult for marriage migrants in Korea whose legal status totally depends on Korean spouses to actively respond to domestic violence. Securing stable legal status of marriage migrants is the fundamental issue to be resolved for marriage migrant women's active response to human rights violations. Unless their status and residency are protected and secured, they cannot decide to break up the chain of domestic violence.

The right of children and the sojourn status of migrant women

Around 614 or 8% migrant women among all migrant women who get divorced in 2008 have under-aged children (KSNO, 2009). The relevant law provides migrant women with foreigner status to have stable sojourn status if they have an under-aged child (through marriage with a Korean spouse) to look after.

However, the right to look after their child means the parental right is yet to be decided by the court, which is required by the immigration authorities. The court, however, decides the parental right based on the child's welfare. Thus, the economic condition of those who wish to look after their child is an important factor for the court to consider in deciding who would have the parental right.

It is not easy to have parental right for marriage migrants with foreigner status who have less economic capacity to support the child. The marriage migrants who fail either to have parental right or to prove that the husband has caused the break-up of marriage have to return to their home country.

It is always possible, after divorce, that the Korean spouse with parental right may lose the capacity to bring up his or her child. Current provisions of Immigration Control Act and Nationality Act of Korea deprive children the right to live with their mother as well as they deprive migrant women of their right to live with their children.

There are several cases where migrant women returned home with their children without legal parental right because they believe that when they secure such parental right from the court they would be deprived of sojourn status and will be separated with their children. In these cases, the children do not have full Korean identity and family documents, hence, are restricted to receive formal education in their mother's country or to fall into undocumented sojourner from foreigner status.

From the view of children, they experience the separation of their father without their consent. Currently, the Korean government announced that it will grant legal residence in Korea to migrant women who have the right to visit and meet their children. However, as this is not within the provision of any law, it then becomes the whim of the government whether to approve anyone or not. Hence, it would be an adventure for marriage migrant women with foreigner status to decide to divorce without secured right to visit and meet their children.

Marriage migrants' familiarity with residency procedures

At present most of the women marriage migrants participating in the focus group discussion were familiar of the procedures to apply for permanent residency and citizenship. Only two said that they were not familiar.

All of them have claimed that, during the first year they lived in the country, they did not know how to renew their F2-1 visa. It was only after two to three years of living here that they knew how to extend or change their visa status and eventually to attain naturalized Korean citizenship. They have got to know about this through the church to which they have membership or are in contact with. Others learned about it from their husbands and husband's family members. A few knew of the procedures from local government offices and were advised to contact their home country embassy for processing.

They have encountered difficulties in applying for permanent residency or citizenship when they were not accompanied by their husband especially when applying for change of residency status.

Permanent residency policies

According to the Guidebook for foreign spouses of Korean nationals (Korea Immigration Service or KIS, 2006), marriage migrants can opt to apply for permanent residency status with visa number F5, which can be acquired by those who have lived in South Korea for more than two years, while maintaining their original nationality. The marriage migrant who has resided in country for over two years with residency status (F2-1) is eligible with the following conditions: (a) The person must have been married to and lived with a Korean spouse; (b) the person whose Korean spouse has died or was acknowledged to have disappeared by court; (c) being divorced or separated and able to prove that the blame of the disruption lies in the Korean spouse and even if the marriage no longer continues, the person who rears up their child or children under 18 years old.

Dina, a Vietnamese marriage migrant who decided to separate from her husband lamented about her experience of parental custody of her child. She said:

After I left home, I tried hard to live with my child in Korea. However, it was very difficult for a woman to work and bring up child alone in Korea. Consequently, I returned to Vietnam. Since my husband is a farmer possessing land and money, I thought it would be impossible for me to have parental right. At first, I thought I would live with my child as long as he would remember me. However, I do not want to return my child to my husband back in Korea.

Dina, when properly counseled, could have been assisted to process her permanent residency status, but the extent of isolation and other forms of abuse were beyond her

capacity to overcome. The best decision she made was to go back to Vietnam and rear her child up there.

In acquiring permanent residence status (F5), applicants are required to submit the following to the immigration office: (a) completed application form together with passport and alien registration card; (b) copies of spouse's family registration indicating the fact of marriage and resident registration fee of 50,000 won; (c) documents proving financial capacity at least with bank balance of not less than 30 million won in one's account; (d) a copy of real estate registration; (e) a copy of house lease contract; (f) certificate of employment of applicant or spouse.

In case of a missing Korean spouse, the immigration office would require the court's affirmation of disappearance. In case of divorce or separation where the Korean spouse is at fault, an affidavit of domestic violence, medical certificate, local police report, and others. In case of rearing a child or children below 18 years old and who was born of marriage, the documents required are: (a) family registration of the child, (b) resident registration, (c) court's decision on finality of divorce, and (d) corroborating evidence or confirmation from a relative of the Korean spouse or head of the village (dong jang or ban jang).

Those who have acquired permanent residence status have the following rights and privileges: (a) exempt from visit to immigration office for extension of stay; (b) no re-entry permit is needed for overseas trip no longer than one year; (c) engage in free-economic activities; (d) immunity from compulsory deportation except in cases of committing treason, being sentenced to more than five years of imprisonment for committed crime, or involvement in human trafficking; (e) the right to vote in local and national elections after three years has lapsed as permanent resident; and (f) access to social services such as pension, health insurance, and others.

In cases where a marriage migrant is a domestic violence victim who decided to run away, separate from or divorce her/his Korean spouse, the acts of violence should have been fully documented and reported to a local police station. The marriage migrant, after the assessment of the immigration office and compliance of requirements, can be granted the permanent residence status, especially when she is rearing a child or children of marriage with the Korean husband.

Varying immigration requirements

The Korean immigration offices in different cities, counties and districts do not have uniform procedures. In some instances, women were required to show land title or property certificate while some were required to take Korean language test or be interviewed in Korean language. They also have to show their husbands' car registration certificate. Others were required a bank deposit and show money in the amount of 30 million won. In case the husband does not have money in bank, he has to submit employment certificate, land title and other certificates of assets. Also, Korean husbands must show their house ownership or contract of lease of a house. They were required to renounce their original citizenship in the embassy because Korean immigration policy

does not allow bi-citizenship. For Filipino women who came to Philippine embassy in Seoul for their renouncement of their original citizenship, embassy personnel would warn them of consequences in acquiring Korean citizenship e.g. domestic violence, run-away wives and other difficulties faced by women marriage migrants in Korea.

Recent changes of immigration policies

In April 2010, the national assembly of South Korea passed the revision on Nationality Act allowing dual citizenship to foreigners and certain groups of people aimed at preventing brain drain and bringing in talented foreigners to the country. The amended Nationality Act will allow dual citizenship to the following: (1) foreigners with 'exceptional talent'; (2) foreigners married to South Koreans; (3) Koreans adopted overseas as minors; (4) Koreans who gained foreign nationality through marriage; (5) overseas Koreans who are over 65 years old, and (6) Koreans who gained dual citizenship at birth, if they apply for dual citizenship and take the oath of allegiance before turning 22 years old.

The revised law will take effect on January 1, 2011. As applied to the marriage migrants who have renounced their original citizenship in order to become naturalized Korean citizens can opt to regain their original citizenship by 2016.

Language proficiency program

Given the growing number of marriage migrants and foreigners in South Korea, the government has launched various multi-cultural programs that will integrate foreigners and immigrants into the mainstream of society by offering programs, primarily Korean language program to facilitate language acquisition.

The Korea Immigration Service Foundation was established few years ago with government support and with the aim of assisting foreigners and immigrants residing in Korea to feel at home. This is the reason why in 2009 the Immigration Policy Commission (part of the Korea Immigration Service, which in turn belongs to the Ministry of Justice) released the First Basic Plan for Immigration Policy. Part of that plan involved better education of both Koreans about immigrants, and of immigrants about Korea. As part of the latter policy initiative, in early 2009 the pilot version of the Korean Immigration and Integration Program (KIIP) was run. This program is designed and implemented by the Ministry of Justice, through its Social Integration Division. Immigrants are provided with language training, the Understanding Korean Society component is 50 hours of instruction over 12 weeks. At the end of this there is a test on knowledge of Korean society and culture. Participants who pass the test receive a certificate, and can more easily get Korean citizenship.

The language acquisition and integration program was originally implemented in just 20 locations around the country. In 2010, the program has expanded to over 70 venues. In 2009, about 3,000 new settlers completed the course, and in the first half of 2010 year a similar number are underway, with an equal number in the second half of

the year. After successfully completing the course, these participants will be able to pass the test and interview process in obtaining Korean citizenship. The Korean program consists of two halves: Korean language training and understanding Korean society. A pre-program level test is used to assess into which of 5 proficiency levels an applicant fits. The top level is exempt from having to do language classes, and may go directly to Understanding Korean Society. People who are “marriage immigrants” (spouses of Korean citizens) must complete at least the first two levels of language training (each level is 100 hours of instruction each, which amounts to about half a year), other immigrants must complete the first four levels.

The KIIP is a nationwide program, but most immigrants are in Seoul and the surrounding Gyeonggi Province. Currently, the program is voluntary, not mandatory, for those who wish to obtain Korean citizenship. Contrary to what had been expected, most participants are not spouses of Korean citizens. This is perhaps because most are wives of farmers and laborers and are busy raising children, helping earn additional income and do not have the time or the opportunity to attend regular classes. Visa status is not important in taking these courses – even students are eligible – as long as one is legal. Classes are free, and while it is expected that participants will be charged for texts in the near future, at the moment they are provided free of charge.

ECONOMIC AND SOCIO-CULTURAL CONDITIONS

Marriage and Family

Adjusting to a totally different social environment and culture would need a lot of perseverance and determination is the summed up statement of women marriage migrants. Most of them have encountered various kinds of difficulties during their first few years of living in South Korea. Most of the difficulties they encountered were related to culture such as language especially the pronunciation, food, and the home environment. Chinese women are better adjusted to Korean language because of their ability to communicate in it.

Some women mentioned that when marriage was arranged in their home country, the information shared to them about family life in Korea is not totally true. One of them was told that her husband is the only child and his mother has already died, and her husband has a stable job, a businessman and lives a middle class life. If she will marry him she will live a very comfortable life. When she came to Korea not all the information was true. She was introduced to her mother-in-law and sister and brother. She has to do all the household chores. Another woman was told that her husband did not have vices e.g. alcoholic, non-smoker, etc. but this was not true. The women were enticed to marry Korean men through fabrication of information of a middle class comfortable life in Korea.

When women marriage migrants encounter difficulties they would ask help from friends, church and migrant workers centers. In cases of domestic violence, they only tell their friends about it because they were scared to report to the police.

Parents-in-law are also perpetrators of domestic violence. The local church is somehow also involved in perpetuating domestic violence by telling the victim not to report the case to the police. Some leaders of the church erased the pictures of contusions in a camera and instructed the woman not to report the case to the police. Another woman's mother-in-law forced her to perform domestic or farm work even if she's sick. Couples who cannot have a house of their own after marriage usually live with the parents-in-law who inevitably intervene in the marriage life of their son. Marriage migrants are not informed of the different social services for foreign spouses or their rights to be free from domestic violence.

After several years of living in the country, most marriage migrants tried to learn more about the Korean culture and try to speak Korean language fluently. Opportunities to learn the language formally are rare. It is only in the last three years when more social service centers offer Korean language classes especially designed for women marriage migrants.

Lately, because of their need to land high paying and stable jobs, marriage migrants started looking for free Korean language classes where they can improve their language skills. There is one church-based migrant workers center conducting language classes that reached out to marriage migrants. Here, the women got to know each other and women from China, Thailand, Vietnam, etc.

Migrant workers centers have become a refuge for many marriage migrants when they encounter difficulties related to their marriage. These centers are usually run by the church or are church-related and cater to counseling and community organizing work that enables marriage migrants to express themselves and get moral, legal and material support.

Family Economy and Employment

The Korean husband is the primary financial provider of the family. In rural areas where the family does farming and the land is a family holding, the income is shared. Some marriage migrants assumed the primary responsibility as provider of the family when the Korean husband is incapacitated. Most of the women have irregular paid jobs and they get paid jobs because of their ability to teach English or their native language in private language institutes. They find it difficult to get their full benefits from the companies they worked for such as separation and severance pays and yearly bonuses.

The women find it extremely difficult to get a stable and regular paid job because the labor office would look for a long list of previous work experiences from companies. Most small and medium scale factories cannot stay in business for long so many of them are forced to close business. This is one of the reasons why most women work on short-term paid jobs. Some of them have tried tapping the labor office but the process

is very tedious and they had to wait for the match of their skills with the available job offered by the labor office. Aside from waiting for the labor office to find job for them, women have to seek for jobs themselves. Chinese women marriage migrants have greater job opportunities especially in restaurants, hotels and factories because of their Korean language facility. Vietnamese women normally would work in factories while Filipino women have to mainly get job placements in factories or English tutor/teacher.

Social Isolation

Women marriage migrants disclosed that on their first two years of living in the country with their Korean husbands and parents-in-law they experienced temporary social isolation. Often, marriage migrants are unable to communicate in Korean language and could not take the taste of local food. They also experienced being nagged by their in-laws for not eating Korean food.

This temporary social isolation would be overcome when women marriage migrants learned how to communicate in Korean language and understand better their parents-in-law. There are those who disclosed that even if they can communicate in Korean language, there remains a kind of psycho-social distance between them and their in-laws.

Prolonged social isolation was experienced by some women who revealed that this is caused by the following factors: (a) persistent nagging from parents-in-law to do housework, (b) alcoholism on the part of the husband, or (c) the nature of job of the husband that would allow frequent absence from home. Women marriage migrants are often left at home to do child-rearing or look after their ailing parents-in-law. Social isolation of marriage migrants is actually a microcosm of the larger picture of social isolation of the unemployed, the elderly people and other vulnerable groups in Korean society. Consie's case describes a particular experience of social isolation.

Consie came to South Korea in the late 1990's out of the lack of employment opportunities in the Philippines. She narrated her story saying:

I was 43 years old when I got married with my Korean husband whom I met while working in a factory in Seoul. We were happily married and had our own home. We used to work in the same garment factory. Due to the economic downturn in South Korea, many factories were unable to sustain the amount of production they normally had and some of the workers were laid off. I decided to look for a new job, but my husband opted to stay on because of unpaid wages of more than six months, my husband decided to quit the job. He was out of job for more than two years and in the same period he had depression and he constantly get drunk at home and sometime he would passed out and got hospitalized several times.

The social isolation of the couple from their own family had taken the bad turn. "I felt helpless when I think about my isolation from my in-laws, but the support of the Filipino community and the church has sustained me in living in South Korea." As a

widow, Consie pursued her application for citizenship with the help of a church's minister. Recently, she gained her citizenship and continues to work in a garment factory.

This situation of isolation is prevalent among many marriage migrants and it is a continuing struggle for them to get out of it.

Access to Services

Participants of the focus group discussion expressed that during the first few years of living in the country they could hardly have access to social services such as health or medical services, Korean language acquisition and cultural orientation program, child day care service, social security and pension benefits.

Women marriage migrants can only have access to health and medical services in the village, town or city when their husbands have the government medical insurance card. They cannot get health/medical insurance card on their own name but can use their husband's when they need health and medical assistance. In terms of access to child day care program (or *Orinijib*), marriage migrants hesitate to bring their children to a day care center since they are unable to speak Korean.

The most visible government social service is the local police station where people can easily access whenever there are cases of domestic violence that would arise in the family. But for marriage migrants, only those who extremely need police protection would access the local police services. In Seoul, the government has provided interpreters and women's desks to attend to complaints of marriage migrants and other foreign residents. Also multi-cultural centers that provide health/medical services, language and cultural orientation programs have been opened to enhance the life of migrants now numbering to more than 1.2 million.

The establishment of multi-cultural centers and specifically women marriage migrant centers around the country where they can have access to psycho-social counseling services of trained counselors is a recent development in Korean society. The respondents of the interview and the focus discussion group disclosed that in their first few years of living in Korea, they have nobody to turn to for help whenever they have conflict with their in-laws or their husbands. They would rather call their own family members back home for them to express their frustrations, anxiety and fears. Some women have mentioned that they called their friends to listen to their woes. In the last three years, women got to know migrant workers centers that offer psycho-social counseling services including legal and job placement services. Most of the respondents said that they have been helped greatly by the migrant workers centers usually managed by local churches. The case of Loida describes a particular case of the lack of access to counseling services.

Loida found herself in a shelter of a women's migrant human rights center in Cheongju City after two years of marriage with her Korean husband. She said, "I run away from home with my baby whom is barely a year old and sought to be protected

from my husband and parents-in-law who treated me inhumanly and threatened my life.”

With a little clarification from the counselor, she continued, “I came to know my husband from a marriage matching agency who came to our remote village in the Philippines and enticed me of a happy and well-off life in South Korea. It sounds good to me because I really wanted to financially help my parents and siblings back home.”

Her husband is an employee of a business office but they live in a house together with her parents-in-law. She told her personal account of the time when she felt so frustrated: “I got pregnant few months after I married my Korean husband. During my pregnancy I was always feeling sick but my parents-in-law would require me to do household chores.”

At 26 years old and in a foreign country she has to do a lot of adjustments, but her husband and parents-in-law could not understand her anxiety. “My husband and parents-in-law frequently inflict psychological and physical abuse, which I did not experience from my family. I had to beg from my mother-in-law for cash when I need to buy the food that I would like to eat when I could not swallow Korean food,” she narrated, “I could not stay any longer in this place or live in this kind of situation. I’m losing my self-confidence.”

She decided to run away from home because she felt less than human in that kind of situation. She urged her sister in Hong Kong to send her money for airfare in going back to the Philippines. She finally reached her hometown where she feels accepted and secure. There was a lack of support center operated by the local government in that city so she tapped the services of the women migrants human rights center managed by the church.

Domestic Violence

Out of the 14 participants to the focus discussion group, five have disclosed of their experience of domestic violence, five denied any experience and four were silent about the issue. Those who have experienced domestic violence would identify it with physical abuse by their husbands or by parents-in-law. The women participants have experienced varied forms of physical aggression such as hitting, kicking, shoving, restraining and throwing objects or threats. The other forms of domestic violence (i.e. sexual abuse, emotional abuse, controlling or domineering, neglect and economic deprivation) were not fully understood as domestic violence. Although the women respondents would take these as a given factor in marriage, many of women were resentful of domestic violence.

Respondents have affirmed that they have experienced domestic violence. Many of them also attested that they would rather endure them.

Domestic violence in South Korea is considered a crime. The Prevention of Domestic Violence and Victim Protection Act defines domestic violence as a serious crime. Authorities can order offenders to stay away from victims for up to 6 months and

to be put on probation or to see court-designated counselors. The law also requires police to respond immediately to reports of domestic violence. Implementation of this act should be done by cities, provinces and towns or counties and for the government units to establish, develop and support counseling centers for victims of domestic violence.

The case of Teresa discusses a marriage migrant who experienced domestic violence.

Teresa was only 28 years old when she decided to get into an arranged marriage by a marriage agency to a Korean divorcee who was already 47 years old and has two teen-aged children. She recounted how she came to South Korea as newly-wed woman: "I and my Korean husband were married in the Philippines before I joined my husband in South Korea. He worked for a construction company as foreman on contractual basis. Since I came to live with my husband and two teenage children, my husband would batter me especially when he comes home drunk."

She disclosed that that her husband had extra marital affairs with the estranged Chinese wife. "When I complained about the relationship he would call me names and hit and kick me. When he's angry he is really out of his mind. Every time he hit me I would run to the nearby hospital for medical treatment and documentation and to the local police station to report the battering," she recalled. Because of the frequency of the abuse, the local police department convinced her to file a case against her husband. "I hesitated to pursue the case of domestic violence against my husband, because his brothers and sisters were trying to convince me to drop the case. But I told them that it was not I who filed the case but the district police department. I was badly hurt by my husband and I want to stop him from committing further violence on me or his children."

After the case of domestic violence was filed in the district level police department, a restraining order was given her husband and she has to find a shelter. A local church based migrant workers ministry assisted her in providing shelter from her husband and accompanied her in the family court during hearings of her case. Few months after, her husband was found to be psychologically unstable and was forced to go to a rehabilitation center for offenders of domestic violence. The court ruled out for a divorce. The immigration office gave her a permanent residency status and she hopes to gain her citizenship in the near future.

CONCLUSIONS

The result of this research has disclosed facts about the situation of women marriage migrants in the context of social equity and access to employment and social services in South Korea. The research can be summed up as follows:

Economic Dislocation in Home Countries is the Primary Cause of Migration

The widespread poverty in the Philippines and Vietnam and the massive rural migration in China have forced young women to marry Korean men as a way out of poverty and in order for them to support their families especially their parents and siblings. This is also the reason for the enticing contents of advertisements of matchmaking agencies promising a comfortable middle-class life for prospective women spouses for Korean men. The situation of marriage migrants as disclosed in the results of the research falls within the locus of forced migration. Most women respondents have opted to marry total strangers negating the normal process of finding a husband or life's partner through love and courtship for the sake of their family's economic survival.

The main socio-economic factor that caused the influx of women marriage migrants in South Korea was the rapid industrialization which subsequently raised the standard of economic life of the people, stabilizing governmental, manufacturing, business, banking and social institutions that were concentrated in industrialized zones and urban centers, thus rural migration occurred depopulating rural areas, young people leaving behind their villages and counties for better employment opportunities. This has also raised the economic expectations of Korean women for their prospective husbands. Korean women would prefer men who have stable jobs and has certain level of social ascendancy discriminating others with irregular, blue collar job earners and those in agriculture. The concentration of women marriage migrants in Seoul metropolitan area and Kyonggi Province proves that most of the Korean men with spouses from other countries belong to the low-income group and have contractual or irregular employment.

The difficulties faced by women marriage migrants in Korea are language, family structure, lack of laws that protect human rights, lack of government programs on social integration of marriage migrants and their children, the absence of psycho-social and cultural re-education of Korean husbands, complicated citizenship procedures, domestic violence and other forms of abuses. Another research is needed to evaluate the effectiveness of the government multi-cultural programs that focus more on the adaptation of marriage migrants and their families to Korean culture.

There is no social and economic equity for women marriage migrants in view of the level of discrimination in society beginning in the family in Korea. Although there is a growing consciousness among Koreans about cultures of neighboring Asian countries because of their frequency of overseas travels, it is doubtful whether those belonging to the low-income groups have the same opportunity and level of cultural consciousness. The insistence of parents-in-law on their daughters-in-law who are marriage migrants to do domestic chores and accept cultural values, may often lead to misunderstanding and domestic violence.

Access to Employment is Very Limited Due to Their Lack of Language Skills and the Low Valuation of Domestic Work

Most affected marriage migrants are those who are in the prenatal, post-natal stages and with infants from 0-3 years old. They are required to take care of their babies and young children and could not access any forms of employment outside the home. In other instances, even those with children in elementary may find it hard to get employment because of their lack of language facility and family connections. In patriarchal and hierarchical societies such as Korea, social connection plays an important part in economic mobility and stability. For marriage migrants whose Korean families belonging to the low-income class, they would find it difficult to find a good paying regular job. Further research can be done into the impact of patriarchal and hierarchical family structure on economic mobility of marriage migrants.

Government Immigration Policies Stifle the Rights of Women Marriage Migrants

As reviewed earlier, the residency status of women marriage migrants are dependent on the oral and written consent and references of their husbands and should personally appear at the immigration office during the application process. The reason behind this is the economic sustenance of the wife which is dependent on the husband. This is detrimental to the rights of marriage migrants who after several years of living with their husbands could not attain their own identity and selfhood. When the Korean government solely entrusts the power of deciding whether marriage migrants would be granted permanent residency or naturalized citizen status, the state condones gender and racial discrimination and becomes party to domestic violence inflicted on the marriage migrants. With these implications at hand it is highly recommended that the government immigration policies should be evaluated and consequently revised to give full respect to the rights of marriage migrants and the eradication of domestic violence and other forms of abuses used as means of control on women and children.

The Social Status of Women Marriage Migrants is Descriptive of the Status of Korean Women in General

How the Korean society has treated women marriage migrants reveals the status of Korean women. The characteristic of society which is patriarchal and hierarchical allows women to be subordinated. Although many Korean women are highly educated many of them are prevented from occupying key leadership and managerial positions. Various government data support this claim. With inadequate social services for early childhood, married women are relegated to domestic and child rearing responsibilities. The same is true in many workplaces women are rarely elected or appointed to senior administrative positions. Women marriage migrants are perceived as characteristically docile by virtue of their economic background and inferior culture are therefore doubly prejudiced in

Korean society. Korean law on marriage and family relations need to be revised in order for women to gain social equity in society.

STRATEGIES AND RECOMMENDATIONS

Given the findings in this study, the following strategies can be used to address the various issues relating to marriage migrants:

Sustained Active Advocacy to Uphold and Protect Human Rights of Marriage Migrants

This would include the setting up of regulatory mechanism for marriage matching agencies, churches and organizations involved in the business of matching foreign women with Korean men. These agencies, churches and organizations shall be required to conduct cultural reorientation program and human rights education for Korean men who wish to marry foreign women. The Korean government through its Culture Ministry has been concentrating on supporting cultural programs for women marriage migrants but not initiating cultural reorientation program and human rights education for Korean husbands.

Networking and Solidarity Work With and Among Social Service Centers

Traditional means and ways of networking must be transcended in favor of a more dynamic process of relating between social service centers that work with marriage migrants. This means that aside from sharing of information among social service centers, there should a tenable vision and workable program that would foster greater unities to support and advocate for the rights of marriage migrants and their families.

Grassroots Organizing of Women Marriage Migrants

The ethno-linguistic and cultural divide would usually be used by the government agencies to lessen the impact of advocacy for policy change by human rights groups. Equity of woman marriage migrants in Korean society will be pursued by the women themselves and access to employment and social services will proceed.

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Japan

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INTRODUCTION

Overview of the Situation of Marriage Migrants in Japan

As of 2008, there are 2,217,426 registered foreign nationals in Japan, according to the Judicial System and Research Department of the Justice Ministry. From this figure, 655,377 came from China, 589,239 from North and South Korea, 312,582 from Brazil, and 210,617 from the Philippines – the four largest ethnic minority groups in Japan today (see Table 1). If we include the number of “overstays” and undocumented migrants, the figure could reach 2.5 million.

In general, we can categorize foreign migrants in Japan into two: those with status of residence and those without. Foreigners who have status of residence include permanent residents and long term or temporary visa holders, while those who have no status of residence include “overstays” (foreigners who entered Japan legally but opted to stay after their visa had expired), those who entered Japan using spurious documents, and those who did not pass through immigration ports of entry (*jump ships*).

Permanent and long-term residents include spouses and children of Japanese citizens, special permanent residents (like many Korean immigrants), and foreigners who hold special permission to stay in Japan as custodial parents of children born to Japanese citizens or other foreign nationals who hold long term or permanent status of residence. Descendants of Japanese nationals during World War II (*nikkeijin*) are also holders of long-term or permanent residence visas.

The percentage of foreign migrants vis-à-vis Japan’s total population of 127.614 million is rather small (Japan Ministry of Health, Labor, and Welfare or MHLW, 2009). This is largely because Japan remains insulated and hardly accepts newcomers, particularly migrant labor. While many other countries experiencing labor shortage have accepted foreign workers under various categories, Japan has remained closed to migrant labor unless they are highly skilled or professionals (Filipino Migrant Center or FMC, 2008).

Japan has always been wary of foreign migrants. As a homogeneous society, it has rejected, albeit not openly, the idea of multi-ethnicity and diversity. This attitude explains why Japan maintains stringent immigration laws that make it very difficult for migrant labor to enter the job market. This policy of selecting migrants deemed “favorable” to the economy and society as a whole has shaped the current make up of migrants in Japan. However, over the last two decades, pushed by its own needs, this attitude has somehow changed albeit with caution. As shown by the increasing number of foreign migrants entering the country yearly, Japan has slowly opened its doors for non-Japanese to fill in the demands for labor and brides. Yet again, like many receiving countries, in times of economic downturns like the present global crisis, foreign migrants are always the first to suffer rejection and isolation.

Table 1: Number of Foreign Residents in Japan by Nationality
(Japan Ministry of Justice, 2009)

Nationality	1985	1990	1995	2000	2005	2007	2008
Total	850,612	1,075,317	1,362,371		2,011,555	2,152,973	2,217,426
Asia	789,729	924,560	1,039,149			1,602,984	
Iran	682	1,237	8,645	6,167	5,227	5,165	
India	2,546	3,107	5,508	10,064	16,988	20,589	
Indonesia	1,704	3,623	6,956	19,346	25,097	25,620	
Korea	683,313	687,940	666,376	635,269	598,687	593,489	589,239
Cambodia	784	1,171	1,441	1,761	2,263	2,474	
Singapore	768	1,194	1,554	1,940	2,283	2,481	
Sri Lanka	509	1,206	2,794	5,655	9,013	8,691	
Thailand	2,642	6,724	16,035	29,289	37,703	41,384	
China	74,924	150,339	222,991	335,575	519,561	606,889	655,377
Pakistan	1,032	2,067	4,753	7,498	8,789	9,332	
Bangladesh	684	2,109	4,935	7,176	11,015	11,255	
Philippines	12,261	49,092	74,297	144,871	187,261	202,592	210,617
Viet Nam	4,126	6,233	9,099	16,908	28,932	36,860	
Malaysia	1,761	4,683	5,354	8,386	7,910	7,951	
Other	1,993	3,835	8,411	14,724	23,256	28,212	
America, North	32,239	44,643	52,681	58,100	65,029	67,195	
U.S.A.	29,044	38,364	43,198	44,856	49,390	51,851	
Canada	2,401	4,909	7,226	10,088	12,022	11,459	
Mexico	487	786	1,238	1,740	1,825	1,877	
Other	307	584	1,019	1,416	1,792	2,008	
America, South	3,608	71,495	221,865	312,921	376,348	393,842	
Argentina	329	2,656	2,910	3,072	3,834	3,849	
Brazil	1,955	56,429	176,440	254,394	302,080	316,967	312,582
Peru	480	10,279	36,269	46,171	57,228	59,696	
Other	844	2,131	6,246	9,284	12,706	13,330	
Europe	19,473	25,563	33,283	47,730	58,351	60,723	
Ireland	280	671	857	974	1,094	1,111	
United Kingdom	6,792	10,206	12,485	16,525	17,494	17,328	
Italy	808	940	1,262	1,579	2,083	2,373	
Austria	252	309	385	476	524	572	
Netherlands	669	749	823	904	1,079	1,182	
Switzerland	802	980	942	907	971	1,048	
Sweden	564	586	848	1,158	1,136	1,446	
Spain	725	856	1,130	1,338	1,585	1,755	
Denmark	429	450	569	542	567	557	
Germany	3,137	3,606	3,963	4,295	5,356	5,915	
Norway	570	360	374	380	361	423	
Finland	366	432	436	613	560	586	
France	2,392	3,166	3,772	5,371	7,337	8,780	
Belgium	315	402	427	525	640	698	
Poland	239	359	577	742	870	934	
Portugal	299	319	340	370	382	441	
Russia	322	440	2,169	4,893	7,110	7,346	
Other	512	732	1,924	6,138	9,202	8,228	
Africa	1,109	2,140	5,202	8,214	10,471	11,465	
Egypt	268	368	636	1,103	1,366	1,730	
Ghana	98	598	1,171	1,657	1,824	1,884	
Nigeria	81	193	1,252	1,741	2,389	2,523	
Other	662	981	2,143	3,713	4,892	5,328	
Oceania	2,472	5,440	8,365	12,839	15,606	15,191	
Australia	1,842	3,975	6,036	9,188	11,277	11,033	
New Zealand	536	1,275	2,066	3,264	3,824	3,603	
Other	94	190	263	387	505	555	
Non-nationality	1,982	1,476	1,826	2,011	1,765	1,573	

In the past 20 years, women migrants in Japan have rapidly outnumbered men. Filipino women, for example, dominate the makeup of migrants by almost 4 to 1. The statistics shown by the Philippine National Statistics Office in 2006 stated that about 60% of Filipinos in Japan are young women in the 20-35 age bracket. Many of them work as entertainers, caregivers, domestic workers while some are English teachers and technical trainees.

The ratio of women migrants from Thailand vis-à-vis men is also high. In the beginning, more Thai male migrants enter Japan, but since 1998, Thai women have outnumbered their male counterparts (Ruekaew, 2009). Out of 41,384 registered Thai nationals in Japan in 2007, 11,230 are men while 30,154 are women. Migration of Thai women in Japan began in the late 70s. Almost simultaneous to labor migration is the systematic recruitment of Thai women mainly for prostitution beginning in 1981.

**Table 2: Number of Foreign Residents in Japan
By Gender and Nationality (MHLW, 2008)**

COUNTRY	TOTAL	MALE	FEMALE
Korea	598,219	276,195 (46.2%)	322,024 (53.8%)
China	560,741	233,284 (41.6%)	327,547 (58.4%)
Brazil	312,979	171,499 (54.8%)	141,480 (45.2%)
Philippines	193,488	41,178 (21.3%)	152,310 (78.8%)
Peru	58,721	31,341 (53.4%)	27,380 (46.6%)
United States	51,321	33,441 (65.2%)	17,880 (34.8%)
TOTAL	2,084,919	968,391 (46.4%)	1,116,528 (53.6%)

Women migrants from neighboring Asian countries have come to Japan on different types of visa. Marriage migrants account for the larger percentage. Data shows that in the last 30 years, there has been a significant rise in the number of international marriages in Japan. From 5,546 marriages registered in 1970, it rose 6.5 times in 2000 with 36,263 marriages on record. By 2006, international marriages in Japan reached 44,601 (see Table 3). In 2005, almost 6% percents of recorded marriages in Japan were actually mixed marriages. Most of these marriages concerned urban households, yet many of the foreign brides married rural Japanese men (Le Ball, 2006).

Table 3: Registered International Marriages in Japan (MHLW, 2008)

	1985	1990	1995	2000	2001	2002	2003	2004	2006
All couples	735,850	722,138	791,888	798,138	799,999	757,331	740,191	720,417	735,132
Husband and wife both Japanese	723,669	696,512	764,161	761,875	760,272	721,452	704,152	680,906	686,270
Either foreigner	12,181	25,626	27,727	36,263	39,727	35,879	36,039	39,511	44,601
Husband Japanese, wife foreigner	7,738	20,026	20,787	28,326	31,972	27,957	27,881	30,907	35,993
Wife Japanese, husband foreigner	4,443	5,600	6,940	7,937	7,755	7,922	8,158	8,604	8,708

Table 4: Registered Marriages between Japanese men and Foreign Nationals

Nationality of wife	1985	1990	1995	2000	2001	2002	2003	2004	2006
South or North Korea	3,622	8,940	4,521	6,214	6,188	5,353	5,318	5,730	6,041
China	1,766	3,614	5,174	9,884	13,936	10,750	10,242	11,915	12,131
Philippines	n/a	n/a	7,188	7,519	7,160	7,630	7,794	8,397	12,150
Thailand	n/a	n/a	1,915	2,137	1,840	1,536	1,445	1,640	1,676
USA	254	260	198	202	175	163	156	179	215
UK	n/a	n/a	82	76	93	85	65	64	79
Brazil	n/a	n/a	579	357	347	284	295	256	285
Peru	n/a	n/a	140	145	142	126	139	137	117
Others	2,096	7,212	990	1,792	2,091	2,030	2,427	2,589	3,929

Table 5: Registered Marriages between Japanese Women and Foreign Men

Nationality of husband	1985	1990	1995	2000	2001	2002	2003	2004	2006
South or North Korea	2,525	2,721	2,842	2,509	2,477	2,378	2,235	2,293	2,335
China	380	708	769	878	793	814	890	1,104	1,507
Philippines	n/a	n/a	52	109	83	104	117	120	195
Thailand	n/a	n/a	19	67	55	45	62	75	54
USA	876	1,091	1,303	1,483	1,416	1,488	1,529	1,500	1,474
UK	n/a	n/a	213	249	267	317	334	339	386
Brazil	n/a	n/a	162	279	243	231	265	268	292
Peru	n/a	n/a	66	124	135	137	125	122	115
Others	662	1,080	1,514	2,239	2,286	2,407	2,601	2,783	2,773

Marriage migrants in Japan are relatively young and had barely adequate education. They came from low-income families in their country of origin and decided to marry their husband mainly to uplift their condition and improve the lives of their family back home (FMC, 2008). Also worth noting is that the high rate of divorce among international marriages in Japan is creating a huge army of single mothers who take sole care of their children fathered by Japanese men. They hold special permission to stay in Japan as custodial parent to their Japanese children. Many of them rely on government support (*seikatsuhogo*) albeit limited in order to survive. Some have already acquired permanent status of residency but majority still depend on their children for visa.

Marriage migration to Japan began even before the outbreak of World War II. However, it became a phenomenon only in the 1980s when Japan opened its doors to women from neighboring Asian countries in an attempt to find brides for Japanese men to arrest its rapidly ageing population and declining birth rate. For example, in the late 1980s, municipal governments in the Tohoku region arranged marriages between local bachelors and women from South Korea, China and the Philippines as a response to the shortage of brides in these rural farming villages (Asakura, 2002).

These efforts by some local municipal governments to arrange marriages between local men and foreign brides gave impetus to the influx to Japan of young, attractive and submissive wives for Japanese men many of whom actually lived in rural communities. However, the move elicited nationwide attention; various sectors inside and outside Japan criticized the Japanese government for interfering in private matters as marriage. Marriage brokers, on the other hand, were denounced as engaging in human trafficking. The scheme eventually died by the turn of the decade.

Then, in the late 1980s onwards, Japan paved the way to the entry of thousands of Asian women taking on jobs in the growing entertainment industry. Japan's bubble economy gave rise to a lucrative entertainment business that until today lures thousands of women from Asia, Latin America and even as far as Europe and Africa (FMC, 2008). These women work as entertainers and hostesses in nightclubs and snack bars that cater to middle-aged and mostly unattached Japanese men. Meanwhile, Japanese men patronize bars and nightclubs for fun, and to search for brides as younger Japanese women are becoming career-oriented and spurn early-married life. Critics of the mail-order-brides trade surmise that the opening up of Japan's entertainment market may just be another scheme to recruit women who can be potential brides to Japanese men. They may be right because many spouse visa holders in Japan today are actually former entertainers.

Marriage migrants in Japan have various reasons why they chose to marry their Japanese husbands. Previous studies confirm that overcoming poverty is a major push why they marry Japanese men. Most marriage migrants came from low-income families; many actually had no employment prior to their emigration to Japan. They aim for better future for their families back home and hope too that someday they can invite them over so they can live together. Likewise, based on previous studies, Asian women, especially Filipinos and Thai women, have this notion of Japanese men being rich, and therefore, marrying one could help them overcome poverty.

In the case of former Filipina entertainers, they say that marrying Japanese men is an easier and faster way to stay legal in Japan and to avoid paying exorbitant placement fees collected by promotions agencies. Up to this time, one has to shell out Php100,000 to Php150,000 to get an entertainer's visa (KAFIN, 2006). Many find this too exorbitant considering that an entertainer's contract lasts for only six months. They say that there is no way they can recoup the said amount in six months, and therefore, either they marry a Japanese citizen or run away from promoters and risk overstaying their visa. With the passing in 2005 of stricter policies on rendering entertainer visas, fees collected from prospective applicants have also become more expensive. Thus, many succumb to offers of fake marriage or known as "imitation marriage" to secure longer and more stable status in Japan (KAFIN, 2007).

Japanese immigration asserts that imitation marriage or marriage for convenience is illegal; and that the agency had to implement stricter policies to curb it because the number of women victimized by "illegal brokers" and traffickers is rising. It further stressed that faked marriages create another layer of problem for marriage migrants who are vulnerable to various forms of abuse and exploitation.¹

KAFIN Migrant Center (KMC), a service provider for trafficked and abused women in Saitama Prefecture, said that while the center does not condone women who resort to this type of marriage, it is wrong to believe that only women engaged in fraudulent marriage are prone to abuse and exploitation. Realities in Japan and the condition these women find upon migration are the real causes of their current vulnerabilities.²

KMC further stressed that creating stricter policies is not the solution to stop imitation marriages from proliferating. In fact, some state policies may be the principal causes of the current vulnerabilities of marriage migrants in particular and foreign migrants in general.

Japan is a highly patriarchal society and this puts women in general in disadvantaged condition. Marriage migrants, particularly those coming from poorer countries, are in double disadvantaged situation. They are looked down upon as "inferior" and those who worked as entertainers prior to their marriage are viewed as "bad women" and "gold-diggers" who cheat and manipulate people, and therefore, cannot be trusted. These images are played up in media, creating some conditioning in the minds of ordinary Japanese and bringing more problems to marriage migrants as they try to blend in society and deal with people in the community, particularly with the family of their husband.

Marriage migrants without permanent status of residency are more vulnerable in that they are virtually at the mercy of their own husband. Labor problems, discrimination, domestic violence and social isolation are just some of the problems they face everyday. Language barrier and cultural differences aggravate their condition, especially in

¹ This was taken from an interview with Neddy Codog, volunteer counselor of Open House in Urawa Diocese last September 2009.

² This was taken from an interview with Donna Beltran from KAFIN Migrant Center in Saitama last November 2009.

rural communities where traditional Japanese customs and practices remain strong. Without government support and mechanisms to alleviate these conditions, marriage migrants will continue to struggle while trying to find their niche in Japanese society.

Marriage migration to Japan will continue for as long as unfavorable conditions persist in the country of origin, on the one hand, and for as long as Japan continues to experience shortage of brides that can arrest its declining birthrate. If this trend continues, Japan may eventually become a multi-ethnic society, and this may be favorable in addressing inequalities in the support structures for marriage migrants under current conditions. Meanwhile, measures must be taken to stop the abusive, exploitative and unprotected conditions that many of these women find themselves in. Governments of sending countries and Japan ought to take the bigger responsibility of protecting and upholding the rights and wellbeing of these women, including their children (FMC, 2010: 8).

Organizing marriage migrants, therefore, is another logical and perhaps a better way to resolve their issues and to advance their rights and interests. For many years, migrants in Japan, in general, have taken the cudgel for their own sake with support from non-profit organizations in spite of their limited resources (KAFIN, 2006). There is an urgent need to heighten intervention beyond the framework of support, and to raise awareness on the plight of marriage migrants in Japan. The tasks are too daunting but it is necessary and the only way to empower marriage migrants in Japan so they can assert for their rights and defend their interests against abuse and to free themselves from their current exploitative and oppressive condition.

Methodology

The study relied on one-to-one interviews and focus group discussions based on a structured questionnaire, including interviews with seven counselors from governmental and non-governmental organizations providing services to marriage migrants. It also utilized available materials and literature (past researches, academic studies, and published articles on the subject).

The original design of the study would have included three focus group discussion (FGD) whereby a group of 10 women each from urban and rural areas of Japan will be organized into two FGDs to discuss and collect experiences on common subjects like residence status, marriage and family, family income and employment, etc. The third FGD which targeted another group of ten marriage migrants would have tackled the issue of domestic violence. However, because of time and financial limitation, scheduling problems and security concerns, only the FGD among marriage migrants in urban communities pushed through. In place of the FGD among marriage migrants living in rural communities, one-to-one interviews were conducted. And instead of another FGD among victims of domestic violence, this study made use of an earlier research on domestic violence done by the Filipino Migrant Center in 2009 on 13 Filipina marriage migrants. All-in-all, thirteen individuals participated in the study, excluding the 11 participants in the FMC research on domestic violence. Of the 13 participants, two did

not complete their interviews because one had to prepare dinner for her husband while the other one had to fetch her kid from school. Both promised to continue with the interview the following week but they did not show up.

Another limitation of the study is that majority of the participants in the FGD and one-to-one interviews are Filipino women. Only two marriage migrants from other nationalities – one from China and another from Thailand – participated in the study because the other target participants backed out for security reasons or were discouraged by their “*tanto*” (shelter supervisor) also for safety reasons.

Profile of FGD Participants

Name	Nationality	Age	Number of years living in Japan	Number of years married	Current status of residence	Current marital status	Number of children	Children from previous marriage
Eva	Filipino	49	26	20	Naturalized	married	2	none
Tere	Filipino	42	5	8	long term	divorced	2	2
Doray	Filipino	41	17	16	Permanent	widow	2	none
Jonas	Filipino	32	7	7	long term	married	1	none
Barbara	Filipino	37	5	2	long term	married	1	none
Kaycee	Filipino	33	9	6	long term	married	2	none
Nancy	Filipino	42	5	19	long term	separated	1	none
Girly	Filipino	29	8	8	Permanent	married	1	none
Xian	Chinese	52	19	17	Permanent	married	2	none
Mitchie	Thai	36	9	7	Permanent	married	2	1
Junix	Filipino	35	22	6	Permanent	divorced	2	none
Cecil	Filipino	25	7	3	long term	married	1	2
Angel	Filipino	22	3	1	long term	divorced	1	none

On the focus group discussions

Two focus group discussions (FGD) were held in Nagoya City to gather relevant and practical information on issues and concerns affecting the day-to-day life of marriage migrants in Japan. Eight marriage migrants who are all residents of Aichi Prefecture participated in the first FGD. Their discussion revolved around topics like acquiring residency, marriage, family, income and employment. The Filipino Migrant Center (FMC), an NGO that provides services to disadvantaged migrant Filipinos in Aichi Prefecture, initiated another focus group discussion focused on domestic violence in September 2008.

The underlying objective of these FGDs is to find out, based on actual experiences, how marriage migrants in Japan deal with these issues and concerns, what problems they encounter and how they are able to overcome them. The FGDs also highlighted case studies that delve on burning issues like domestic violence, discrimination and social isolation, and how marriage migrants are able to access relevant services that can help alleviate their condition while residing in the host country.

To protect the privacy of participants, all names used in this report are not their real names.

STATE POLICIES AND PROGRAMS

Japanese law allows foreign nationals to marry Japanese citizens and to stay and live in Japan on a spouse visa. In practice, however, marrying a Japanese citizen is one thing; acquiring a status of residency or a visa to stay and live in Japan is another.

On Marriage

Japan recognizes marriage between a Japanese citizen and a foreign national as long as both parties fulfill the basic requirements enshrined in the Japanese Civil Code.

Article 731 to 737 of the Japanese Civil Code stipulates the following conditions:

a) The male partner must be 18 years of age or older, and the female partner must be 16 years old or older. The foreign spouse needs to satisfy the legal age requirement in his or her country in order to make the marriage in Japan valid and legal.

b) A woman cannot get married within six months of the dissolution of her previous marriage. According to Japanese law, this is to avoid confusion as to the identification of a child's father if the birth occurs close to the dissolution of the previous marriage.

c) Marriage between people related by blood, by adoption, or through other marriages is not valid in Japan.

d) Parental approval or consent to marry is necessary for persons who are under 20 years of age (this applies to both parties).

e) Japanese law also requires all foreigners who will marry in Japan to first prepare a sworn affidavit of Competency to Marry (Legal Capacity to Contract Marriage or LCCM), affirming that they are legally free to marry, from their own embassy or consulate in Japan.

If there are no legal impediments that would prevent marriage between a Japanese citizen and a foreign national, the process to contract marriage is rather simple, although tedious because both parties have to contend with procedures required by their respective countries. Here, time is investment and there are absolutely no short cuts.

The Japanese citizen must fulfill conditions for marriage stipulated under Japanese law. The foreign national, on the other hand, must fulfill conditions for marriage based on the law of his or her own country.

The Legal documents required for marriage between a Japanese citizen and a foreign national include the following:

a) Marriage Notification (It is a regular form available at any local municipal office. It requires signature and seals (*hangko*) from 2 witnesses over 20 years old);

b) Family Registry (*kosekitohon*) of the Japanese national;

- c) LCCM or Legal Capacity to Contract Marriage, or substitute document of the foreign national;
- d) Alien Registration Card of the foreign national;
- e) Passport or other document to prove nationality and identity.

These required documents are to be submitted to the Administrative Office of the municipality where either one of the two parties live, or the registered domicile of the Japanese citizen. Once submitted, the couple receives a Notification of Acceptance of Marriage. This notification is an affirmation of marriage from the side of Japan. The foreign national has to make the same affirmation from the side of his or her own country by submitting a copy of the said notification through his or her embassy or consulate in Japan.

Almost the same procedure applies when marriage between a Japanese citizen and a foreign national is contracted in the latter's home country except that there is an added waiting time needed to register the marriage in Japan before a certificate of eligibility is issued for the foreign spouse to apply for his or her spouse visa. In most cases, the foreign wife has to wait for some 3-6 months to process his or her eligibility before applying the visa at the nearest Japanese embassy or consulate in his or her home country.³

Completing the process of marriage is just the first hurdle for marriage migrants in Japan. After the marriage formalities, the next step is to apply for, or change to a "status of a Japanese spouse" type of visa if the foreign national possesses a different status of residence prior to marriage in Japan.

The procedure to acquire a spouse of a Japanese citizen's visa looks simple. The couple only needs to submit the application to a local immigration bureau to start the process. However, the actual procedure that marriage migrants have to go through in order to finally secure the visa is far from simple. Rather, it is a long and tedious legal process, often difficult, especially if the marriage migrant has no prior legal status of residence, or has violated any previous status of residency.

As in many highly industrialized countries, the procedure to acquire a legal status of residence, particularly a spouse visa, is always burdensome to the foreign national. In Japan, immigration officers view marriage migrants with suspicion each time they apply for or renew a spouse visa. The reason is because many fake or "imitation marriage" proliferates in Japan.⁴ Immigration authorities allege that very common practice among migrant women engaged in the entertainment industry is to commit this type of fraud to extend or legalize their stay in Japan. Because of this, immigration imposes longer time to examine and verify the truthfulness and authenticity of every application.

³ This was taken from an interview with Agalyn Nagase, a Filipina married to Japanese and currently Coordinator of KAFIN Migrant Center in Saitama Prefecture, Japan, August 2009

⁴ This was taken from an interview with Neddy Codog, volunteer counselor, Open House, Urawa Diocese, September 2009

The strict and tedious verification procedure aims to protect women from human trafficking where unscrupulous agents lure women, particularly from neighboring countries in Asia, to agree to fake marriages to enter or legalize their stay in Japan, in exchange for hefty sums of money. Many of the women they say end up into forced labor. On the surface, it makes sense. In practice, however, immigration authorities often run after the victims and forget about the perpetrators.

Various advocacy groups see this policy as worrisome because legitimate or not, marriage migrants are treated the same way when they apply for spouse visa. It is like marriage migrants pass through the eye of a needle, so to speak. Unfortunately, for those without status of residence prior to marriage and those in detention, the procedure is far worse, and the waiting time for the release of the visa is much longer.

Migrant groups and NGOs argue that by doing this, the Japanese government is punishing everyone. Worse, the policy portrays marriage migrants like criminals and it puts tremendous strain on their relationship with the family of their Japanese husband and the rest of society. They say that the Japanese government has all the powers and resources at its disposal to prove whether a marriage is legitimate or not. Why then pass the burden of proof on marriage migrants who are already burdened by many problems found in their new settlement?

Meanwhile, problems faced by marriage migrants in Japan do not end with the issuance of a spouse visa. In truth, maintaining one's visa is even more challenging to many.

Conditional status: The “one-year spouse visa policy”

Normally, a first-time spouse visa applicant gets a one-year visa, although in quite a few numbers of cases, first-time applicants get three years. The issuance and validity of a spouse visa is the sole discretion of Japanese Immigration. The one-year spouse visa is renewable to another one to three years. There are no absolute guarantees. The Immigration Department decides based on its own evaluation of each application.

From the viewpoint of marriage migrant advocacy groups, the one-year spouse visa is like a conditional visa. Perhaps to give government time to determine if the marriage will last, and if it is for real or not. Meaning, even after issuing a spouse visa, the couple, particularly the foreign spouse, remains under scrutiny by Japanese immigration. Officials at the Japanese Immigration Bureau may deny this, but as one participant in this research reveals, she said that after finally receiving a stamp (visa) on her passport, she would notice suspicious-looking men following her whenever she leaves their apartment, or she would notice people taking pictures of her and her husband around the neighborhood. She believes that those men were immigration officers conducting surveillance to find out if she and her husband were indeed living in the same apartment.

The one-year visa policy favors the Japanese spouse while it puts tremendous pressure on the marriage migrant who needs to do well as a wife or she would have a

hard time extending her visa. The injustice is further magnified in the event of a divorce because under existing rules, a foreign wife automatically loses her spouse visa along with the right to stay in Japan if her marriage ends in divorce. Exactly, this is the experience of Cecil.

Cecil was married to a Japanese citizen for barely ten months when her husband filed a divorce for unknown reason. Caught unprepared, she did not know that she only had few months left to stay in Japan. She learned about this when she applied for the extension of her spouse visa. Immigration authorities told her that her application would not be accepted because her status had already changed. While she could remain in Japan until her spouse visa expired, she had to go back to the Philippines thereafter. Cecil's only option was to apply for a visa under a new status of residence. However, time was too short and she did not know how to go about it. She eventually overstayed her visa. Fortunately, after more than one year without a visa, Cecil found another Japanese man she would later marry. Six months after, Cecil received her one-year spouse visa again. Had Cecil borne a child from her former husband, she could have changed her status to a custodial parent of a Japanese child (*ninchi*), which is a special type of visa that would have allowed her to stay in Japan with the child.

Marriage migrants who hold conditional visa face greater injustice and risks in domestic violence situations. In this case, marriage migrants often bear the violence for fear that their Japanese husbands would report them to immigration authorities if they decide to escape or file for divorce. This is grossly unfair because marriage migrants are virtually at the mercy of their Japanese husband. Without full knowledge of the legal framework, in their mind, the only recourse they have is to stay with the abusive husband and remain a "good" wife.

The "Guarantee letter" and the issue of co-habitation

Another critical issue that is grossly unfair to marriage migrants that puts them into situations more vulnerable to abuse is the policy requiring a "guarantee of sponsorship letter" from the Japanese spouse before they can apply or extend their visa. The guarantee letter is just a piece of paper signed by the Japanese spouse as proof that the marriage is continuing, and that the couple, in fact, is cohabitating.

Without the guarantee letter, it is impossible for the foreign spouse to extend her visa, if she has not yet obtained permanent status or citizenship. Such is the power of this piece of paper that migrant advocacy groups consider it as a tool used by the Japanese spouse to control, manipulate, and oppress their foreign spouse. Ironically, this policy was created by the State that professes protection for marriage migrants against abuse by human and sex traffickers.

During the focus group discussion on domestic violence conducted by the Filipino Migrant Center (FMC), a service NGO for disadvantaged Filipinos in Nagoya, Japan, two participants, Gen and Mabby, shared their horrific experiences as marriage migrants. Both said that the first years of their marriage were the most difficult for them. They

were virtual slaves of their husband; they had to follow him every time even if deep inside they were against his orders. Gen said her husband would constantly threaten her of deportation if she would resist sex. Her husband would sign the guarantee letter only to tear it into pieces afterwards. Gen said that was how her husband would torture her. Mabby, on the other hand, lamented that her husband would crumple the paper on her face whenever she failed to deliver his demands. Worse, Mabby said that, aside from her husband, she would also make extra efforts to woo her parents-in-law who lived in the same apartment because she could sense their control over her husband.

Other victims of domestic violence had to endure prolonged violence and abuse from their Japanese husband for fear of losing their visa and custody of their children. Erin is one such case.

Erin is also a victim of domestic violence. For almost two years, she endured the pain inflicted by her abusive husband who would knock her down when drunk. She had many lacerations and burns in her body and fainted many times. When asked why she waited two years before she finally decided to leave the house, she said that at first, her Filipina friends told her that if she divorced her Japanese husband, she will not be able to extend her visa and may be deported back to the Philippines. She has a family to support back home and she has a young daughter to take care of. However, in 2007, she could not bear the violence at home anymore, she decided to run away and sought the help of the FMC in Nagoya who turned her over to a local ward office (city hall) for assistance. Through the help of FMC and the Women's Counseling Center in Nagoya, she filed for divorce. Unable to extend her spouse visa, she applied for a change of status, this time as a custodial parent to a Japanese child. She got a one-year special permit to stay in Japan but was happy to regain her freedom back. She feels better now although she is raising her child all by herself.

Another ticklish issue that remains a subject of legal debate is the issue of cohabitation between married couples where one is a foreign national and dependent of the Japanese spouse for visa. In Japan, equally important as the marriage contract is cohabitation. The couple has to live under one roof to say that the marriage is being continuing. So much so that once Immigration finds out that, a couple no longer lives in the same household, it could be a ground to deny extension of the foreign spouse's visa even though the couple remains legally married in paper.

Such is the case of Peancai Midchid, a Thai national who in 2002 was judged unfairly by the Supreme Court of Japan for the misdeed of her Japanese husband. Peancai's husband admitted to fathering two children with another woman and left the couple's home in 1990. When immigration found out in 1994 that she and her Japanese husband were no longer cohabitating, her application for visa extension was rejected even if they were still married and even if her husband, in fact, caused the separation. Peancai filed a lawsuit at the Osaka District Court to overturn the immigration bureau's decision arguing that the separation was not her fault and that the marriage was still binding. In 1996, the Osaka District Court rejected her lawsuit arguing that her marriage "has lost its significance and is unlikely to be restored." (Curtin, 2002)

Peancai appealed to the Osaka High Court and on December 1998, the high court ruled in her favor. It was a victory not only for Peancai, but also for many other marriage migrants who were in the same situation. The High Court ruling underscored the injustice suffered by foreign spouses and the lack of legal protection for victims like Peancai when Japanese husbands were responsible for the collapse of the marriage.

Unfortunately, the Supreme Court of Japan overturned the High Court's ruling in October 2002 citing the same argument of the Osaka District Court saying, "Foreigners cannot satisfy the requirements for a Spouse Visa even if they are legally married to Japanese, but not in an actual relationship." Things would have been different for the plaintiff had Peancai been blessed with a child.

The ruling implied that if a foreign spouse with no child wants to avoid the threat of deportation, the marriage must have both a legal and tangible shared-living basis. This ruling validates the current criteria the Immigration Bureau adopts when assessing the renewal of a spouse visa. Regardless of the circumstances of the divorce, the spouse visa will not be renewed unless a couple is actually living together as husband and wife. After divorce, once a spouse visa had expired, if the former spouse wishes to stay in Japan, she must seek to change her visa status or risk deportation.

The case of Peancai clearly showed the unequal status of marriage migrants holding a spouse visa without a child. Japanese spouses can commit to ruin the marriage but the guiltless spouse who happens to be a non-Japanese could suffer deportation. This situation is clearly unjust and gives a *carte blanche* to irresponsible Japanese spouses.

On Divorce

As it is quite easy for a foreign national to marry a Japanese citizen, it is also easy for such marriage to dissolve.

Divorce is legal and accepted in Japan. Records show that over the past 20 years, there has been a high incidence of divorce in marriages where one partner is a foreign national. Between 1995 and 2004, divorce in Japan also increased nearly without pause. From 199,016 in 1995, the number of registered divorce reached 270,804 in 2004 or a 36% increase. Of these figures, divorces between Japanese couples have plateaued, even decreased, in recent years. International divorces, however, have increased steadily, nearly doubling within the same period: from 6,153 to 12,071 divorces between Japanese men and foreign women; and 1,839 to 3,228 divorces between Japanese women and foreign men (Kumagai, 2007).

There are three types of divorce in Japan: 1) amicable divorce; 2) arbitrated divorce; and 3) judicial or adjudicated divorce. These three types of divorce also apply to couples involving a Japanese national and a foreign spouse (MHLW, 2009).

Amicable divorce happens when both parties agree to a divorce (no contest). Arbitrated divorce happens when one of the parties involved does not agree to a divorce.

Thus, the divorce case is subjected to arbitration in a family court. Judicial or adjudicated divorce, meanwhile, is an option if arbitration is unsuccessful. Judicial or adjudicated divorce is also filed in a family court.

In Japan, in order to file for a divorce, the interested party/ies must first file for a notification of divorce at the local administrative office where either of the couple lives. If the other accepts, the divorce is immediately enforced. The foreign spouse then has to submit a notice of his/her divorce to his/her embassy or consulate in Japan in order to complete the process.

However, if the other party does not wish to accept divorce he or she may accept arbitration or judicial action. If the foreign spouse wishes to prevent a future divorce, he or she may also file a notice of non-acceptance of divorce (*rekkon fujuri todoke*) at the local administrative office where he or she lives. For six months, the filing of the notice of non-acceptance of divorce will prevent the other party from filing for a divorce. This notice can be re-filed after six months. This mechanism is important considering many cases where the Japanese husband is able to get divorce without the knowledge of the marriage migrant.⁵ There are cases where the Japanese husband would forge the signature of his foreign wife to get a divorce. Although this is illegal, quite a number have succeeded in the past. Again, the unfamiliarity of the marriage migrant to the legal framework in Japan makes them vulnerable to this type of violation of their rights.⁶

Required documents and procedure for divorce include:

- Divorce Notification;
- Family Registry (*kosekitohon*);
- Passport (or any document to prove nationality);
- Certificate of registered items in the Foreign Resident Registry.

In the case of arbitrated divorce, etc., an attested copy of an ascertained document of proof, such as arbitration records, judicial records, or a court judgment are submitted to the administrative office of the municipality (registered domicile or the place of residence) by both parties in case of amicable divorce; and the petitioner in case of arbitrated, judicial or adjudicated divorce.

Once these documents are accepted by the local administrative office, the divorce is filed and entered in the registry. The foreign spouse needs to get a copy of the notification of acceptance of divorce and submit this to his or her embassy or consulate in Japan to complete the whole process.

In cases where there are children below 20 years old, the divorce cannot be processed unless custody of the children is resolved.

⁵ This was taken from an interview with Miki Goto, volunteer counselor of Aichi International Association (AIA), a quasi government agency in Aichi Prefecture dealing with problems and issues of foreign residents in Japan, January 2010.

⁶ This was taken from an interview with Virgie Ishihara, Executive Director of Filipino Migrant Center, Nagoya City, November 2009.

Marriage migrants whose marriage to a Japanese citizen ends in divorce are poorly served by existing legal framework. In spite of series of amendments to improve it during the eighties and nineties, marriage migrants still face formidable hurdles if their marriage ends in divorce. Some aspects of the law are particularly vague; others are flawed from the very onset, which create many serious problems for marriage migrants, including their children.

Residence status in the event of divorce

Residence status is the key issue in the event of divorce involving a foreign spouse. It is the critical factor in the entire equation at the time of marital dissolution. It is not a problem if the marriage migrant at the time of divorce has already obtained either permanent residency (*eijuusha* or *eijuuken*) or Japanese citizenship (*nihon-kokuseki*). They can stay in Japan because their status is no longer tied to the marital relation with the Japanese husband. Any kind of visa that does not depend on marital relation to a Japanese citizen will not be affected in the event of a divorce. It can be renewed as long as the bases under which it was issued remain valid (Curtin, 2002).

The story of Cecil exposes the dilemma and the struggle faced by marriage migrants in the event of a divorce. If an individual holds a spouse visa, divorce means that this status will be revoked and it cannot be renewed. A spouse visa in the event of a divorce can be used even after divorce but only until it expires. Visa status must be changed if the foreign spouse wishes to stay in Japan. And those with spouse visas the presence or absence of children is a key factor in changing one's status of residency.

Foreign spouses who produced an offspring can apply for long term residence visa (*teijuusha*) which is renewable indefinitely or permanent residence status (*eijuusha*). The foreign spouse does not necessarily have to be married if the Japanese parent recognizes the child and the former has the custody of the child. The child in this case automatically gets Japanese nationality. This is based on a Ministry of Justice directive dated 30 July 1996 (Curtin, 2002: 3). Illegitimate children of mixed parentage can get special residency status under the same directive.

In divorce cases, it takes one or two years before a visa is granted to the foreign spouse with Japanese offspring. The residency status is decided on a case-to-case basis and the Ministry of Justice has the sole discretion on making any decision. This procedure puts tremendous hardship and stress especially since the financial status of individual applicants is also examined.

For those without children, they face the prospect of losing their status of residence. They will be allowed to stay in Japan only until the visa expires. Otherwise, the foreign spouse needs to change visa status by remarrying another Japanese citizen or a long term or permanent resident or filing eligibility for other visa categories whichever is applicable to them, if they do not want to go back to the country of origin. Those who have only been housewives and are not engaged in any paid jobs may find it more difficult to adjust

after a divorce. Like Peancai Michid, divorce may mean returning to their home country even if they did not cause the divorce.

Meanwhile, the current legislation is even more problematic for foreign spouses who have children from previous relationship with non-Japanese. If the children have not obtained Japanese nationality prior to the divorce, they too face the prospect of deportation. For example, a Chinese woman married to a Japanese man with two children from a previous relationship with another Chinese national could be deported along with the children if she divorces her husband and the children have not yet acquired Japanese citizenship. At present, these kinds of cases are the most problematic and likely to increase in number as the Japanese economy becomes more globalized.

Divorce in domestic violence situations

The current situation is grossly unjust because it means that a husband can abuse his foreign wife in various ways, safe in the knowledge that if the wife files for divorce she may have to leave Japan. Research conducted at centers for battered women indicates that many foreign wives tolerate abusive treatment for long periods out of fear of losing their residency status.

The case of Ara is one clear example of how battered marriage migrants bear the punishment to cling to their visa. Ara, one of the 11 participants in the FMC focus group discussion on domestic violence, met her Japanese husband last 2004 at a club in Nagoya where she worked as a talent. It was her first trip to Japan. She said, at first, she was not keen on marrying him – he is much older and definitely not the type she would marry. She said that she came to Japan for work to support her family in the Philippines. Ara has a seven year old daughter from a previous relationship with another Filipino. Eventually, after a couple of trips to Nagoya, she decided to marry her husband for practical reasons. She wanted to stay longer in Japan because her entertainer's visa only allowed her to stay in Japan for a maximum of six months. The rigors of applying for an entertainer's visa after every 6 months, not to mention the amount of money that she had to put up for each application, made her decide to accept the offer of marriage. "It was smooth-sailing for us the first few months, but after that, the cursing and occasional beating began. Several times, I thought about filing a divorce, but each time I would back down for fear of losing my visa."

Regardless of the circumstances of the divorce, the Immigration Bureau will not renew the spouse visa unless a couple is actually living together as husband and wife. The stringent renewal process requires proof that the wife is living with her husband. Again, the letter of guarantee is so powerful in deciding the fate of the foreign spouse. In other cases, the philandering husband utilizes the wife's weak position as a bargaining chip if he craves for divorce. Often he allows the wife to renew the spouse visa on a one-time basis on condition that she will agree to a divorce later on.

The key issue here is maintaining legal status so that women can have the ability to escape from an abusive situation and continue with their productive life in Japan.

The current situation really is highly unsatisfactory for marriage migrants because the State rules and policies are causing their vulnerabilities. Many foreign spouses can be mistreated almost with impunity. If they attempt to alleviate their situation, they face the very real prospect of deportation. Even if the wife has adjusted well to life in Japan and invested a lot of her life's energy in building up friends and relationships, she faces possible ejection from Japan due to her husband's misdeeds and no wrong doing on her part. This situation is incompatible with the aims of creating a fair and equitable global society.

As the number of international marriages increases yearly, Japan's position as an integral part of the new global community is growing. If the nation wishes to become a successful and mature multi-ethnic society, it urgently needs to satisfactorily resolve the grave shortcomings in divorces involving non-Japanese nationals.

RESIDENCY RULES AND POLICIES

Permanent Residence Policy

Obtaining permanent residence status (*eijūken*) is an option favorable to marriage migrants for various reasons. For one, a permanent residence visa holder, unlike other types of visa, does not need to renew his or her visa periodically. In addition, permanent residents have no restrictions on their activities in Japan, including employment. However, getting permanent residence in Japan is more challenging and difficult than getting other types of visa. Since immigration authorities will no longer be able to periodically check on the status of a permanent resident, naturally, the process to obtain one is more rigorous in view of Japan's immigration control policy.

For marriage migrants, it takes a while to become eligible to apply for permanent residency and much longer time to get one. In paper, a foreign spouse may become eligible to apply for permanent residence after more than three years of marriage. In reality, it normally takes five years of marriage before an application is considered. For others, it took them more than five years before they got their permanent residency.

Conditions or requirements to obtain permanent residency in Japan include:

- “Being good on one's conduct” (having no criminal records);
- Having exemplary contribution to Japanese society;
- Having sufficient assets or skills to sustain life in Japan;
- Being healthy;
- Having a guarantor;
- Others.

Documentations required for applying permanent residence include:

- Certifications of your tax payments in the last 3 years;
- Certifications of contribution to Japanese society, if any;
- Certifications of your income, assets, skills sufficient to sustain your life in Japan;
- Medical examination report upon necessity;
- ID;
- Certifications of family registration;
- Statement to justify your application;
- Others upon requirements from immigration authority.

Citizenship Law

Japan's Nationality Law allows foreigners who wish to become Japanese citizens through naturalization. Applicants need to collect and prepare documents to apply for naturalization at a legal affairs bureau in his or her municipality or prefecture. The Ministry of Justice determines which application shall be permitted or rejected.

Application for naturalization in Japan usually takes about a year to get a final decision. It will involve lots of documentation from government agencies of the applicant's home country and in Japan to prove eligibility for naturalization. Explanatory notes from the applicant expressing why he or she desires to be naturalized are also required. All these documents must be translated or written in Japanese.

The Nationality Law of Japan stipulates the following conditions to become eligible for naturalization:

- Have been continuously living in Japan (with fixed address/es) as a permanent resident for five years or longer;
- Being 20 years old or older with competence under laws of your home country;
- "A good citizen" without any criminal records;
- Has sufficient assets or skills to independently sustain life in Japan;
- Has no nationality, or are willing to renounce citizenship of home country;
- Has never attempted nor advocated to destroy the Japanese government established under the Constitution of Japan by violence, nor has membership to any political party/ies or any other organizations that has attempted or advocated the same.

Required personal documents to make an application for naturalization include:

- Application form;
- Explanatory document of why you need to naturalize (must be hand-written in Japanese by the applicant);
- Resume;
- Affidavit;
- Description of relatives;
- Description of how you sustain your life in Japan;
- Description of how you operate your business in Japan;
- Map of your residence;
- Required documents from public agencies and others;
- Certificate of competence under the home country's law;
- Employment Certificate;
- Diploma;
- Certificate of nationality (or in case this is not available, family registration, certificate of lost-nationality, birth certificate; or in case all they not available, passport);
- Documents to certify your profile in your home country (birth certificate/ marriage certificate/relative certificate in your home country, etc.);
- Your family registration in Japan;
- Certificate of residence of your Japanese family;
- Certificate of alien registration;
- Certificate of tax payments (withhold slip and certificate of tax filing of last year etc.);
- Commercial registration (in case of business owner or board director of company);
- Certificates of assets (Certificates of bank deposit, securities, real-estate registration etc.);
- Driver's license;
- Photos (2 copies 5cm x 5cm in size, taken within the last 6 months);
- Snapshots of you and your family (2 copies);
- Others, if required by the Ministry of Justice.

On record, there is a high rate of approval for naturalization in Japan, about 90 percent. However, analysts say that this is because many applicants for naturalization tend to withdraw before they even make the application. Most applicants hire legal officers to help them in the application process. The tedious and strict process of screening for eligibility discourages many applicants to continue with the application, not to mention the monetary requirements involved.

In addition, the fact that all documents to be submitted must be written in Japanese puts tremendous pressure on the applicants plus the fear of not being able to express themselves in the local language during the actual interview discourage many to pursue their application for naturalization.

Lived Experiences of Marriage Migrants with Residency Rules and Policies

When asked if they are familiar with the residency rules in Japan, all except three of the participants in the focus group discussion said yes. Six of the respondents said their main concern in the beginning was to secure a valid visa to avoid deportation and to continue their work in Japan. Three of the respondents came to Japan after marrying their Japanese fiancée while the rest came to work, but eventually met and marry their Japanese boyfriend when Japanese immigration started implementing stricter rules.

Eva: I came to Japan as a student. After finishing my studies, I returned to the Philippines. A few years later, my fiancée asked me to marry him, and I did. I already have a background of Japan when I came back to live with my husband. I also made sure that I know the rules, including how to acquire Japanese citizenship. I had a good job compared to most Filipinos then, but even so, I made sure that I know the law so I can benefit from it. Luckily, I was naturalized so now I can vote during elections.

Tere: I was married for four years already when I decided to join my Japanese husband in Kyushu Island. I have no profound understanding of the rules concerning residency. What I knew then was that I was given a one-year visa that I was able to renew for three years twice with the help of my husband even though we were already divorced before I got my second three-year visa. The truth is, I have no intension of living in Japan permanently that is why I have not applied for permanent residency even if I have been living in Japan for more than five years now. I also cannot speak the language, which is maybe one of the reasons why living permanently in Japan does not attract me. My husband speaks fluent English that is why I did not learn to speak Japanese after all these years.

Doray: I read and ask a lot. I also did volunteer work for a migrant NGO and joined community groups that is why I know about the rules on residency. I got my permanent residence status very easily.

Jonas: I was a talent for six years before I decided to marry my Japanese husband. In our home, my husband takes care of all matters, including my visa. He prepares all the documents and accompanies me to the immigration each time I apply for extension. I wanted to know more about the laws of Japan, but for six years, I have been a plain homemaker and had no chance to mingle with other Filipinos in the neighborhood. I barely had friends until I joined a community-based organization. I still have to apply for permanent status. Now that I know I am eligible, I will talk to my husband so I can apply before my current 3-year visa expired.

Barbara: I have no idea. I relied on my husband when I applied for my visa, and later when I needed to renew it. Once-in-a-while, I would ask friends how they apply for permanent residency. It seemed difficult, especially if you are not fluent in Japanese so I depend on my husband. I got married two years ago. I guess I am not yet eligible to apply for permanent status.

Kaycee: I was married to a Japanese citizen. Back then, I tried to learn about applying for permanent residency. I was told that I need to have a permanent job and that I need to pay taxes to qualify. The problem is, for more than six years now, I have had no regular paid job. For more than three years, I have been living on government support.

Nancy: Somehow, I have an idea on how to apply for residency in Japan. I have co-workers in the club who have the same situation so I ask them and they teach me how to apply. However, knowing the rules exactly, I do not think I know everything so I also rely on NGOs. I call them to ask questions. I also thought of calling immigration directly to inquire, but each time I got scared I might say something wrong.

Girly: I have a sister in Japan who is also married to a Japanese man. She taught me the rules and helped me with the paper works.

Xian: We have a large Chinese community in Japan so it was easier for me to ask people around. I basically rely on myself to get the necessary information. I also try to visit community center where I ask for information. Of course, it was difficult in the beginning, but I studied Japanese before I married my husband so I can communicate well and it was not so difficult to gather information. I got my permanent residence status just after our fifth wedding anniversary.

Mitchie: I came here as an entertainer. I met my husband in the club. Even before we got married, I knew how the rules work. I told my husband that I have a child from a past relationship back in Thailand, and that I wanted to bring her to live with me. I knew that I needed a long-term visa to be able to achieve that. I also have friends who are also married to Japanese men and they are my source of information. I got my permanent residence visa two years ago.

Junix: I had to do it all by myself. I am a regular churchgoer and there I had people who taught me the rules. I am a permanent resident of Japan now and having one makes me feel more secured.

Majority of the participants relied on their husbands, relatives or friends for information. Only two sought help from NGOs. Those who sought the help of NGOs were satisfied with the information they got. Meanwhile, no one among the participants

sought help from government agencies. One participant says she thought of calling the immigration office in her municipality to inquire, but she backed out because of fear that she might say something wrong and it would put her application in jeopardy.

When asked about their residency status, if they had difficulties acquiring them, participants had mixed responses. Some say they had no difficulties at all because they followed the rules and were very careful not to violate any law to get their permanent residency faster. Others say they had to go through long and tedious processing and waiting to get their status of residence.

Those who had longer time waiting for their long term or permanent status have had some violations of the immigration law. However, one participant said she has not violated any law yet immigration denied her application for permanent status. She got another three-year extension of her visa instead. She plans to apply for permanent residency again before her current visa expired.

The applicant's overall character and economic independence are crucial when applying for permanent residency. An applicant with criminal records will automatically not qualify, nor does someone who has no clear sources of income.

Many marriage migrants in Japan have paid work, but their income may not be enough to support their needs. In addition, many are underemployed and do not pay taxes. A regular tax-payer has better chances of securing permanent status. Kaycee, one of the participants in the focus group discussion, has applied for permanent residency once. She has been living in Japan for more than six years now. However, immigration denied her application, and she surmised that being divorced from her former husband and living under government support (*seikatsuhogo*) made her ineligible to acquire permanent status. For Kaycee, getting the status of a permanent resident is important because she thinks that having one will offer her more benefits. For one, she does not need to worry about applying for re-entry permits every time she leaves Japan for a holiday in the Philippines. Secondly, she feels that a permanent resident gets priority preference when applying for work.

Of the seven participants of the focus group discussion and the four others interviewed separately, five are permanent residents, one is naturalized citizen and the other five are on long-term visa. Only three participants had sought the help of NGOs, which gave them useful information. Surprisingly, no one sought help from government agencies. When asked why, one participant said she was scared she might say something wrong and overstayed her visa before she finally got married. She was completing her documents and very much insecure to approach anyone lest she exposes herself to police or immigration.

Past studies reveal that migrants, in general, would rather ask friends and family members when dealing with residence issues. FMC believes that for marriage migrants who have yet to legalize their status are wary of their surroundings. They do not easily trust anyone, much less government institutions, for fear of jeopardizing their chances of legalizing their status. Others complain about the slow and inefficient services of some

government agencies, particularly foreign embassies. Marriage migrants complain about calling their embassy many times only to get voice recordings. Others complain about the rudeness of embassy staff members, which they say is very apparent whenever they deal with overstays.

Language or the inability to speak comprehensible Japanese is also a reason given by participants why many chose not to ask ward offices and immigration about information they needed.

The process, which marriage migrants have to go through when applying for a spouse visa, is rigorous for those who had previously overstayed their visa, and even worse for those who had other violations like “false identity” and misrepresentations. In this case, marriage migrants often wait for extended period even if normal processing of spouse visas takes only about a month or so if all the requirements are satisfied.

One participant, for example, complains that she received a rough time during interviews. She felt like she was under interrogation for a serious criminal offense when her only violation was overstaying her visa for about a year. She satisfied all the documents required of her, but still waited for about six months before her spouse visa finally arrived.

The slow processing and inefficiency of foreign embassies aggravate the problem when securing for a spouse visa. This is particularly so in cases where marriage migrants used tampered or faked documents when they entered Japan prior to marriage. This problem is particularly unbearable for those in immigration detention centers. When caught by immigration for violating their status of residence, they can marry their Japanese fiancé and apply for change of status, but they have to remain in detention while waiting for the release of their spouse visa. Lucky ones get early provisional release, but this is on a case-to-case basis and given only for humanitarian reasons.

It normally takes longer time to process a spouse visa under such condition and this poses a problem to many because marriage migrants who had prior violations of their status cannot take on any paid job until they secure the visa. Majority of marriage migrants in Japan have families they support financially back home. Very often, it puts a strain on the relationship when there is a need to send money to the Philippines, for example, to pay for emergencies like hospitalization of a sick member of the family, siblings’ education, etc.

ECONOMIC AND SOCIO-CULTURAL CONDITIONS

Marriage and Family

Ten participants of FGD echoed the same sentiment about their experiences as a wife to their Japanese husband and as a mother to their Japanese children. They said that being marriage migrants in Japan is particularly challenging because of potential

problems brought about by striking differences in culture and environment, family values, and tradition between married couples.

Aside from language barrier, almost all participants agreed that the typical Japanese family set up is very different from their home country and that because of this, the challenge for marriage migrants is far greater compared to traditional married couples.

Having to deal with an entirely different culture and environment, for example, is the first challenge to marriage migrants, especially during the first two to three years of marriage. Three participants, who had no prior experience living in Japan before marrying their Japanese husband, were very emphatic about this condition. “Culture shock” was the term used by one participant who said that she hardly talked with her parents-in-law for weeks because they only speak Japanese and understand no English at all. Another participant said she only ate noodles for two days because she could not stomach eating raw fish and rice soaked in vinegar (*sushi*).

However, for the majority of participants, the bigger challenge is the reality that family support is almost nil; that once problems within the family started to heat up, they felt alone and didn’t know what to do and where to go. Many times, they felt helpless, and worse, it did not seem to bother their husbands at all who were all too busy making money for the family. Jonas, one of the participants in the FGD, was quick to say that being a homemaker:

I was always by myself in the house during the early years of my marriage and hardly did I mingle with our neighbors because my husband always told me not to be too close with them to avoid unnecessary misunderstanding. Yet my husband was always away to help me deal with day-to-day problems inside the house like when I had a bicycle accident and I had to struggle making a police statement and getting the necessary medical certificate in the city hall all in one day and all by myself. It was stressful, tiring and I felt lost being all by myself.

Overall, the difficulties faced by marriage migrants in Japan as reflected in the actual experiences of the participants in both focus group discussions centered on the fact that they had to deal with Japanese culture and environment, family values and tradition that are very much different from their own. In this situation, everyone expects that the foreign spouse will carry most of the adjustment because she is the “newcomer”. The Japanese husband and his family will not make the adjustment because they live in Japan and foreigners need to follow what Japanese do. The same reality exists within the larger community. The community expects marriage migrants to make the extra effort to earn their acceptance.

Learning the language and adjusting to Japanese culture and family tradition

Language and cultural differences between spouses in international marriages may hamper communication, tolerance and understanding. It can put a lot of strain on the relationship between couples.

Many of the participants felt in the beginning that it is important for them to learn the language as quick as possible. This is the first and biggest challenge for them. Japanese husbands of those who participated in the focus group discussion do not speak their language, except one who happened to work in a multinational company based in the Philippines for more than five years. Only two can converse in English and another who understands but barely speaks the language. All the rest had to struggle everyday to converse in Japanese. Marriage migrants who can speak a little Japanese because of their prior work as entertainers were luckier in this regard, but even that, they say is not enough because there are nuances in the language that they cannot simply understand.

Marriage migrants in Japan face the same problem about the language when dealing with the larger community, especially during the first years of their marriage. Some of the participants said they hardly left the house and they were largely dependent on their husband for errands and solving community-related affairs. One participant said that her inability to speak the language created a barrier between her and her neighbors. She always hesitated to approach them and vice-versa. It may have created some degree of animosity between them, and she thought language difference contributes to the feeling of helplessness and isolation, especially in an environment like Japan.

It is worth noting that having relatives or friends around the neighborhood who speak the language is a big help for marriage migrants during the first years of their marriage. Two participants who have relatives and friends nearby were quick to admit that having relatives and friends around aided them well.

Marriage migrants resort to different ways to catch up with language differences. While at home, for instance, they try to do self-study by watching Japanese programs on television or listening to language-instructional guides given by their husband. Some stretch further by joining community-sponsored language classes for minimal fees. Marriage migrants need to be creative and resourceful if they wish to learn the language fast.

Family Economy and Employment

More than half of the participants have paid jobs before and even after marrying their Japanese husband. Two participants gave up their paid jobs after marriage to become fulltime wife and mother to their children. Only one had not experienced any paid job.

Majority of participants said that their husband provides for the needs of the family. Only two said that they are the breadwinners of the family even before the divorce.

Two participants said their husband's family owns a small business. In their case though, the family relies on the income of the husband as a paid worker of the family business. Often, like in Barbara's case, the foreign wife also helps in the business, but they are only given token allowances not commensurate to the work they perform for the business.

Those who have paid jobs are lucky to continue supporting their family back home. They say marriage migrants often take on paid jobs after the marriage to guarantee support for their family back home. Others said they needed a job to supplement their husband's meager income.

In Japan, it is not a common practice to extend support to extended families. This set up is often a source of lengthy arguments between the couple and sometimes the cause of violence at home and even break-up of the family. Increasingly though, more marriage migrants are into paid jobs now because of the prolonged economic crisis afflicting Japan and other industrialized countries. Jobs are shrinking and the income level of ordinary Japanese is going down. One participant had to contend shuttling from one paid job to another to sustain her family in Japan and to support her extended family back in the Philippines.

None of the participants experienced difficulties looking for paid jobs except three who hardly speak Japanese. However, like many migrant workers, they also experienced unfair treatment at the workplace. Discrimination, unpaid work and the absence of employment benefits are common problems that haunt them because they are not Japanese and they do not speak the language very well.

Doray shared her experience the first time she tried to apply for work. She said she could speak a little Japanese due to her prior work in a snack bar. She heard from another Filipina that a laundry shop catering to hotels and restaurants was in need of new staffs. She went and talked with the manager only to be told that the job was no longer available. Later, she learned from the same Filipina whose husband works in the same laundry shop that the owner was actually looking for Japanese staffs and was not keen on hiring foreigners who were "unreliable because they do not always understand what was being told to them." Doray felt discriminated she stayed in the house for one week to try to forget about it.

Kaycee and Nancy experienced long hours of work without due compensation. Another two had experienced discrimination from other co-workers. Others chose to work in snack bars instead of finding day jobs because of the relatively higher take home pay. However, they said that working at night was always a cause of fights with their husbands, although one participant said it was fine with her husband, and that she knew of other Filipina friends whose husbands allow them to work at night.

Forced labor, or working on extended hours without due compensation, is a common problem too among women migrants, including wives of Japanese. There are cases where workers had to work for 12 hours non-stop. Others like those who work in hotels work for 24 hours non-stop three times a week. Nancy had this kind of experience while working in a “love hotel” (per hour hotel). She would time in at 12 noon and finish work by 12 noon the following day. If few customers check in, she said she could have at least three hours of sleep. However, during busy days, she would be happy to have at least one hour of sleep. Yet she does not get extra pay for late hours of work. She quit the job after three months and went back to work in a snack bar.

One non-governmental organization has identified factors that restrict women migrants’ ability to leave situations of forced labor. First is the lack of alternative employment. Especially now that Japan is experiencing very severe economic crisis, it is very difficult to find alternate jobs. In fact, many manufacturing companies in Japan had to scale down the number of workers, or push some workers to go on early retirement, or contend with fewer days or hours of work. In Japan, as in many other countries with similar situations like this, migrants and women are first to be axed.

Another factor is lack of knowledge of the law and her rights as a worker. Japan has strict labor standard, however, most foreign workers are not unionized and lack legal literacy. Once they knew of how much they could earn per hour’s work, the rest do not seem to matter anymore. Fear of arrest and deportation in the case of undocumented migrants also prevents many from complaining. Then other factors like debt bondage and fear of reprisals from their brokers and employers are also preventing others to get away from situations of forced labor.

For marriage migrants like Tere, it is more of their obligations to their family back home that matters. As long as they can send money to the Philippines, it is good for them rather than having no job at all.

When asked about seeking remedies for their employment problems, participants say that they try as much as possible to negotiate calmly with their broker or employer if they see any chance. They feel that going to court or using other legal remedies might cost them their job. Jonas and Kaycee said they would rather make an appeal to the employer than going to court because it is costly and tedious process. If they can find another job, they said they would rather change jobs than bring their complaints in court.

Eva and Junix gave a different perspective. They said that the reason why there are abusive employers is that there are workers who do not complain. They said that workers should safeguard their rights.

The Labor Standard Bureau of Japan acts as a conciliatory body that settles labor-related disputes. It has regional and prefectural offices all over Japan. It accepts complaints and has bilingual staff members (at least some regional and prefectural office) who can attend to non-Japanese speaking clients. If there is one complaint about the bureau, it may be the fact that the bureau does not have teeth to run after erring companies. As a

conciliation body, it may call on both parties involved in a dispute, but should one party (usually the respondent to the complaint) not agree to subject himself to the proposed conciliation, then it stops from there. The other possible remedy is to submit the case to a regular court, which many shun because it is tedious and lawyer's fee is usually very expensive.

Other foreign workers in labor disputes seek the help of Japanese labor unions to negotiate on their behalf. To do this, first is to apply to become a member of the union. Once accepted after paying ¥ 1,000 for membership fee and ¥ 9,000 for 3 months advanced membership dues, the union will contact the employer to begin negotiations. Unlike the Labor Standard Bureau, employers cannot ignore registered unions because it would be against the law to ignore summons for collective bargaining from a qualified labor union.

Again, when asked about the role of their embassies, participants said that they distrust their own government whether it can do anything to resolve their labor problems. They think that NGOs are more trustworthy when approached for help.

Social Isolation

Social isolation is an experience common among marriage migrants once they settle in Japan for the first time. A new environment, different culture and tradition, and maybe, contrasting views on family and relationship immediately haunt them (Nagase, 2009). For those who have been living in Japan prior to their marriage, the degree of feeling isolated from the rest of society may be less.

Japan is a highly parochial society. So much so that if you are Japanese, you are an “insider”, but if you come from the rest of the world, they consider you an “outsider”. Even Japanese, at one point in their history were treated as outsiders whenever they moved in to a community other than their own. The term “gaijin” (literally means foreigner), in fact, once labeled to Japanese who came from other parts of Japan and tried to fit in to a new neighborhood (Arudou, 2008).

Marriage migrants like other non-Japanese confront the same or worse experience, especially those who settle in rural communities where views and practices are more traditional and where exposure to the outside world is very much limited. When the community is not welcoming, one immediately feels isolated or detached (KAFIN, 2007). The feeling of being alone and helpless is exacerbated by other factors that come into play when you settle in a society far different from your own. Dealing with your new husband and often with in-laws as well who happen to live in the same house is one thing; dealing with the larger community is another.

Social isolation, how exactly it manifests in their day-to-day experience of marriage migrants in Japan is worth understanding. The focus group discussion conducted on eight marriage migrants and the one-to-one interview with four others also reveal important information about family and community life of marriage migrants in Japan.

Participants in the FGD agreed that it is a big challenge for marriage migrants to prove their worth as a wife to their Japanese husband and mother to their children. Mitchie said she had to run an extra mile to get along well with her in-laws and people in the community. She remembered preparing food from her native country and inviting people to come over to their house to reach out and befriend neighbors. While her gesture somehow helped bridge the gap, there are doors that remained closed, and marriage migrants being new and “different” find some doors quite difficult to unlock.

Language is particularly a big issue that adds to the feeling of isolation, of being alone. Unable to communicate in the local language creates a lot of stresses and insecurities, and oftentimes causes friction and misunderstandings at home and with people in the community.

Apart from adjusting to a new home with barely little space to be like ordinary living rooms in the Philippines, Eva, another participant in the focus group discussion, says that one has to wrestle with everything written and spoken in Japanese. Mitchie said, she tried to read anything that comes handy inside the house to navigate her surroundings, but everything is written in Japanese. She would turn on the television and could barely understand what everybody was saying because again, they all speak in Japanese. One time she tried to go out to stroll around the neighborhood, but there was no one brave enough to respond to answer her queries for information and direction. Worse, she would constantly experience those quick, evading stares wherever she goes. However, she said, “Those were momentary, perhaps out of curiosity being someone new in the community.”

Xian from China did not have much difficulty with characters because she knew “Kanji”, however, “the spoken language was troublesome,” she said. Her adjustment was more with her neighbors and members of her husband’s family. “In the beginning, we hardly talked,” Xian said, “There were times I would lock up myself inside the room in isolation, because I felt silly listening to them talking about something I could barely understand.”

Tere and Nancy agreed that language is a big problem for newcomers when they try to fit in. Tere said, “It was my first hurdle, and maybe the reason why I felt alienated.” Nancy, on the other hand, said, “I felt there was something not right about me that is why they look at me differently.” Nancy used to work as an entertainer. She got married to a former Japanese customer during her first six months in Japan. She got pregnant and went back to the Philippines the same year to give birth to her son. During the first two years, her Japanese husband would visit the Philippines at least two times. However, after two years, her husband disappeared. She had no communication with him since then. When she and her son returned to Japan in 2005 to claim for the latter’s Japanese citizenship, she discovered that she is still married to her husband whose whereabouts remains unknown until today.

Nancy said she barely remembers how to speak in Japanese when she returned to Japan in 2005. She recalled though that the first time she came to Japan she had no one

to talk to when she needed something to do. “As I was new in Japan, I didn’t know how to move around and could barely speak with my husband in Japanese. It was frustrating every time I try to do something but could not do it because everything around me was new and there was no one around to help out. This was the reason why I agreed to go back to the Philippines and deliver our child there.”

Barbara said, when she arrived in her husband’s hometown for the very first time, from the train station down to where the family home of her husband is situated in front of a vast vegetable farm, everybody was staring at her. She later found out that she was the only Filipina, and the only foreigner for that matter, in that small town. Her husband said, once there was a Thai woman married to a town mate, but they got divorced and the Thai woman had to return to Thailand. Barbara felt that all eyes were on her figuring out maybe how she would fare as a wife to a Japanese husband. For several weeks, she would only leave the house whenever her husband was around to accompany her.

According to a study done by the FMC in Nagoya, marriage migrants get this strong feeling of alienation during their first few months in Japan. Even those who speak the language may feel the same way. It is a natural feeling for anyone new in the community. For Filipinos, it is important to have family members around you all the time. It makes you comfortable knowing that there is always somebody to turn to if you needed anything.

It is natural for Filipinos to reach out to befriend neighbors. In Japan, it is different. Neighbors live in the same apartment building yet they hardly knew each other.

The feeling of social isolation becomes real once marriage migrants go out of the confines of their homes to explore the bigger landscape. Participants in the focus group discussion shared their problematic months in Japan. Some experienced bad encounters while others shared some funny anecdotes.

Tere, who is unemployed and relies on government support (*seikatsuhogo*) being a single parent to two Japanese-Filipino children, said that at times she would feel isolated because many ordinary Japanese do not approve of foreigners receiving “dole outs” from the local government. According to her, she would feel embarrassed whenever she went to the municipal office to meet her “*tanto*” (municipal social worker) who would pressure her to work so that the monthly support given to her by the government can be funneled to others in need. She complained that she has been looking for work but could not find one that could fit to her situation being a single mother. She resented that people look at her as a burden to society. She believes that being on government support prevents her from getting her permanent status of residence.

Apart from language difficulties, the lack of adequate information and familiarity with the legal framework in Japan contribute to social isolation. In the early months, or even years of marriage to their Japanese husbands, they say that life in Japan is like groping in the dark, you hardly know what to expect.

Eva said that without knowledge of the laws and policies of Japan, it is very difficult for marriage migrants to negotiate for fair treatment. Very often, they would experience some form of discrimination in the community and at the workplace, and “if you are ignorant of the law, the tendency is for marriage migrants to shrink in silence,” she said. Even at home, Eva said that in the beginning, she felt isolated from her husband and children because “all of them understand the nuances of the language they speak while I grapple with it. Very often, I am the last one to laugh at anyone’s joke.” Her experience motivated her to learn more of the language. She enrolled in a Japanese class to hone her skills in both spoken and written Japanese. She said it paid off because now she has attained high level of proficiency. This skill worked to her advantage when she finally decided to apply for naturalization.

Overall, marriage migrants, when they first arrive in Japan, have barely little knowledge, if there is any at all, of the environment, including language, customs and tradition. As a result, it affects their physical mobility and this in turn contributes to the feeling of being alone and isolated even at home. Without relatives and friends to turn to in times of needs, they struggle hard in order to fit in. Their solace is the church where they often have the chance to meet and mingle with other marriage migrants. Others resort to social networking to meet friends and to collect information. In addition, marriage migrants do not have much freedom; burdened by responsibilities at home and the high expectations from the husband and his family. In the case of marriage migrants living in the rural areas, the burden is even heavier because aside from their responsibilities at home, the wife is also expected to help in the farm. Here, marriage migrants feel more isolated because customs and practices are more traditional and conservative.

Meanwhile, mechanisms of support and assistance for marriage migrants in distress situations exist in Japan but are often inaccessible to them because of their lack of physical mobility, language skill or knowledge that organizations supporting migrants like them exist.

Access to Services

Faced with numerous issues and problems, marriage migrants look for anything to cling on in times of need. In the focus group discussion and interviews conducted for this research, marriage migrants were asked if they sought help from government agencies and non-government organizations to resolve any difficulties they experienced while living in Japan. The answers were uniformly negative when it comes to asking government agencies for help, and positive to some who sought help from non-government organizations.

When asked why they did not seek help from government agencies, the answers ranged from not knowing where and how to seek help, to distrust of government institutions’ ability and sincerity to help them solve their problems.

On the other hand, they see NGOs as sincere and more concerned about their plight. One example of these NGOs is the Asian Women Independence Project, a non-

profit organization in Kobe that gives free counseling services to foreign women. In recent years, this NGO handled foreign women who chose to divorce or ran away from their abusive Japanese husbands to raise their children independently. Some of these women may still be struggling because they do not have stable work, but they feel much better regaining their independence (Moriki, 2007).

There are other NGOs formed by migrants themselves like the KAFIN Migrant Center in Saitama and the Filipino Migrant Center in Nagoya. Both NGOs cater to disadvantaged migrant Filipinos in Japan although they also coordinate with organizations of migrants of other nationalities.

The type of services these NGOs offer ranges from counseling to sheltering victims of domestic violence. They also offer outreach programs and education, including translation services for those who wish to change their status and other consular-related problems. Most NGOs being non-profit do not charge any fees for their services although some encourage donations.

Legally, there are various mechanisms available in Japan that marriage migrants can utilize to address various problems they face. Local municipal and prefectural governments all over Japan have put up these mechanisms to address concerns of the foreign migrant community.

Foremost of these mechanisms are the information counters set up all over Japan that can answer inquiries about health, education, housing, and other social welfare issues. Municipal and prefectural offices, particularly in areas densely populated by foreign migrants, have various written instructional materials published in English and other foreign languages like, Chinese, Korean, Thai, Filipino, Bahasa, and Portuguese that are very useful and handy. They also have trained staff who can communicate in English and others who can communicate in other foreign languages. At a designated time and days of the week, these offices also have hotlines operated by staffs who speak English and other foreign languages. However, in areas where there are very fewer foreign residents, these services may not be readily available.

Mechanisms to address problems related to marriage and family

Japan has a family court where problems and disputes related to marriage and family may be settled. Complaints involving spousal abuse or domestic violence may also be resolved in these courts. Family courts are situated in the same places as Japan's District Courts. They have branches in 77 locations all over Japan (The Secretariat of the Judicial Reform Council, 2009.).

On January 1, 1949, Japan introduced the concept of a Family Court that specializes on dealing with family or domestic relations cases, including juvenile cases. The basic concept of a family court is to maintain the well-being of families, most importantly the upbringing of juveniles. Family courts conduct both conciliation and adjudication proceedings (Law Office of Jeremy Morley, N.D.).

In April 2004, Japan passed the Act for Proceedings on Personal Status. With this law, family courts began handling litigation of cases involving relationships between husband and wife, parents and children, and so forth. If the contending parties fail to reach an amicable agreement, either of the two parties involved may submit the case for adjudication in the same court. However, the court tries to exert effort to settle the dispute without having to resort to other legal action.

The family court also handles cases involving juvenile delinquents under 20 years of age who have committed a crime or are prone to commit crimes (14-19 years old) or who have violated penal provisions or are prone to violate them (under 14 years old). It provides protective and educational measures rather than imposing outright punishment. The court also conducts proceedings closed to the public to protect those involved.

The court has either a single judge or a three-judge panel. They use scientific reports prepared by family court probation officers, as well as the diagnostic results of medical officers who are experts in psychiatry.

Family courts are quite effective venues to settle various disputes arising between husband and wife and other relationship problems within the family, including custody of children for divorcing parents. However, there is not much information given to the public on how family courts work. In addition, these courts are not necessarily foreign migrant-friendly because conciliation and adjudication proceedings are conducted in Japanese. For non-Japanese-speaking parties involved in any problem or dispute, they may request interpreters from the court (if available) or hire interpreters at their own expense.

Foreigners involved in any family dispute are always wary of bringing their case to a family court. For one, they view the process as expensive and time consuming. Second, they always have the feeling of insecurity about not getting a fair deal in any Japanese court considering their low level of familiarity of Japanese laws; and because they are non-Japanese. Nevertheless, it is by far the cheapest and quickest remedy to settle any family-related problems in Japan.

Support mechanisms for victims of domestic violence

There are available mechanisms to help and support domestic violence victims in Japan but somehow they are limited and often inaccessible to women, marriage migrants in particular. Their lack of physical mobility and language skill exacerbate the situation. The fact that there is now an existing law on spousal violence is a positive development. However, critics say that there are loopholes in the law that need to be remedied, particularly on provisions for the safety and protection of victims.

A report by FMC (2008a) on domestic violence involving Filipino women married to Japanese men stated that while the law recognizes domestic violence as not just physical violence and abuse, in its application, it fails to protect victims who do not show clear signs of physical abuse. FMC says that verbal, mental or psychological abuse is prevalent

in the early cycles of spousal violence, but the current mechanisms to support victims fail to acknowledge this. Hence, when victims of domestic violence run for help, only those who show evidence of physical abuse are readily offered assistance. Those who do not have evidence of physical abuse are made to wait before any action is taken on their behalf that is if they actually qualify as a victim based on criteria set by every local municipal social welfare office.

At the very first occurrence of domestic violence, the natural instinct of the victim is to call the police. However, for many victims the thought of calling the police for intervention is met with mixed reactions.

Many are hesitant to call the police because of their previous bad encounters. According to Agalyn Nagase of KAFIN Migrant Center in Saitama, many Filipinas suffering from domestic violence are discouraged to call the police because they do not believe that they (police) can help them deal with their abusive husbands. Nagase also said KAFIN has been receiving numerous complaints about how local police authorities tend to react indifferently to calls for help. Nagase also lamented that some police officers would not even budge unless violence becomes very apparent. Others are discouraged by police inaction who often advises victims to just go back to their husband to resolve what they usually call as domestic problem.

In an article published by the Asia-Pacific on Women, Law and Development (Oshita and Kashiwazaki, 2006: 12), it says that: "It is difficult for migrant women to access information on public support systems, and the availability of the support is limited depending on her legal status. At public service centers, instead of receiving support and care women are sometimes suggested that they should return to their home countries. When they have to seek help at the police station, they are often arrested for not having a valid visa. A Philippine woman with two babies who escaped from the violent husband and came to the police seeking help was arrested for violation of immigration laws instead of finding safety at the police station. The woman finally had to return to her violent husband for fear of arrest and deportation because of her illegal status. The usual excuse of the police is it is difficult to identify a migrant woman as a victim of domestic violence since interviewing is impossible due to language barrier."

This argument perhaps explains why only one of the 13 participants in the FMC focus group discussion called the police to ask for help. Table 6 below shows the common reactions of victims to domestic violence.

Table 6: Victims' First Reactions to DV

VICTIMS' REACTIONS TO DV	RANK	DV 1	DV 2	DV 3	DV 4	DV 5	DV 6	DV 7	DV 8	DV 9	DV 10	DV 11	DV 12	DV 13
Fought back	3		1				1				1	1		
Called the police	5									1				
Sought help from neighbor/friend/NGO	1	1		1	1	1				1	1			
Visited hospital														
Ran away	2					1				1	1	1		1
Filed for divorce	4		1				1					1		
Kept silent	2		1					1	1		1	1		
Others														

The Act on the Prevention of Spousal Violence and the Protection of Victims otherwise known as DV Prevention Act was promulgated on October 13, 2001. Its framework is to prevent domestic violence and protect victims by providing mechanisms to deal with spousal violence, provide notification, counseling, protection, and support for victim's self-reliance.

On April 1, 2002, a provision of the law creating Spousal Violence Counseling and Support Center took effect. The DV Prevention Act focuses mainly on supporting victims and providing them with protection through the Women's Counseling Offices and Spousal Violence Counseling and Support Centers located in every prefecture.

Another mechanism that can be used by victims of domestic violence is the right to seek protection from the court. A Protection order is in the provisions of the Anti Spousal Violence Law of Japan. The protection order is meant to protect victims against their perpetrators. There are five main types of protection order under the DV Prevention Act, namely:

- 1) Restraining order for the victim to force the husband or the perpetrator of violence to refrain from approaching the victim and from loitering around the vicinity of the victim's domicile and workplace for a period of six months;
- 2) Order to refrain from making any phone calls to the victim;
- 3) Restraining order concerning minor children or order to refrain from approaching the children and loitering around the vicinity of their school/s;
- 4) Restraining order concerning relatives of the victim or to refrain from approaching any relative of the victim and other persons with whom the victim has close relationship with and from loitering around the vicinity of their domicile and workplace;
- 5) Order to vacate premises or for the husband or the perpetrator of violence to leave the domicile that he shares with the victim for a period of two months.

The most recent amendment to the law on spousal violence is the establishment of Spousal Violence Counseling and Support Centers in every municipality around Japan. The main functions of these centers are as follows:

- 1) Consultations and referrals to other organizations providing consultations;
- 2) Counseling to victims;
- 3) Provide temporary protection to victims and accompanied family members;
- 4) Offer information and other forms of assistance to promote self-reliance of victims;
- 5) Offer information and assistance concerning the use of protection order system;
- 6) Offer information and other forms of assistance concerning the use of facilities where victims may live and receive protection.

The DV Prevention Act has put in place important mechanisms that may be helpful to victims of domestic violence. However, it may take time before these mechanisms can start to operate in full swing and provide concrete and meaningful services to victims.

Right now, most staff members of Support Centers are new and surprisingly have yet to shed off their own prejudices against the foreign migrant community, and in particular, marriage migrants who become victims of domestic violence. These support centers also need to employ translators because victims can express themselves more using their native tongue.

Mechanism on problems related to employment

On issues and problems related to work, Japan has a Labor Standard Law that guarantees fair and equal rights to foreign migrants, in general. In paper, the law recognizes the rights of foreign migrants regardless of gender, race, and even status of residence. Anyone can use these standards to settle any labor problem. Perhaps, this was true before the imposition of stricter immigration policies in Japan. In today's practice, however, provisions of the law hardly apply to undocumented migrants because once an undocumented migrant reports any labor dispute, immigration can easily track them down. Japan continues to clamp down on overstays. The Japanese government, in fact, has created inter-agency mechanisms to help track down undesirable aliens. Whereas before, the Labor Ministry only deals with labor, now information are shared by a cluster of agencies purportedly to make it easier for law enforcers to catch violators.

The Labor Standard Law created the Labor Standard Bureau to address labor-related issues and concerns. It has municipal, prefectural, and regional offices all over Japan. However, the Labor Standard Bureau operates merely as a conciliatory body and resolutions during conciliations are not legally binding. In fact, if someone files a complaint against an employer for any violation of the Labor Code, the Labor Standard Bureau cannot compel the employer in question to submit itself to conciliation. It could be a dead end right from the start.

Marriage migrants who often experience problems at the workplace have no recourse but to file a case through regular courts. This option is often viewed as “okane kakau” (expensive) and “jikan kakaru” (time consuming). Because of this, many resort to labor union arbitration.

Language difficulties and the lack of information are common problems faced by marriage migrants when they try to access mechanisms to resolve disputes at the workplace. Not all Labor Standard Bureaus have competent translators, if they have any. Particularly in areas sparsely populated by foreign migrants, the situation is worse. Barbara, a participant in the focus group discussion who lives in a small community about 8 hours by train from Nagoya said that their Labor Standard Bureau has no enough information written in English or any other foreign language. One time, she tried to help a fellow Filipina who wanted to file a complaint only to be discouraged because the bureau has nothing to offer her that she can fully understand. She decided to ask a labor union to represent her instead. Experiences like this add to the insecurities of marriage migrants when dealing with labor-related issues.

Domestic Violence

Domestic violence is prevalent in Japan, with the rate hitting a record high in 2009. In a news report (Deutsche Presse-Agentur, 2009), the National Police Agency has recorded 28,158 cases, an 11.7 increase since 2002. These cases included 552 assaults, 853 injuries and 44 murders or attempted murders. The news report did not indicate, however, if there are migrant women in the statistics.

Furthermore, the Gender Equality Bureau has conducted surveys on the issue of domestic violence since 2002 and they have found out that many of the victims of domestic violence choose not to report such cases. This is perhaps due to the fact that many Japanese people see violence as a domestic issue and not a direct affront on the rights of women.

With this information, one cannot discount the possibility of many women, particularly marriage migrants and those living in the rural areas, being subjected to domestic violence.

In a news article (UN News Centre, 2010), Jorge Bustamante, United Nations Special Rapporteur on the Human Rights of Migrants, made special mention in his report after a nine-day visit to Japan last March 2010 about the situation of marriage migrants as targets or victims of domestic violence and how the Japanese government should respond to this.

The Filipino Migrant Center (FMC) conducted a focus group discussion on the issue of domestic violence affecting marriage migrants in Japan. Although the participants of the FGD are mainly Filipino women who experienced domestic violence,

their collective experience somehow reflects that of other marriage migrants from other nationalities, especially those coming from other Asian countries.

During the focus group discussion, participants were asked about their actual experiences when they were married and decided to live in Japan. Majority of the participants said their inability to speak the language was a major problem. Not being able to communicate well was a source of stress for both husband and wife, especially in the early years of the marriage where both are still adjusting to each other. Two participants said that it was particularly stressful for them because they lived with the family of their husband. Those who were able to speak the language because they had been in Japan prior to marriage mentioned that speaking the Japanese language is one thing, but understanding the nuances of the language is another. Hence, the ability to speak and understand the language of the Japanese husband helps but does not necessarily deter violence at home.

The FMC focus group discussion on domestic violence reveals no particular pattern on when the violence actually started. Some of the participants said their relationship with their husband or partner was smooth and happy in the beginning, and it was only after several years of marriage or after having children when the first incidence of violence occurred. Other respondents said it was very soon after they got married like in the case of Zeny who said that her husband became violent only four days after she arrived from the Philippines. "I was already sleeping when he grabbed me by the neck and beat me up. I thought he was trying to kill me", Zeny said.

Other participants also shared their particular experience:

Ara: It was only a month after we got married when my husband hit me for the first time. I felt I was being used as a shock absorber because my Japanese husband would always quarrel with my in-laws about many things. It was occasional beatings coupled by the pressure to do many chores inside the house and in the family business. I thought I was more like a maid than a wife since my in-laws also had the liberty to demand things from me.

Gen: My Japanese husband and I decided to live-in together first, and we were okay then. The beating started after we got married. His attitude slowly changed. He would drink very often and when he is drunk, he would hit me and forced me to have sex. Moreover, whenever I refuse, he would hit me. The beating became constant as well as the cursing and shouting. He would not give me any money and would always threaten to call the police or immigration because I was an overstayer. He treated me like a toy. I think he loved his pets more than he loved me.

Annie: He became violent one year after the birth of my son. I think he was frustrated because we could not marry and the annulment of my first

marriage was taking so long. He would beat be occasionally and would curse me and prohibit me from going out of the house to see my sister and friends. He would constantly nag me about the money he spent for the annulment.

Rose: My husband is a drug addict. He would beat me every time I asked him to stop using drugs. He had acquired huge debt, which I think put tremendous pressure on him too. He would occasionally beat me and throw things at me. At one point it became unbearable so I left and ran away.

Erin: I went to the city hall to complain about my husband who threatened me that he will hire a Yakuza to kill me if I didn't follow him. He became physical to me after this. My husband has been restricting my movement since I came to Japan. He will not allow me to go out and mingle with Filipinos and even Japanese. He will not even allow me to get to the groceries or to call my mother in the Philippines. He is always jealous and possessive of me.

Maria: He would hit me every time I asked him to go and find work. He was very irresponsible and always dependent on his mother. By the time, we moved to our own apartment, the beating became more frequent. I had to find work myself to support our two children."

Jocy: "He started beating me one month after I came to Japan to live with him. I was already pregnant then but it did not matter to him. He treated me like a slave by forcing me to work all day just like a paid worker in his own company even just days after I had delivered our baby.

Mabby: My husband would strangle me, grab me by the hair and bang my head to the wall. He is very cruel to me from 2003 until I decided to run away.

Angie: My husband looked down on me. For one whole year of living with my husband, I probably took all kinds of beating, cursing, slapping, etc.

Jan: He forced me to have sex with another man and he seemed to enjoy watching it.

Marie: My husband was too jealous of my own family in the Philippines he didn't want me to connect with them anymore. It happened in 2006 and my first instinct was to run away.

According to FMC, there are many stresses associated with migration itself. This and other problems like language barrier, discrimination against racial minorities in Japan, unemployment, and crowded living conditions increase the chance that a Japanese husband will become abusive.

FMC also explains that residence status affects the lives of women who already face an enhanced risk of domestic violence from their partners. Often marriage migrants who do not have permanent residency do not have a sense of the social and legal realities of a highly bureaucratic state. Thus, victims of domestic violence worry about their status thinking that once they flee from an abusive husband, the latter can just report them to immigration authorities and put them on the next plane back to their home country. The Japanese husband is naturally more aware of the law and culture while the marriage migrant hardly speaks the language and often ignorant about the law.

DV victims complain that they suffer abuse not only from their husbands but also from their in-laws. Maria for example complained that her parents-in-law demanded too much from her to the point where she felt she is treated more like a housemaid than a daughter-in-law. She further said that each time she made a mistake, she would be cursed and reprimanded. And whenever she and her husband had a quarrel, both would openly side with her husband. She said she would nag her husband about finding their own apartment so that they can move out of his parent's house. However, this too had become an issue and cause of more frequent quarrels. However, others felt their parents-in-law were generally supportive and affectionate, but sometimes blame them whenever violence in the house erupts.

It is also important to know how DV victims respond to spousal violence. In an interview with counselors of KAFIN Migrant Center, they said that victims' responses to domestic violence vary. There are victims who would fight back at the first instance of violence, and there are those who would bear the violence and abuse for years in order to protect the family from breaking down.

According to Donna who has been a counselor with KAFIN since 2004, she had talked to some Filipina wives who did not allow their husbands lay hands on them. At the first sign of abuse, they immediately packed up and left their husbands. However, Donna said these Filipinas are more like the exceptions to the rule. According to her, the overwhelming majority of DV victims bear the abuse of their husbands for many reasons.

Dina, who has been with KAFIN for just over a year, said that most victims, particularly those new in Japan, were afraid to leave the house because they knew no one that can help them and without a job, they did not have money to live on their own. On the other hand, she said that those who have been in Japan longer and have jobs to support themselves were afraid to lose their visa, which usually happens when they decide to leave the house. This is true because the renewal of a spouse visa depends on a "guarantee letter" from the Japanese spouse.

The guarantee letter or the absence of it is also the reason why many victims are reluctant to file for a divorce. Dina said that most victims would endure years of violence and abuse from their Japanese husbands to preserve their legal status in Japan. The sad part is it takes many years before a foreign spouse of Japanese can become eligible for permanent residency. This is particularly true in the case of foreign spouses without children.

Surprisingly too, only one victim sought the help of the Philippine Consulate in Osaka. Traditionally, Filipino migrants who are experiencing problems whether related to their work or domestic problems seek help or protection from Philippine embassies and consulates abroad. In Japan, both the embassy in Tokyo and the Consulate in Osaka do not have adequate facilities (if there is any) or programs to meet the needs of domestic violence victims. Often, Filipinos complain about lack of information, distance of travel, indifference of staff members, among others, as reasons why they did not ask help, nor attempted to seek advice from these government mission offices.

The truth is many Filipinos in Japan complain about the indifference of staff and personnel in both mission offices. Records of complaints file up, according to Virgie Ishihara, Executive Director of the Filipino Migrant Center in Nagoya. Complaints range from lack of information, indifference by embassy or consulate personnel, heavy exactions on consular and other services rendered, neglect of Filipinos having labor-related problems, or victims of trafficking and spousal violence in Japan. Filipina DV victims are no exceptions. They hardly contact the embassy in Tokyo or the consulate in Osaka for various reasons. Here is what some of the respondents said about their experiences:

Ara: It is very difficult to contact their number. Consulate staff would sometimes yell at you. I felt if I ask help, they might scold me and give me different advice like what they did to people I know. They wanted to apply for their passport and they were advice to go to the police first (to report loss of (passport), but all of them were overstay. What if they get arrested?

Gen: I didn't know how to contact the Philippine Consulate. Instead, I contacted a lawyer (Atty. Kagiya), he referred me to FMC and now Kakekomi Aichi, and they were both very helpful.

Annie: No, I did not seek help from the Philippine embassy because I think we have much bigger problems in the Philippines that they have to take care of.

Rose: I contacted the Japanese government instead.

Erin: I went to the embassy to ask help because my husband kept on watching time, but I was only advised to go to the city hall. They did not give any real action.

Maria: No, because Fukuoka was too far and it was difficult to call. And if one calls, consulate staffs are often indifferent.

Jocy: I never thought of calling or asking help from the Philippine embassy.

Mabby: No, I did not ask or call because the phone is always busy and I don't think they have ever helped Filipinos in Japan.

Angie: No, because the Philippine Consulate is too far.

Jan: I called and asked help. The lawyer at the Philippine Consulate advised me to go back to my husband. He said I was lucky (he) did not ask for an Y5,000 (consultation fee).

Zeny: Yes, but I asked the help of an NGO instead and they were very helpful.

Len: They were reluctant to help and often indifferent to Filipinas like me. Maybe, they look down on us because we are just entertainers before.

Marie: No, I have no information on how to contact them.

Thus, we can say that the condition of Filipina wives of Japanese men and other foreign residents in Japan who experience domestic violence is one of heightened marginalization. They are the victims of violence and abuse yet their condition is often exacerbated by unfair and discriminatory policies of the State. A Filipina wife of a Japanese citizen without children can lose her spouse visa and risk deportation if she divorces her husband. Even if she does not file for divorce, she is ineligible to extend her spouse visa if she is found living separately from her Japanese husband.

This policy is grossly disadvantageous and unjust to foreign wives who are subjected to domestic violence since they face the prospect of not being able to renew their spouse visa, and risk deportation should they attempt to flee physical abuse.

According to Agalyn Nagase of KAFIN Migrant Center in Saitama, the key issue here is maintaining legal status so that women can have the ability to escape from an abusive situation and continue with their productive life in Japan. Nagase further said: "Having a legal status in Japan is a dream for many aspiring women from the Philippines who wish to work abroad. Japan has been a significant destination for its proximity and the potential income. Often, Filipina wives of Japanese men who are subjected to domestic violence do have the freedom of choice. Their stay in Japan is tied to their husband and attempts to get out of violent situations are like a life and death decision."

This reality is compounded by another reality that Filipina wives in Japan are socially isolated. Language barrier is a perennial problem. While many acquire the language after staying in Japan for some time, acquiring the confidence to speak, much less read in the local language is very difficult. This situation creates the feeling of isolation, which gets worst when husbands are not supportive.

In addition, marriage migrants whose dependency on marriage is high tend to experience more physical abuse from their husbands than women whose dependency

is low. If they are highly dependent on the marriage, they are unable to avoid or put an end to abuse than those in marriages where the balance of resources between husbands and wives is more-or-less equal. Dependent wives have fewer alternatives to marriage and fewer resources within the marriage with which to negotiate changes in their husbands' behavior. Thus, marital dependency reinforces the likelihood that women will tolerate physical abuse from their husbands.

When asked why it took them long to decide to leave their situation of violence, here are the response of some of the participants:

Gen: I was an overstayer. I had no visa and did not know what to do. I also had difficulty with the language although I have a sister who had been prodding me to leave my husband.

Annie: I ran away 3 times before but came back because I didn't have the courage to leave him...I didn't have money and job. I also didn't have a visa.

Maria: I endured five years living with an irresponsible husband. I suffered physical violence for most of the time we were together, but I managed to endure until I got my own job and saved enough money to leave for the Philippines with my two children.

Jocy: I was pregnant when I started having trouble with my Japanese husband. Then, when I had my child, he threatened to take her away from me if I divorce him. I could not bear it anymore that's why after two attempts of running away from him, I finally decided to file for a divorce through the help of FMC.

Many factors restrict marriage migrants who are DV victims from getting out of situations of violence. Lack of visa and fear of deportation, child custody, family support, language problem, lack of financial capacity, and fear of reprisal from abusive spouse are the most common reasons for their indecisiveness and apprehensions.

STRATEGIES AND RECOMMENDATIONS

The condition of marriage migrants in Japan paints a not so rosy picture as many might want to imagine. Huddled by numerous problems, marriage migrants are often at a loss figuring out where to go and what to do to find relief. There may be mechanisms in place that marriage migrants can utilize to ease their present burden, but without access, these mechanisms will be useless. Worse is when policies and programs for support and relief do not address the real causes of their problems, but rather contribute in heightening their marginalization in society.

Under this situation, marriage migrants can only rely on their own collective strength to uplift their condition and to reclaim their role in society. However, they must first recognize that as a woman, they are not powerless. They need to assert for their rights as individuals and collectively push for meaningful change within the larger community.

Marriage migrants in Japan need to organize themselves. They need to muster their own strength to push for immediate reforms in the legal framework of the host country that would address issues and concerns that directly affect them. They also need to create their own programs as alternative solutions to uplift their plight. Finally, they need to form alliances with other marriage migrant organizations and Japanese interest groups to raise their voice and to demand fair and just treatment in society.

Form Community-Based Groups

Marriage migrants need self-help mechanisms that would address their problems and issues in the community. Whether in the urban or rural communities, marriage migrants must form themselves into formal groups or loose networks to create programs that would cater to their own needs. Those in rural communities who have relatively fewer population of marriage migrants can form themselves into clusters of networks. This can serve as a basic mechanism for self-help projects that can address practical problems on residency, marriage and family, employment and other social concerns. It can also serve as a forum for exchange of information that is important, particularly to newcomers.

Multiply and Link Up with the Rest of the Community

Marriage migrants should expand their reach to nearby communities and broaden links with various interest and support groups around the community. Issues and problems faced by marriage migrants extend beyond individual households, and therefore, must be addressed utilizing available resources within the community. There are many non-governmental organizations formed by Japanese that can provide assistance and support almost every issue and concern. It is better to link up as an organization than as individuals. Based on experiences of existing formations of marriage migrants in Japan, linking up with other interest groups can help in reaching out with marriage migrants of different nationalities.

Join National and International Alliances

Issues and problems faced by marriage migrants in Japan are not isolated. Hence, in order to strengthen individual and collective power, alliances both in the national and international levels must be forged by marriage migrants themselves. Advocacy and lobby work can be done more effectively using these platforms. While some problems hounding marriage migrants in Japan can be resolved locally, major issues involving State policies, for example, can only be addressed nationally and internationally.

When all these are in place, marriage migrants in Japan may have a better chance of reclaiming their individual as well as collective power to uplift their plight and to change the imbalance in the social structures of their country of origin that pushes women to try their luck overseas; and the social and legal structures of Japan that separates women and men, and divides society by race.

CONCLUSION

The situation of marriage migrants in Japan is one of heightened marginalization often exacerbated and implicitly condoned by the State. This is very apparent in several rulings made by the State on a number of marriage and divorce cases where marriage migrants lost their residence status and custody of their children. These moves are grossly disadvantageous and unjust to marriage migrants, especially for those subjected to domestic violence since any attempt to flee physical abuse may result in the cancellation of their spouse visa and deportation.

The policy of issuing conditional visa and requiring a letter of guarantee to process one's visa is grossly unfair and used as a tool to further oppress marriage migrants who are already in disadvantaged condition at the very onset.

Not to mention labor problems, discrimination and social isolation to name a few, the burden faced by marriage migrants in Japan is astounding. Add to this are their struggle against language barriers and cultural differences that aggravate their condition, especially in rural communities where traditional Japanese customs and practices remain strong.

While there are few mechanisms in place to support marriage migrants, access to these remain problematic.

Addressing the problem of marriage migrants in Japan is an urgent call to both governments of Japan and Philippines, on the one hand, and the people in the community, including support NGOs and community-based formations of migrants, on the other. It is important that relevant, adequate, and effective measures be taken in order to address these issues and concerns before they get worse and in order to promote and protect the rights of individuals concerned.

Migration or the movement of natural persons is an inherent right of any individual, it is important that this be the choice of the individual and not forced by circumstances around her.

The following recommendations are being put forward to address issues and concerns of marriage migrants in Japan:

Social Measures

1. Efforts should be made to periodically study the condition of marriage migrants in Japan, to identify measures to resolve their situation and to reduce their vulnerabilities to various forms of abuse. Periodic studies must also be undertaken to monitor programs and other social mechanisms available to them.

2. Social programs must be made available especially to abused spouses regardless of their residence status, and whether or not they have children fathered by Japanese men. As women and as human beings, they have rights that should be guaranteed and protected at all times. To deprive them of means to survive and overcome abuse simply because they are out of status or without a child is a violation of that inherent right.

3. Organizations and networks of foreign migrants, in general, and women, in particular must be encouraged and supported. Programs that empower them at home, at the workplace and in the community must be put in place to shield them from domestic violence and other forms of racism, discrimination and abuse.

4. Mechanisms, including vital information and resources on issues and concerns that affect marriage migrants must be made available and accessible to them at all times.

5. Rescue Centers, not just counseling centers must be established and professionalized in every prefecture or municipality, 24 hours a day and 7 days a week to answer distress calls, rescue victims, and provide medical, legal and other services and assistance to victims.

6. Simplify bureaucratic procedures and ensure that programs and services at the local Spousal Violence Counseling and Support Centers are client-friendly to encourage more victims of domestic violence to come out and avail of its services. Make sure that language and translation assistance is always available to victims who are not able to communicate well in Japanese.

7. Periodic trainings, including value formations must be given to counselors, staff members and volunteers in Spousal Violence Counseling and Support Centers to make their work more effective in helping and supporting DV victims.

8. Provide funding for private shelters operated by NGOs involved in assisting victims of domestic violence. DV victims, particularly those without legal status are often reluctant to seek help from the local Spousal Violence Counseling and Support Centers for fear of deportation. Privately run shelters and halfway houses are positive alternatives that can work hand-in-hand with local agencies.

9. Governments of sending countries must create its own information, counseling, and rescue centers to help marriage migrants in distress, especially victims of domestic violence. It must build and operate its own facility to house/shelter victims.

Legal Measures

On residency rules

Amend the Immigration Control and Refugee Recognition Act to:

1) Grant residency visa, including permanent visa, to foreign spouses of Japanese citizens without the letter of guarantee currently required for the granting of such visas.

2) Grant residency visa, including permanent visa to non-married and non-custodial parent of a Japanese child under the same accelerated period and favorable conditions applicable to a spouse of a Japanese citizen. A non-Japanese parent without custodial rights to a Japanese child automatically loses the right to maintain contact with the child. Although non-Japanese parent involved in court proceedings can secure special permit to stay while court proceeding is ongoing, it is limited and has no absolute guarantee.

3) Abolish the “guarantee of sponsorship” rule as a requirement to apply for or extend foreign spouse visas. It is a tool utilized by abusive Japanese spouses to control and manipulate their non-Japanese spouses. This rule is grossly disadvantageous to foreign spouse of Japanese citizens, especially in domestic violence situations.

On domestic violence

Amend the Spousal Violence Law of 2001 to:

1) Criminalize spousal abuse and impose harsher penalties on violators. The current law lacks the necessary teeth to run after abusive husbands and partners, particularly Japanese men who often take advantage of their victims’ ignorance of the legal system and procedures in Japan to avoid prosecution. In many instances, abusive spouses even manage to turn the blame on the victims because the latter often have difficulty with the language.

2) Prosecute violators of spousal abuse not the victims, especially foreign spouses or partners of Japanese citizens who have no legal status of residence in Japan. Priority should be on the protection and support of victims, and the immigration status of the victim should not get in the way of this objective. Many victims of domestic violence are reluctant to report their case to the police or other government agencies for fear of arrest and deportation.

3) Define the role of police authorities in handling cases involving domestic violence. Give them the power to run after or arrest abusive spouses or partners.

4) Expand the issuance of Protection Order to include not just victims of physical abuse, but also those suffering from serious emotional and psychological abuse from

abusive spouses or partners. As can be gleaned from many previous studies on spousal violence, often the emotional and psychological violence of abusive spouse or partner leaves indelible marks on the victims. In addition, emotional and psychological violence could be as deadly and often the precursor of physical violence as shown by many previous cases of domestic violence.

5) Make basic plans for the implementation of policies and measures for the prevention of spousal violence and the protection of victim uniform to all prefectures in order to prevent discrimination and to ensure equal treatment of victims. As victims trying to flee from their abusive spouses or partners often have the tendency to move from one prefecture to another, it would benefit the victims if different prefectures subscribe to common plans of action and programs.

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Hong Kong

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INTRODUCTION

Overview of the Marriage Migrants Situation in Hong Kong

The Government of the Hong Kong Special Administrative Region reported that Hong Kong has a population of seven million, 95% of whom are comprised of Chinese descent and the remaining 5% of foreign nationalities. Of the foreign nationalities, the significant groups are Indonesians with a population of 141,012, and Filipinos with a population of 138,372 (HK Government, 2009). The Asia Pacific Mission for Migrants (APMM) estimated that 120,000 of the Filipino population in Hong Kong are domestic workers. It furthered that most of the Filipino and Indonesian population in Hong Kong are females and domestic workers. According to the 2006 Constitutional & Mainland Affairs Bureau (HK Government, 2009), the other minority groups are Caucasians (36,384), Indians (20,444), Nepalese (15,950), Japanese (13,189) and Thai (11,900). The population of Mainland Chinese women is unclear, however. According to a CNN news article (Lau, 2009), more than 518,000 mainland Chinese, many of whom are wives and children, have migrated to Hong Kong since the 1997 handover. In addition, according to the Hong Kong Census and Statistics Department (2007), 35% of marriages registered in Hong Kong involve a spouse from Mainland China. It also reported that in 2006 there were 34,500 registered Hong Kong men married to Mainland Chinese wives. Other figures, according to community organizer Sze Lai Shan, show that 20,000 marriages between Hong Kong men and Mainland Chinese women happen every year.

There are more marriages involving a spouse from Mainland China than those involving two local Hong Kong people. Of the approximately 50,000 marriages in 2005, more than half involves a spouse from Mainland China. (Census and Statistics Department or CSD, 2007)

Since 1995, the People's Republic of China (PRC) and Hong Kong SAR governments have allowed 55,000 mainland Chinese to immigrate to HK legally each year. Of these, 98% came to Hong Kong for the purpose of family reunion, and the majority (over 85%) is composed of wives and non-adult children of local HK men (Newendorp, 2008).

Migration in Hong Kong, as in many countries, is in part responsible for the economic growth of Hong Kong. According to the Report of the Task Force on Population Policy (2003), the new arrivals, who are primarily children and Mainland Chinese spouses, provide a good source of human labor for the territory.

Only after ten years of the handover to China, Hong Kong is already one of the world's leading economies largely due to its international business, trade and financial industry. Hong Kong has a GDP of \$215.2 billion, a per capita GDP of \$30, 840 and it is ranked in fortieth place in purchasing power following Switzerland (Central Intelligence

Agency, 2008). Purchasing power is a preferred determinant by most economists to estimate per-capita welfare using the U.S. dollar value.

Nonetheless, Hong Kong did not thrive economically until after the industrial boom in the 1970's with the crucial help of migrant workers who provided cheap labor (Law and Lee, 2006: 235). As mentioned before, 95 percent of the current population in Hong Kong is of Chinese descent. The reason is due to the proximity of the borders and the numerous waves of refugees from China fleeing from war or migrants seeking better opportunities (ibid, 219). Prior to 1949 the movement of people was not controlled by the colonial government or by the Chinese government (Lee, 2007). Therefore, whenever political or social turmoil occurred in China, groups of Chinese people would freely move to Hong Kong and back, as the unrest in China stabilized (Law and Lee, 2006: 219).

The first mass of refugees to Hong Kong was in the early 1850s caused by the Taiping revolt. The second mass took place during the 1911 Revolution and the third occurred in 1938 when the Japanese attacked the province Guangdong (ibid: 219). Also, a large portion of the immigration to Hong Kong was due to the labor-intensive industrialization which predominately brought mainland Chinese men to meet the needs of the labor demand.

This created an even further imbalance between the male and female ratio in the 1970s (Lee, 2007: 847). For example, in 1971 there were 20,436 more men than women within the age group of 25-29 and in 1976 there were 24,980 more men than women within the same age group (CSD, 2007).

According to Law and Lee (2006), by 1953 the Hong Kong population has reached 2,050,000 compared to 600,000 in 1945, and 1,168,000 in 1946. They further explained how Hong Kong experienced a profound scarcity of food, housing and other vital necessities due to the sudden drastic increase of population. Moreover, the government responded by creating the Immigration Control Ordinance of 1949 which enforced restrictions upon entry to Hong Kong. The new ordinance required entrants to provide valid documents, criminalized those without proper documentation and gave law officers the power to use discretion with the new law. Also, the Registration of Persons Ordinance of 1949 mandated all residents of Hong Kong to register, exempting visitors and children under 12 years old. The new registration system also introduced the use of identity cards for all adults residing in Hong Kong. Law and Lee further argue that the new policies did not succeed in reducing the flood of immigrants from China, given that the Chinese government did not provide restrictions on their end.

On the other hand, the influx of non-Chinese immigrants, such as those from Philippines, Indonesia, and Taiwan did not begin until the 1970s (O'Neil, 2004). During this time, globalization led Hong Kong to move their labor intensive force to China, benefiting from cheaper labor costs (Schenk, 2008). This was the beginning of Hong Kong's economic transformation from a manufacturing to a service oriented economy. According to Catherine Schenk (2008), the unemployment rate did not suffer

due to the simultaneous rise in the financial service sector. Furthermore, this was partly in result of the Open Door Policy of the People's Republic of China. She explained that Hong Kong became the primary provider of commercial and financial services to China, marking a new era for Hong Kong's economy. This also increased the opportunities for interaction between the Mainland China and Hong Kong economies with regard to overseas investment (Kam, 2008).

It was during the same period that the Philippine government began to encourage labor migration among its population as a means to deal with a massive shortage of jobs. For example, Filipino young workers were 'exported' through temporary work contracts to the Middle East during rising oil prices (O'Neil, 2004). In Hong Kong, as the education and economic status improved, both husband and wife began to bring two forms of income, making it a need but also allowing them to afford hiring a domestic worker. It was at this point that the 'importation' of domestic workers began in Hong Kong. As we can see, the 1970s were a pivotal point for Hong Kong's immigration history. Hong Kong became a home for many domestic workers from the Philippines Indonesia, Thailand, Sri Lanka and Nepal (Mission for Migrant Workers, 2008).

It is therefore important to acknowledge Hong Kong's large migrant population and their contribution to Hong Kong's economy in order to understand the flaws of the immigration policies. Hong Kong's immigration policy stresses their rejection of anyone who is an economic burden but we argue that the Hong Kong government disregarded the help brought in by the migrant population. Furthermore, the government fails to create policies that integrate marriage migrants, who are the pillars of tomorrow's society.

Methodology

Given the lack of available information in Hong Kong about Hong Kong immigration policies, most of the research and findings primarily evolved from interviews with marriage migrants who live in Hong Kong in addition to interviews made with professors, attorneys and other professionals with related knowledge.

The original design to interview urban and rural marriage migrants was not followed in Hong Kong. Instead, the interviewees were categorized into Mainland Chinese wives and Non-Chinese marriage migrants. Locating the Mainland Chinese wives was done through the help of Jackie Hung who is active in the Right of Abode movement. Non-Chinese marriage migrant interviewees were referred by leaders of the local Asian Migrants Coordinating Body (AMCB), an alliance of grassroots migrant organizations from Indonesia, Thailand, Sri Lanka, Nepal and the Philippines.

Getting interviewees for both categories posed many challenges. For the Mainland Chinese wives, they could not speak English so there was a need to have an interpreter available on the scheduled date. For the non-Chinese, those who were willing to participate in the research found difficulty in taking time out from their jobs. In order to obtain an interview, the researchers needed to go to the place of work of most interviewees. This

situation necessitated an adjustment in the guidelines of the questions for the focus group discussions (FGDs).

All in all, the interviews consisted of six Filipina, one Nepali, four Indonesian and three Mainland Chinese marriage migrants. All interviews with the marriage migrants were confidential; the full names of the interviewees are withheld by mutual agreement.

Only one victim of violence, an Indonesian marriage migrant, was willing to be interviewed. Attempts were made to interview Mainland Chinese wives who at first agreed but backed out at the scheduled date of interview because they claimed that they were afraid that their status might be revealed since they are illegal residents.

Interviews with professionals on the topic include the following: Leung Hon Chu, PhD, Sociology Professor at Hong Kong Baptist University; Peter Barnes, Human Rights Attorney at Barnes & Daly in Hong Kong; Sze Lai Sha, Community Organizer at Society for Community Organization (SOCO); Jackie Hung, Project Officer at Justice and Peace Commission of the Hong Kong Catholic Diocese; Tsoi Ngan Ling Fifi, supervisor of Harmony House, and staff from Asian Pacific Mission for Migrants.

STATE POLICIES AND PROGRAMS

Population Policy

The Task Force on Population Policy was established in 2003 by Chief Secretary for Administration Henry Tang-Ying Yen. The population policy was set up to "... identify the major challenges to Hong Kong arising from its demographic trends and characteristics... [and] recommend a set of coherent policy initiative which the administration can explore (Task Force on Population Policy, 2003: 43)." In addition, the "key objective of Hong Kong's population policy is to secure and nurture a population which sustains our development as a knowledge-based economy (ibid: j)."

The population policy further reports that "Hong Kong's total fertility rate reached an extremely low level of 927 children per 1000 women, well below the replacement level of 2100 children per 1000 women (ibid: v)." In addition, Hong Kong's population is aging, with 25 percent of total population to be sixty-five years or older by 2031. The report warns about the rise of population aging due to not only low fertility rate, but also low mortality rates. The Census and Statistics Department's population projections estimate more deaths than births each year beginning in 2023. The task force fears for a "negative natural increase and de-population would arise if there were no net inward migration (ibid: ii)."

On the other hand, the report claims that the inflow of 'new arrivals' (migrants) from Mainland China is responsible for 93% of the population growth. By 2001, Mainland new arrivals already made up 11% of the total population or 720,000, who were admitted through the One Way Permit (OWP). Most were Mainland Chinese spouses and Right of Abode (ROA) children. According to the report, "the adult new arrivals were generally not well educated and possessed little working experience... (ibid:

3)” However, the report acknowledges the importance of the new arrivals as a “steady supply to the labor force, contributing to some 30% of the annual growth between end-1999 and end-2001 (ibid: ii-iii).”

Unfortunately, their acknowledgement is very limited. The report states that “for the admission of foreign professionals, there are no quota or job sector restrictions. Successful applicants are allowed to bring along their dependants. Admissions schemes for Mainlanders are more restrictive (ibid: 3).” Nevertheless, there is no explanation for the differentiation in restrictive measures for Mainland Chinese people. The report clearly acknowledges their discriminatory behavior but lacks to give an explanation for such inequitable policy towards those who are from the same “one country, two systems”. The Population Policy is not only discriminatory but also contradictory. The policy acknowledges the importance of new arrivals from Mainland China to the economy of Hong Kong and their large population presence in Hong Kong. However, its recommendations ultimately, want to “...reduce[ing] the quota at some stage when the demand falls...” from the current daily 150-OWP (ibid: ix).

Further contradictions give way in their reports of economic problems due to an aging society and de-population. According to the population policy called Concerns and Challenges, the accelerated increase of an aging population will cause a major economic problem due to the increase in social security expenditure by the government (ibid: 62). In addition, the report states, the lack of a younger population will lead to a “...prolonged period of slower economic growth, frustrated expectations and declining competitiveness.... (ibid: v)”

The population policy disintegrates families and causes further economical, social and psychological problems among marriage migrants and their families. According to Sze Lai Shan, community organizer of Society for Community Organization (SOCO) in Hong Kong, fathers are sometimes forced to quit their jobs to care for their children since the mother is only allowed to stay for four months at a time. She continues, “Children need their mothers to take care of them.” So why can’t the children remain with their mothers in Mainland China? This leads to another contradictory issue between Hong Kong and Mainland Chinese policies. Mainland China has a one-child policy while Hong Kong does not. On the contrary, Hong Kong promotes three children per family to deal with the low fertility rate. However, Mainland China will penalize their citizens for having a second child. The penalty is very expensive and varies depending on the province. Consequently, mothers are forced to leave the second child with the father in Hong Kong.

According to Sze Lai Shan, “the population policy is only concerned on how to restrict welfare.” The immigration policy is a discretionary policy which may change at any time. The daily quota is currently 150 per day but if the government decides that they need a larger or lesser migrant population based on their ‘supply and demand’ they may increase or decrease the daily quota at any given time. The population policy lacks human value as a characteristic within their key objectives. The Population Policy is more like a ‘Selective- Population Policy’.

Residency Rules and Policies

After the 1997 handover to China, Hong Kong became part of “One Country, Two Systems” and also known as Hong Kong Special Administration of the Region of the PRC. As such, it is interrelated with Mainland China’s politics, economy and law. The “one country, two systems” rule can become unclear with continuous legal battles, often with regards to immigration policies. One example is Article 22, section 4, which states:

For entry into the Hong Kong Special Administration Region, people from other parts of China must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People’s Government after consulting the government region.

As one can see, the PRC government has significant authority over who enters Hong Kong. Moreover, Article 24, (2) (3) of the Basic Law of Hong Kong stipulates that “Persons of Chinese nationality born outside Hong Kong of those residents listed in categories (1) and (2) are permanent residents and have right of abode (ROA).”¹

When the Basic Law came into effect after the British handover of Hong Kong to Mainland China, thousands of “mainland China-born children of Hong Kong SAR permanent residents” waited in the Immigration Office demanding their Right of Abode (or ROA) permit, as stated in the Basic Law Article 24 (2) (3). This became a large and extended debate from the day of the handover, July 1, 1997, until today (Kam, 2004).

The legal dispute began with the cases of Ng Ka Ling and Chan Kam Nga, who were used as test cases as solution to thousands of similar cases pending (ibid). The debate rested on the question of whether the right of abode applied to children (1) who were born out of wedlock; and (2) if the child’s parent had to be a Hong Kong permanent resident at the time the child was born. The Hong Kong government feared the massive influx of ROA seekers. Therefore on July 1997 it established ordinance no. 2 and ordinance no. 3 as restriction measures. Ordinance no. 2 established that at least one parent had to have permanent residency at time of the child’s birth. Also, the ordinance required that those seeking ROA through the father’s Hong Kong permanent residency must be born from a marriage. Ordinance No. 3 established an administrative system that requires mainland residents seeking ROA via their parents must apply for a “certificate of entitlement”. In addition, claimants must apply for a one-way exit permit through Mainland China authorities (ibid).

¹ Section 1) refers to Chinese citizens born in HK and section 2) refers to Chinese citizens who have resided in HK for a continuous period of 7 years or more, *The Hong Kong Government SAR of the Peoples Republic of China, “The Basic Law of the Hong Kong Government SAR of the Peoples Republic of China”, <http://www.basiclaw.gov.hk/en/basiclawtext/index.html> (accessed July 12, 2009)*

On January 29, 1999 the CFA (Court of Final Appeal) concluded that an unrestricted right of abode “enabl[es] the child to be with the parent [in HKSAR], thereby securing the unity of family” (ibid). Therefore, CFA rejected no.2 ordinance and held that the restriction of the ROA children born outside of marriage (no.2 ordinance) violated the Basic Law. Further, it declared that the no.2 ordinance has in fact discriminated against legitimate and illegitimate children and did not follow the Basic Law. The CFA also declared as an unconstitutional restriction the no. 2 ordinance’s restriction of the ROA only to children whose parents had already been granted permanent residency.

The court rulings resulted in mixed reactions. For many, the court decision meant family unity but for others such as Hong Kong citizens and the government, it meant fear of economic downfall. The HK government produced ‘questionable’ figures that estimated an influx of 1.61 million prospective ROA seekers (Hung, 2008). Furthermore, the government estimated an additional HK\$91 billion needed to provide education, health services, transportation, employment and welfare services for the coming ROA seekers (Kam, 2004). The HK SAR, however failed to include in their figures the benefits that would arise from the expenditures, such as increase in employment and a growth in youth population.

On February 12, 1999, the Chief Executive of Hong Kong sought the help of the Standing Committee of the National’s Peoples Court (SCNPC) for their interpretation of the Basic Law with regards to Article 24 (ibid). On June 26, 1999, the SCNPC overturned the rulings of the CFA and reinstated no. 2 ordinance in respect to the ROA, only for Mainland China-born children born after the parent has been granted permanent residency status in Hong Kong (ibid). However, the SCNPC agreed that the ROA only extends to children born out of marriage.

Although, Article 24 is not directly related to Mainland Chinese spouses, it is an article that leads to the re-interpretation of the Basic Law by the NPC, setting precedence for further opposition of migration by the Mainland Chinese Government and the Hong Kong SAR. Furthermore, it is a perfect example of the PRC’s power over the judiciary system in Hong Kong and questions the judicial independence of the CFA. The Basic Law is a new constitution that needs to be continuously adjusted to the changing dynamics of the region under ‘One Country, Two Systems’. Therefore, it is important to acknowledge the fundamental flaws of their law from which immigration policies are rooted in.

Further, problems erupt from immigration policies requiring Mainland Chinese wives who give birth in Mainland China to wait five years before they are issued a dependent visa status. These problems not only affect the women but also their children and other family members. In some circumstances, if the woman happens to be in Hong Kong during the two-way temporary stay, she may give birth in Hong Kong. However, after three months, the wife must go back to mainland China and apply for an extension or a re-issue of the two-way permit. In sum, these immigration policies result in brothers and sisters having different citizenships and therefore, become separated. Mothers are forced to return to Mainland China and the fathers along with the children “lucky”

enough to have been born in Hong Kong, stay in Hong Kong. Family unity should be protected under the Basic Law without any discriminatory conditions attached. Instead, the Hong Kong government established a Task Force on Population Policy which seeks to artificially engineer a ‘knowledge based population’ and sets aside the importance of civic rights.²

The Right of Abode

Since Hong Kong has never been an independent nation, there is no provision for its own citizenship status. Right of Abode is therefore a separate, but a related concept referring to the right to legally reside in the territory. Hong Kong Permanent Resident is the legal status for those who have the right of abode in Hong Kong. The rights to vote and the eligibility to hold an HK SAR passport are some of the extensions to the Hong Kong Permanent Resident status.

The terms “nationality” and “citizenship” have more or less the same meaning for legal purposes, according to the Hong Kong SAR Basic Law. The Nationality Law of the People’s Republic of China uses the term “Chinese national”, whereas the Hong Kong SAR’s Immigration Ordinance (Cap. 115 of the Laws of Hong Kong) uses the term “Chinese citizen”. For purpose of clarity, the term “Chinese citizen” will be used to refer to people of Chinese descent living in Hong Kong.

Under the Basic Law of the Hong Kong SAR, only Chinese citizens who are permanent residents of Hong Kong can hold senior posts, such as Chief Executive or senior government officer. Only they are entitled to apply for Hong Kong SAR passports and “home return permits” for travel to Mainland China.

Voting rights in Hong Kong are not derived from citizenship. According to section 27 of the Legislative Council Ordinance (Cap. 542 of the Laws of Hong Kong), any person who is a permanent resident of Hong Kong is eligible to register as an elector for a constituency. In other words, foreigners who are Hong Kong permanent residents are entitled to the same voting rights as Chinese citizens in Hong Kong.

Successful applicants for naturalization are entitled to the same rights as persons who acquired Chinese nationality at birth. In Mainland China, foreigners are required by article 8 of the Nationality Law of the PRC to renounce their original nationality on acquiring Chinese citizenship.

Article 7 of the Basic Law stipulates that foreign nationals or stateless persons who are willing to abide by China’s Constitution and laws and who meet one of the following conditions may be naturalized upon approval of their applications:

² Knowledge based population refers a population group who has a high education background, specific talent(s) or skills. The Hong Kong Special Administrative Region Government, “The Report of the Task Force on Population Policy,” *The Hong Kong Special Administrative Region Government, 2003, p38-39* http://www.info.gov.hk/info/population/eng/pdf/report_eng.pdf (accessed July 19, 2009).

- (1) they are near relatives of Chinese nationals;
- (2) they have settled in China; or
- (3) they have other legitimate reasons.

Article 8 states that any person who applies for naturalization as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalization as a Chinese national has been approved shall not retain foreign nationality.

The immigration policy in Hong Kong is constantly changing, making it very difficult to keep up with their 'discretionary laws'. It is important to clarify the distinction between the immigration policy for mainland Chinese and non-Chinese women, as they apply differently.

Policy for Non-Chinese Marriage Migrants

Legal rights in Hong Kong stem from the legal statuses of Chinese citizenship and Hong Kong permanent residence. They do not depend on race. Persons who are not of Chinese ethnicity may qualify for permanent residence in Hong Kong and can also apply to be naturalized as Chinese citizens. If they are successful, they will acquire the same legal rights in Hong Kong as locally born Chinese persons (Community Legal Information Centre or CLIC, 2007).

Non-Chinese residents, regardless of their residency status in Hong Kong, can only obtain a passport from their country of nationality but would need a visa to enter Mainland China. For non-Chinese spouses, the process to apply for legal status begins with a visa application called 'dependant application'. For example, if a Filipina woman marries a Hong Kong man, she can receive her dependant visa within approximately two weeks after submitting all the required documentation and if the application is approved.³ However, the Hong Kong husband must prove that he is capable of financially supporting her. With this, he needs to present together with other requirements a copy of proof of the sponsor's financial standing, such as bank statements, tax receipts, salary receipts, etc., and his accommodation, such as rental receipts and proof of address (Immigration Department, 2009). On the other hand, Mainland Chinese spouses do not have a financial requirement as part of the application.⁴

Non-Chinese marriage migrants can begin to work immediately after they receive their visa.⁵ According to Beth, a Filipino marriage migrant, this is the process she went through: she first applied for a 'dependent visa' accompanied by her husband. This visa is valid only for one year. After the first year, she applied for an extension, which was valid

³ *Interview with Non-Chinese Filipina Marriage Migrant #1, July 10, 2009*

⁴ *Sze Lai Sha, interview by author, Hong Kong, July 20, 2009*

⁵ *Immigration Official, phone inquiry with inquiry hotline Immigration Department, Hong Kong, July 22, 2009*

for three years. She added that one has to be a dependant of her husband for seven years before she is allowed to apply for the permanent residency.⁶

Application for dependant visa is also explained in the Immigration Department's Guidebook for Entry for Residence as Dependants in Hong Kong.

All applications for visa extensions require the wife and husband to be interviewed by the Immigration Department. In other words, the husband must accompany the spouse and be in good terms with the wife. If the husband chooses not to cooperate with the interview, the wife will be denied the visa extension and the permanent residency. Beth explained, "Your husband can easily cut your visa and sometimes the husbands will use the visa application to threaten and control you. You can't fight with your husband because he can just go to immigration and cut the visa application." She is in constant fear and feels dependent on her husband to have a 'permanent' legal status in Hong Kong.

Nevertheless, the immigration policy was not always so stringent. For example, in the 1970s-1980s immigration was very open, according to Dina, a Filipina marriage migrant. She was married to a Hong Kong resident in 1981 and after holding a three year visa, she was able to apply for a visa with unconditional stay. According to her, she continuously worked even after being married and now owns her own business, speaks Cantonese fluently and supports her four children. For her, the integration seems to have been a good experience, given that she became a permanent resident within three years of residing in Hong Kong.

The following interviews of other non-Chinese marriage migrants confirm similar stories on the process and procedure of applying for dependant visa. The length of period of waiting depended on their compliance of the documents required by the immigration department:

Josephine, 33 years old, was a former domestic helper who met her Chinese husband through the recommendation of her friends. On her first application for a dependant visa in February 2008, Josie underwent a rigid interview at the Immigration Department on details of her meeting her husband. Her husband was interviewed separately and turned out that their responses consistently jibed together.

In addition, Josephine was asked to submit photos of the couple and both were again asked to confirm separately what the occasion was and other details of the occasion. For instance, on their wedding day, each of them was asked who the guests were and what color the guests wore. Also, Josephine was asked about the plate number of the van used by her husband. She admitted that she could not remember but she was able to describe the color and the other things about the van. She passed the interview.

⁶ *The Immigration Department does not offer information to the public on the specifics of dependant visa application, therefore personal testimonies were used.*

After she passed the first dependant visa application, she was given a temporary visa. On her next application, she encountered no problem and was given more than two years due to the expiration of her passport. She said that there is really no problem applying for a dependant visa at the immigration department as long as the requirements are fulfilled.

Anna did not find any difficulty in applying for a dependant visa. On her first application, she was given one year but on her next application she was already given three years. A former domestic helper, 30-year old Anna, is an Indonesian who also met her husband by way of introduction from friends. Now a manager of an employment agency for domestic helpers, Anna said that her husband has been supportive in fulfilling the requirements. They have only one child who is under the care of her in-laws.

Yuni, another Indonesian marriage migrant, 31 years of age, is now a media person and marketing manager of a media company. She had no problems at the immigration. She only had to submit all the requirements and passed the interview. She has the full support of her husband especially now that she has developed new skills.

According to her, she had friends who entered into commercial marriage with Chinese locals and were found out by the immigration and they were deported later on. Commercial marriage, according to her, happens when a foreigner pays a local broker a certain fee in order to find a partner and arrange the marriage. Usually, the fee depends on the broker. After the marriage, the couple would go their separate ways although they establish a common address arranged by the broker. Those who got caught in this scheme were either reported by fellow migrants or were randomly checked by the authorities.

Kumari, a Nepali Hong Kong resident, married a Chinese local whom she met in her line of work which is interior house construction. She said she does not mind doing manual work like carrying loads of cement and other materials needed in reconstructing a flat in Hong Kong. When there is no job available here, she and her husband would find construction jobs in Macau or China.

Applying for a dependant status proved to be the toughest experience ever for Meijul, a Filipino marriage migrant. Three years with her employer as a domestic helper, she suddenly found herself jobless and given 14 days to stay in Hong Kong. On the last day of her visa, her Chinese boyfriend offered to marry her so they applied for a marriage license at the Hong Kong registry.

The Immigration Department denied her application for an extension of stay despite the application for marriage. Accompanied by her fiancé, Meijul exited to Macau. On her return to Hong Kong, she was held at the immigration office and interrogated about the true nature of her relationship with her HK fiancé. With the support of her would-be husband, she proved to the immigration officer that hers was not a marriage of convenience.

Finally, after the wedding, she applied for a dependant visa. One day she got a surprise visit from the immigration officers who checked the validity of her marriage.

“What did you eat for dinner last night?” the officer asked. Then inside the bathroom, she was asked which one was her toothbrush. Later the same questions were asked from her husband. It took three months before she was informed that her application has been approved and was given one year visa. After this, she was given three years without difficulty. Now she is waiting for the last two years of her dependant visa.

According to Meijul, finding employment was never a problem for her as long as she was not picky with the jobs available. As to her relationship with her in-laws, at first she had a tough time also but after she gave birth to her daughter, everything changed.

Policy for Mainland Chinese Marriage Migrants

The case of King Lau (APMM, 2009) is a great example which illustrates both the cruel policies of the Hong Kong Government and the power of the community who fought for the rights of King Lau and her children. King Lau was left to care for herself and her sister after her mother abandoned them and her father passed away.

When King was working at a factory in the Canton Province at age 17, she was introduced to a Hong Kong man who was in his forties and was looking for a wife. After living together for ten years, they legally married in Hong Kong in 2007. Unfortunately, her husband unexpectedly passed away only two months after the marriage. At this moment, King had one child who was seven years old and a new born child. The first child was able to secure a DNA test in 2005, when he was admitted to school in Hong Kong. However, the second child did not and therefore was considered a tourist in Hong Kong and had no rights as a ROA child. King was under the Temporary Work Permit (TWP) and had neither the right to a continuous reissuance of the TWP nor to apply for the One Way Permit (OWP) since her husband had passed away. She found herself alone as her husband’s family turned their back on her. She was unable to either work or receive welfare services in Hong Kong. The Immigration Department refused to help her and instructed her to seek assistance in Mainland China.

Fortunately, she sought the help of Caritas Centre in Hong Kong who helped her through the process. Also, her case caught the attention of the Justice and Peace Commission who advocated for her right to remain in Hong Kong. After many visits to the Immigration Department, protests, letters sent to the Security Bureau and Immigration Department, and after many tears, she was granted the permanent residency for her and her youngest child by the Mainland China authorities.⁷ She was given no explanation and when she asked, “why did you grant me the visa?” the mainland authorities said, “Don’t ask, just take it.”⁸

For mainland Chinese women, the process is more complicated. If a mainland Chinese woman marries a Hong Kong man she must apply for an OWP which is controlled by a daily quota. However, she will not be allowed entry into Hong Kong

⁷ Jackie Hung, *interview by author, Hong Kong*

⁸ *Ibid.*

immediately; the wait time is approximately four years. There is a daily quota of 150 people allowed per day from Mainland China into Hong Kong. In addition, the daily quota is dependent upon an exit visa granted by the Mainland Chinese authorities.⁹ In other words, an OWP cannot be given without an exit visa. Furthermore, Mainland China ultimately decides who can enter Hong Kong under the OWP scheme. As stated by the Secretary for Security, Mr. Ambrose S K Lee, “Under existing arrangements, the authority to approve applications for On-way Permits (OWP) is vested with Mainland authorities” (HK Government, 2003).

The daily quota is broken down between the following categories: a) spouses, b) children with right of abode, 3) persons who need to care for their parents in Hong Kong, among other groups (ibid). 90% of the OWPs, however, is given to groups a) and b), as of 2003 (ibid). According to Associate Professor Leung Hon Chu, the wait time to receive an OWP may be anywhere between four-to-five years before they are allowed to stay in Hong Kong, especially if the applicant entered and stayed in HK for more than seven days. In the meantime, the spouse may apply for a two-way permit (TWP) which allows her to enter Hong Kong for a period of three months at a time.¹⁰ She must then return to Mainland China and wait for a couple of weeks and re-apply to re-enter Hong Kong.¹¹ The fee for the application varies but according to Sze Lai Sha it is approximately \$300 HKD each time they apply for re-entry under the TWP. This will be the continuous cycle until one is granted the OWP for which may take four-to-five years. Jackie Hung explains that after receiving the OWP, one may enter Hong Kong but will not be granted permanent residency until she has lived in Hong Kong (and remained married) for an additional seven years. In addition, she may work or attend school but only after she has received her OWP. However she may neither receive welfare services nor public housing until she has received the permanent residency. In sum, eleven years must pass before permanent residency is granted and she may receive any social services. However, in some cases marriage migrants from Mainland China wait a much longer period.

ECONOMIC AND SOCIO-CULTURAL CONDITIONS

Marriage and Family

One of the main problems that arise from the quota system is an unreasonably long separation between families. Often, the children have a right of abode (ROA) to live in Hong Kong but the mother does not, leaving the mother in Mainland China and the father and children in Hong Kong. In cases where the mother is granted a TWP, she may only visit the family periodically for three months at a time. In some cases, the wife must travel to far away provinces which may be costly and dangerous.

⁹ *Melville Boase, interview, Hong Kong, July 23, 2008.*

¹⁰ *Jackie Hung, interview, Hong Kong, June 22, 2009.*

¹¹ *Ibid.*

Mainland Chinese women not only have to suffer from family separation but also from the excessive discriminatory charges by the public hospitals.

According to Jackie Hung, in the case of divorce, abandonment by the husband or death of the husband, the law denies the continuance of the visa or permanent residence application. The immigration department does not see a need to grant the OWP or permanent residency to a spouse whose husband has abandoned her and the children, has died or there has been a divorce.¹² In some cases, the immigration will use their discretion in the case of death and may grant permanent residency in a high profile case.¹³

So (2003: 12) detailed this in his article: *“The governments of mainland China and Hong Kong have worked together to discourage cross-border marriages through the enactment of harsh immigration laws. Mainland spouses and their children may need to wait more than ten years to be granted the one-way permit to come to HK for a family reunion and family members seldom receive these one way permits all at the same time. Still, by the 1990s, as a result of an increase of quotas for one-way permits and the priority given to children and spouses, more and more new arrivals were either children or spouses of HK residents.”*

He furthered that migration policies on both sides of the border do not treat the family as a unit. Thus, if the mother’s one-way permit is issued first, she has to leave her children behind in Mainland China when she moves to join her husband in Hong Kong. If a child’s one-way permit is issued first, the child has to leave his/her mother and siblings behind in Mainland China. These immigration stipulations leave families “incomplete” and give rise to tensions within the families.

So defined three types of cross-border families: (1) split families in which the husband lives in HK and the wife remains a mainland resident; (2) binational families in which the wife lives together with her husband in HK but with no status. She either visits him temporarily using two-way permit, “overstays” in HK after the expiration date of her permit, or simply enters HK illegally; and 3) legally reunited families in which the wife is a HK resident and lives together with her husband in HK.

More elaborately, he discussed that in a split family, when a child joins the father in HK but the mother and siblings stay behind on the mainland, the father has to take care of nurturing, disciplining, and providing for the child. This puts a strain on family income because the father has to take care of two family units: one in HK and the other across the border. In a binational family, when a wife illegally or temporarily joins her husband in HK, leaving one or more children behind, she is not permitted to work. She is completely dependent on her husband’s income, has to take care of all the household chores, and cares for the children they have with them in HK. Finally, in the case of a

¹² There is lack information made available for the public by the Immigration Department. However, the statements made are stated based on factual cases in which women were denied further OWP or permanent residency application due to the death, disappearance by the husband or divorce. Interview with Jackie Hung.

¹³ *Ibid.*

legally reunited family – in which a wife and husband live together legally in HK – the wife is permitted to work to supplement her husband's income. She may also travel openly in HK without the fear of being arrested and sent back to the mainland and she has more authority and independence from her husband. But this means that the woman has to work a double shift, putting in long hours at work along with taking care of the household chores.

Hong Kong's immigration policies regarding Mainland Chinese spouses are irrational, considering that Hong Kong is part of China. Before further discussion on immigration policies one must examine the Basic Law of Hong Kong and the 1999 re-interpretation by the National People's Congress (NPC) of the People's Republic of China (PRC), as discussed previously in this chapter, to fully understand the politics of Hong Kong.

The Mainland Chinese respondents echoed this reality. Family separation, whether it was from their husbands or their children, was the one of the main concerns of Mainland Chinese marriage migrants. Their ability to function fully as a mother and/or wife is subject to many conditions of the government. For one of them, she felt "lost and confused" having to wait in Mainland China while her husband prepared to get her in Hong Kong even if this was only on a temporary basis.

Family Economy and Employment

Marriage migrants from Mainland China are prohibited from working in Hong Kong until after they have received their OWP. Again, they must live for seven consecutive years in Hong Kong and remain married before they can receive their permanent residence card. Furthermore, any education, work experience or academic qualifications acquired in Mainland China are not recognized in Hong Kong.

As stated by Xi, "If within the four years, we were allowed to learn and work, we can make great contributions. But sadly, we are just wasting our time." She further explained that it was her dream to teach Mandarin.

Not only are the skills unrecognized in Hong Kong but discrimination is likewise rampant against the lower class Mainland Chinese. As earlier mentioned, 95% of the population in Hong Kong is of Chinese descent and Hong Kong is part of China as a country. Oddly enough, Mainland Chinese are "...the group most discriminated against here [HK]... (Ewing, 2008)" Moreover, the Race Discrimination Ordinance (RDO) was established on July 18, 2009 which excluded the Mainland Chinese from the ordinance since Hong Kong peoples are of Chinese descent, therefore from the same race (Equal Opportunities Commission). Also, government officials such as law enforcement and immigration officials are excluded from the anti-discrimination bill (*ibid*), hence, leaving the government 'off the hook'. This is prime example of the government's absolute disregard for the results of their unrighteous policies upon the marriage migrants and their family. The discrimination against Mainland Chinese marriage migrants are witnessed in various forms. As mentioned before, they are treated with more restrictive

immigration policies than someone from a different country. They are excluded from work and school. Secondly, they are charged outrageous obstetric service fees. Ultimately, they are ignored in the hardest moments of their life, for example death or abandonment by their husband, divorce or domestic violence.

While children of HK residents born in the US, Canada, and Australia could easily apply for residency and come to HK without delay, children of HK residents born in Mainland China have no such privilege. In 2003, the HK government formulated a new immigrant policy to attract highly educated, high-tech-oriented individuals and rich businessmen from mainland China to work in HK. These immigrants face no quota limit and they are allowed to bring their family members with them. Meanwhile, the spouses and children of HK workers face harsh restrictions when they try to reunite with their families. Needless to stress, the government's policy of exclusion has sowed the seeds of discrimination, polarization and conflict against mainland spouses and children in HK society.

Social Isolation

Marites, 40 years of age, is now divorced from her Chinese husband. A former domestic helper, she had to rely on her own income in order to support herself and her child from the Chinese husband including another child from a previous relationship. From the start of her marriage, she felt that her in-laws could not accept her as a part of the family. Worse, her husband proved to be dependent on his parents' wishes and decisions. This situation took an adverse effect on Marites who said that her marriage had been so suffocating that she sought for an end to this.

Newendorp (2008) asserted that Mainland Chinese wives and their Hong Kong Chinese husbands, like other Hong Kong people, are all citizens of the PRC. However, her study revealed that many mainland wives do not really have any feeling of sense of belonging to Hong Kong. She argued that Mainland Chinese women's experiences of family reunion in HK are anxiety-provoking, not only because of the everyday difficulties involved with living together in a new environment after long years of separation. This is also because their migration for the purpose of family reunion requires a move across political difference. Both mainland immigrants and Hong Kong people, as individuals and members of larger social groups, have been socialized with different expectations of privileges and goals for relating both to the state and to the society around them.

The effects of Mainland Chinese wives moving across political differences extend beyond the legal-political realm and into the social realm. As in the case of family reunion migrating into the domestic sphere and family life, they are expected to play roles not only as mothers to their children but as wives or members of a bigger family and community.

Political difference not only kept families separated while wives waited for the legal documentation that would enable their immigration to HK, but it also served to complicate the wives' adaptation and integration to Hong Kong life once they are there.

When immigrant wives join their husbands in Hong Kong, they join households where the ordinary tensions associated with moving to a new environment or reuniting after long periods of separation would be intensified by the fact that their husbands and other family members were Hong Kong people whose feelings toward them, being Mainland Chinese immigrants, ranged from grudging accommodation to open hostility.

Xi, one of the three Mainland Chinese respondents, had to endure unsettling looks and sometimes loose comments from the immediate family of her husband on Mainland Chinese immigrants in Hong Kong. She said that for her to stay longer and be a good mother to her child, she simply had to let the words pass through from her left ear to the right so no unnecessary arguments would occur as this might only cause problems for her and her husband.

Access to Services

Xi is from Mainland China and has been married for three years. During the interview, she was seven months pregnant. She was under the two-way permit which forces her to travel back and forth from Hong Kong to Mainland China every three months. Traveling with her condition can be very dangerous, inconvenient and costly, she said. She has paid HK\$39,000 for obstetric service at a public hospital which only guarantees the delivery of her baby in Hong Kong. If she happens to be stranded in Mainland China due to legal immigration delays she will have to pay additional obstetric fees in Mainland China. She described her situation as problematic but she feels lucky compared to other women who are often victims of domestic violence or living in more distant provinces.

Obstetric service charges

Non-local women who give birth in Hong Kong public hospitals are considered non-eligible patients (NEPs) and as such, are charged an exuberant amount of money for the same services a local patient may receive (Hong Kong Legislative Council, 2009). However, most of the NEPs are from Mainland China. For example, out of the 3,960 NEPs who gave birth in public hospitals in the first five months of 2009, the majority are mainlanders. In addition, approximately 1,400 are spouses of Hong Kong men yet those under the TWP and who are spouses of Hong Kong men are still considered NEPs (ibid).

In February 1, 2007 the hospital authority implemented a revised obstetric service arrangement for NEPs to supposedly “tackle the problem of rapid increase in the demand for obstetric services.... (ibid)” The new price charges for NEPs is HK\$39,000 which includes the booking cost, one antenatal check, delivery and first three days, and two nights stay. However, it requires women to make an advance booking; otherwise there is a penalty fee (ibid). For weekly antenatal checks there is an extra cost.¹⁴ For simply

¹⁴ Information gathered by attending the Legislative Council meeting regarding *Obstetric Service Charges*, taken place July 28, 2009, Hong Kong.

booking, which is only administrative cost they will charge approximately \$20,000 HKD which does not include delivery or antenatal checks. In comparison, private hospitals charge \$40,000 HKD for the same services as the public hospital. In other words, the private hospital charges only \$1,000 more for the obstetric service package. These charges do not include other punitive charges by the public hospital when NEP fails to make a booking or for emergency delivery. In contrast, a local person will pay roughly \$300 HKD for a public hospital.¹⁵

Non-governmental organizations, along with activists and marriage migrants, have been contesting against these excessive fees, and as a result there are two ongoing cases of judicial review regarding obstetric service charges for NEPs in public hospitals.¹⁶ Women who are pending for their OWP are not given any entitlements as wives of Hong Kong residents and are charged an unfair amount of money which they are unable to afford. The government takes no action to protect the families from this profound debt. On the contrary, the government only cares about filling their pockets with money at the cost of poor. The government needs to realize that the excessive fees will cause problems which may cost the government more money in the future. The families who often cannot pay the bill will drown into debt and will be forced to seek welfare services.

Domestic Violence

Marriage migrants in some cases, fall victims of domestic violence abuse by their husbands. Women are trapped in the situation of isolation and have nowhere to seek for help. According to the CEDAW 2nd Report 2002-2003 (Family Ideal-Community Education and Resource Centre, Harmony House Limited, 2004), 85% of abused women are new migrants from China and did not have access to social services. The husbands often use the wives' immigration status as a threatening tool to prevent them from seeking help.¹⁷ Neither the immigration department nor the government has a mechanism or policy established to prevent such abuse by the husbands. The husbands know that they have the upper hand and can control their wife as they see fit. The wife has no choice but to endure the abuse, return to Mainland China, or report the abuse which will ultimately result in the husband denying further signature for the permanent residency. Moreover, he has the power to easily tell the immigration department that the marriage was bogus and the application process will seize. Plain and simple, there are no other options. Therefore, most often the women will tolerate the abuse until they receive their permanent residency. This cannot continue to be ignored by the government.

A case of domestic violence

Indonesian Ayun, 29 years old, has been living in Hong Kong for the past five years. She came to work here as a domestic helper. In September 2009 she married a local Chinese man and they have a ten-month old baby.

¹⁵ Jackie Hung, *interview by author, Hong Kong, June 22, 2009*

¹⁶ *Legislative Council, Obstetric Service Arrangements for Non-eligible Persons,*

¹⁷ Jackie Hung, *interview, Hong Kong, June 22, 2009*

Soon after the baby was born, her husband has become irritable. He often got angry when the baby cried while he was watching television. Her husband also used to insult her verbally. Because she was scared and confused, she just endured the humiliation from her husband.

On April 11, 2010, she had a row with her husband who ended slapping her. Immediately, she took her baby and some belongings and left her husband.

She proceeded to the airport because at the time she was so scared and she felt confident that her husband would not follow her there being a public place. She then called a police officer who, after interviewing her, brought her to Harmony House, a centre that provides welfare assistance to victims of domestic violence.

According to Ayun, the Harmony House has provided her shelter, a small financial allowance, child support and counseling. It also assisted her to file a case against her husband who was later meted a light sentence.

Her current worry is how to survive after the three months notice to stay at the Harmony House. Now separated from her husband, her HK\$2,200 allowance from the Social Welfare Department is not enough to support her and her child. In addition, she cannot find another place to stay under this condition.

Although Ayun got three years visa from the Immigration Department after her marriage, she has no idea how she will support herself and her baby after leaving the Harmony House. She hopes to complete her seven years stay in Hong Kong and apply for permanent residence.

STRATEGIES AND RECOMMENDATIONS

Based on the findings in this research, marriage migrants especially Mainland Chinese wives suffer discrimination, social isolation, lack of access to social assistance programs of the government, and programs for integration in the community, among others.

It is therefore necessary for the HK government to address these issues. Foremost is the creation of policies and programs specifically designed for marriage migrants. Non-government organizations can help through advocacy programs and lobbying for the creation or implementation of existing policies that protect this sector of migrants.

More importantly, marriage migrants should have the capacity to defend themselves against abuse, exploitation and discrimination. In Hong Kong, the formation of an organization of marriage migrants is one of the urgent actions. These women are divided into Mainland Chinese wives and other nationalities comprised of Filipinos, Indonesians, Thais, Nepalese, Sri Lankans and other ethnic minority groups. Given the limited access to information related to policies that protect their rights and well being, it is imperative that the organizations of marriage migrants be established in order to empower this women sector.

Linking with organizations that assist and fight for the rights of marriage migrants is equally important. There are a few who challenge the discriminatory policies of Hong Kong. Some of those organizations assisting marriage migrants specifically Mainland Chinese women are Caritas-Hong Kong, the Justice and Peace Commission of the Hong Kong Catholic Diocese, Harmony House, and Society for Community Organization (SOCO).

The government needs to realize all the problems that marriage migrants and their families endure, otherwise the future consequences will be more costly. The troubles of the marriage migrants are also problems for the Hong Kong and Mainland Chinese government. It cannot simply be ignored. The government needs to reassess their fundamental values. It does not take a psychologist to realize the amount of trauma pressed upon the migrant women and their children.

Unfortunately, the Security Bureau refuses to meet with the Justice and Peace Commission of the Catholic Dioceses to discuss the issue of Mainland Chinese new arrivals. Several recommendations have been offered to the government by Legislative Council Secretariat which includes the views of the Subcommittee members.¹⁸ The essential point made by the members is that family reunion should be a priority subject in the Administration's population policy and as such the Administration should coordinate with the Mainland authorities to "refine the mechanism for allocation and distribution of the 150 daily places for OWP to expedite the reunion of families with member from the Mainland..."¹⁹

The recommendations by the Legislative Council Secretariat and Subcommittee members are the following:

- a) Shorten the waiting time for the issue of OWPs to separated spouses from four years to three years of less;
- b) Open channels for Mainland adult children and Mainland parents of Hong Kong residents under the OWP Scheme;
- c) Allocate the unused sub-quota to Mainland single mothers who become ineligible for applying for OWPs due to the passing away of their spouses (who were Hong Kong residents) or divorce;
- d) Relax the "eligibility points" for OWP applications of separated spouses with young children aged below twelve in Hong Kong; and
- e) Allow Mainland mothers visiting Hong Kong under the TWP to remain in Hong Kong a longer period, from three months to six months, or to tie in with the school term breaks, so as to enable them to take care of their children attending school in Hong Kong.

¹⁸ *Legislative Council, "Subcommittee to Study Issues Relating to Mainland-HKSAR Families: Immigration Policy relating to Mainland-HKSAR Families," Legislative Council, LC Paper No. CB(2) /08-09, May 29, 2009.*

¹⁹ *Legislative Council Secretariat, "Subcommittee to Study Issues Relating to Mainland-HKSAR Families, Legislative Council."*

In addition, the following recommendations were noted:

The Hong Kong Government must change their overall discriminatory attitude towards Mainland Chinese people and set a better example for the Hong Kong society. The HKSAR should work along with the Equal Opportunities Commission and local NGOs to tackle all forms of discrimination against the Mainland Chinese people and promote equality for all people.

A Family Commission should be established by the Hong Kong Government to assess and promote the importance of all families, including cross-border families in Hong Kong. Furthermore, the Family Commission should also assess the public health care policy, specifically the obstetric service charges for NEPs.

The immigration policy should establish policies that protect marriage migrants from domestic abuse and/or manipulation by the husband.

There should be more transparency on immigration policies that relate to all applicants.

Most importantly, Mainland China needs to address the issue of family separation along with the HK Government and come to a consensus and address the public. Lastly, in the case of domestic violence, abandonment/disappearance by the husband, or death of the husband, the migrant wife should continue to have the right to remain in Hong Kong.

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Last July 2010, AMM♀RE and the Asia Pacific Mission for Migrants conducted a regional consultation on marriage migrants in South Korea. (Photo courtesy: AMM♀RE)



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INTRODUCTION

Overview of the Marriage Migrants' Situation in Australia

Marriage migrants represented one of the largest groups of arrivals to Australia through the family migration scheme in the mid-1980s. Many of them came from developing countries, like the Philippines. "In 1971, there were fewer than 1000 Philippines-born women in Australia. By late 1985 the number had risen to 19 000. Additionally, during the 1987-88 financial year, Australia accepted 6362 adult immigrants from the Philippines. More than 65 percent of them were women (Jamrozik, 1989: A6).

At that time, the women marriage migrants were collectively called "mail-order brides" until computer technology paved the way to web-based or electronic pathways to dating and starting a relationship. Those who found relationships with men in rich countries pursued migration through marriage. Migration through marriage helped many obtain employment in the country of destination, which allowed them to send money to their families in their country of origin.

Migration of women through marriage was increasing at the time of the implementation of the SAP (Structural Adjustment Program of the International Monetary Fund). The SAP aim was to assist developing countries pay its debts through prescriptive measures such as changing national law to make way for foreign investments. The influx of foreign investments had resulted to the collapse of many businesses and had brought about high unemployment to many poor countries. Many women in poor countries were hard hit. These women turned their eyes on working outside of their country for employment. The pressure to look for employment overseas is reinforced by governments such as the Philippines who have instituted a Labor Export Program (LEP). This policy and program has brought billions of remittances that continue to prop up the Philippine economy until this day.

The phenomenon of "mail-order brides" carries stigma for women who have come to Australia through spouse migration. Many Anglo-Speaking Australians perceive "Mail-order brides" as women who are opportunistic and self-serving. They are stereotyped as women who used to work as bar girls, prostitutes and are assumed to be uneducated and unemployed young women from villages in their countries of origin. Many Australians see them as women who take advantage of older Australian men and then leave the relationship as soon as they get their permanent residency visa.

Until a few years ago, the above perception impacted on the way many community workers provided advice and counseling to women who sought assistance due to domestic or family violence. On the other hand, the women marriage migrants were made to feel more alienated due to how they were treated by the majority in Australian society.

Numbers of marriage migrants continued to increase at the time of intensifying capitalist globalization with the SAP as one of its components. The recent and continuing global financial crisis has led to the collapse of many businesses. This has caused massive unemployment in poor countries and worldwide. High unemployment could result in more marriage migrants moving from poor to rich countries. In poor countries like the Philippines where labour export is being used as strategy to reduce high unemployment and to prop up its economy, migration through marriage will surely increase.

Table 1. Arrivals of Spouses and Fiancées In Australia
(Australian Department of Immigration and Citizenship, 2007)

	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
Spouses	15,303	13,141	13,563	13,124	13,148	15,977	19,196	18,337	19,350	21,231	22,789
Fiancées	3,251	2,915	2,952	3,073	3,379	3,841	5,118	5,122	5,675	6,168	6,632
Total	18,554	16,056	16,515	16,197	16,527	19,818	24,314	23,459	25,025	27,399	29,421

The number of spouses migrating to Australia has increased greatly over the past 10 years.

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 in the previous years to address fraud through alleged sham marriages contracted purely for immigration purposes. As the Annual Report of the Immigration Department (1998) 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.

It is not always clear how many of the spouse and fiancée visa involved what has been termed “mail order brides”. A recent article by Yuko Narushima (2007) 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 (2007) 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 dump, 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 (ibid).

In its work, PAWA-Gabriela (Philippines-Australia Women's Association) have observed that marriage migrants in Australia are a source of cheap and flexible labour. Many of them are skilled but lack English language proficiency that could qualify them for jobs based on their skills. They do not have the local experience that an employer often requires from applicants for jobs. Their residency status for the first two years from arrival is temporary, meaning they are not permanent residents. Employers who see the word "provisional" on the visa of a newly-arrived marriage migrant interprets this as limitation on how long the applicant is allowed to stay and work in Australia. The above situation relegates the marriage migrant into casual and contractual work in isolated work places such as sweatshops and small-scale manufacturing enterprises that are hardly compliant to the standards of the Australian OH&S Law (Occupational Health and Safety). The average rate of wages that has been reported to PAWA-Gabriela by its members is \$10 per hour when the minimum is \$15 per hour. Marriage migrants who are in casual and contractual work are often not paid overtime or penalty rates.

Most marriage migrants experience racism and discrimination in all aspects of their lives. The first on the list of acts of racism and discrimination toward marriage migrants is the derogatory use of the term "mail-order-bride". The stigma of being a marriage

migrant makes them a target for discrimination. They are looked upon as opportunists who exploit older Australian men to get permanent residency. Many marriage migrants reported the racism that they experience at work and in public to Immigrant Women's Speakout Association. Some of the examples presented occurred inside stores, where Anglo-sounding sales persons continually asked them to repeat what they were trying to communicate even though they are able to speak English. They felt that this was one way of showing them that marriage migrants are not welcome in Australia. In many cases, if a marriage migrant were in a public place with their husband, they would see the raising of eyebrows and hear unkind whispers. This is especially exacerbated if their husband appears older than them.

Marriage migrants face many barriers in accessing culturally appropriate support services. They have their own personal hurdles too. The following are identified as major stumbling blocks:

- Not enough bilingual workers and resources in appropriate languages;
- Lack of cross-cultural competency and training in service providers;
- Temporary/provisional visa status;
- Fear of deportation;
- Social isolation;
- Fear/mistrust of authorities, especially of the police;
- Fear of losing their children;
- Fear of gossip;
- Unacceptability of divorce/separation, fears of being ostracized and the risk of losing family/community support;
- Discrimination and racial stereotypes;
- Shame and the burden of responsibility for keeping the family together;
- Financial dependence on the perpetrator.

There is a chronic lack of knowledge among marriage migrants about the Australian national and state legal system. The most affected by this problem are those who cannot read and speak or have low levels of English proficiency. Those who are able to read English have also difficulty in understanding new concepts and processes of the Australian legal system. Among these concepts and processes are the Apprehended Violence Order, the Court system, Family Law and the Family Violence Provisions of the Migration Law.

For many women marriage migrants who have accessed the Family Violence Provisions they have identified the following barriers:

- The preparation of evidence of their experience of domestic/family violence takes a long time and yet, the Department of Immigration only gives applicants 28 days. Extensions may be granted, however, the total number of days is not enough considering the trauma that victims of family/domestic violence have to overcome before they are confident in disclosing their experience to 3 to 5 people in order to obtain the supporting evidence.

- Women marriage migrants who are in rural areas face many disadvantages, in particular, accessing the court and competent persons if they do not wish to go to the court. The availability of transport is the biggest barrier for newly arrived women migrants in rural areas as they have to travel long distances in order to access much needed support services.

- Women marriage migrants are not eligible for free legal service due to their provisional residency status. For those who have complex cases and need legal services this is a significant hurdle. Temporary residents have to pay for legal services including cases of domestic/family violence.

- Women marriage migrants applying for an AVO (Apprehended Violence Order) have difficulty navigating the court system. An AVO is one of the documents that marriage migrants can use in accessing the Family Violence Provisions. In many instances the perpetrator/spouse's relatives and friends harass the applicant.

Methodology

The Immigrant Women's Speakout Association (IWSA), one of the affiliates of AMM♀RE has conducted this research. IWSA has undertaken the research with support from volunteers from the Philippines-Australia Women's Association - Gabriela (PAWA) and APDP (Australian Action for Peace and Development in the Philippines). The Immigrant Women's Speakout Association Management Committee members wish to thank all the organizations, IWSA staff members, other service agencies, volunteers and women marriage migrants who provided time and ideas for this research project.

There were three focus groups held as part of the data gathering process. Two focus groups were held with women living in Sydney and the other with those living in Coffs Harbour, a rural area of New South Wales. Individual interviews with 30 women: 10 from the urban areas, 10 with women from rural areas and 10 with women who experienced domestic or family violence. Of the ten interviewed who have experienced DV, 5 were from urban areas and 5 from rural areas. The focus group participants were women marriage migrants from the following countries of origin (also indicated is the number of participants from each country): Afghanistan (1), China (5), Fiji (4), India (4), Indonesia (2), Iraq (3), Philippines (5), Namibia (1), Tonga (2) and Vietnam (3).

We also have interviewed service providers who provide support services for newly arrived marriage migrants and assist in their settlement. Interviewed service providers were: Tanderra Women's Refuge in Newcastle, New South Wales and the Immigrant Women's Speakout Association, Sydney, New South Wales.

STATE POLICIES AND PROGRAMS

In Australia the marriage migrants have to wait for two years before they can continue their application for permanent residency.

Residency Rules and Policies

The spouses or de facto partners of Australian citizens or permanent residents are granted a spouse visa on successful application. A separate visa covers those in 'interdependent' relationships, including gay and lesbian couples.

Whilst there is a number set each year on the number of visas that may be granted, the number has been set at a level higher than expected arrivals and as a result, eligible spouses are not denied a visa on grounds of a quota on visas.

The most recent statistics from the Department of Immigration and Citizenship (DIAC or the Department) indicate that in the 2008-2009 financial years [July to June] 42,098 'partner' visa arrivals were recorded, an increase from 39,930 in the previous year. This includes 34,399 spouse, 7,010 fiancé and 689 interdependent visas.

The fiancé visa is a temporary visa that allows a prospective spouse to stay in Australia for up to six months. In that period, the sponsor and applicants should marry and lodge an onshore application for a spouse visa. If the marriage does not take place, the visa expires and the applicant should leave Australia before expiry. This visa allows a non-Australian considering marrying an Australian an opportunity to see the country and to gain an idea of the life with their potential Australian spouse in Australia before committing to a marriage.

For a de facto or interdependent relationship, a period of committed relationship of 1 year is a normal requirement, though shorter periods may be enough if special circumstances exist. The people in this type of relationship usually live in the same residence, or intend to when re-united in Australia. The rules allow for temporary separations due to employment and visa restrictions in the partner's home country.

The criteria considered when assessing a spouse visa application are that 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 (that is, they have not sponsored a previous partner in the past five years).

The initial spouse or interdependent visa is temporary (two years). At the end of this period the visa becomes permanent (another two years). There is no need for a new application, as the original application is for an initial temporary visa and a permanent visa after the period of the temporary visa.

The permanent visa will be granted if the relationship remains genuine and continuing at the time of decision. Immigration officials will usually do some investigation. The couple will be asked to provide evidence to support the claim that the relationship remains genuine and continuing at the time of decision.

After 2 years as a permanent resident, the visa holder may apply to become an Australian citizen.

A temporary visa holder may work and study in Australia. The Government will not subsidize studies, thus full fees are payable but may be tax deductible. Medicare, the national health scheme, is available to the temporary visa holder. Social security benefits are not available. These include unemployment payments, job search assistance, youth allowance and study allowances.

A permanent visa holder may access subsidized study and social security benefits. They also may sponsor family members in other categories such as skilled migration and parents. The permanent visa holder may proceed to Australian citizenship even if the relationship ends, so long as the Department accepts the relationship was genuine and the break-up or end of the relationship was not part of a false relationship concocted for the purpose of obtaining a visa and, eventually, citizenship (Department of Immigration and Citizenship, N.D.).

Sponsor Requirements

The requirements of the sponsoring spouse or partner include that they:

- Are aged 18 years or older;
- Are undertaking to support their spouse/partner;
- Can demonstrate financial means and suitable accommodation;
- Where marriage is intended or has taken place, there is no impediment (e.g. sponsor is already married and not divorced);
- Have had no previous similar sponsorship in the past 5 years;
- Report any change in circumstances within 14 days.

Some sponsors were known as serial sponsors. Some had sponsored young women as fiancés or spouses, and when she did not ‘comply’ or the sponsor became bored with her, terminated the sponsorship and forced the woman to return to her home country. Soon after, he would sponsor a new spouse or fiancé. In a short space of time, 3 or more women may be sponsored. In the worst cases, women were trafficked and forced into sexual servitude (Houghton, 2010). The 5-year exclusion was put in place to put an end to such practices.

Where either spouse has been previously married, a legal divorce is required to allow a marriage between the Australian sponsor and the migrating spouse. Often divorces are obtained overseas and divorces in third countries can be accepted. Where divorce is not available, or cannot be proved, an application, as a de facto couple may be the best option. Divorce should be formal in some sense – by legal process, usually before a Court. Less formal divorce, for example Muslim divorce, is less likely to be accepted, but evidence such a divorce document may be obtained to legalize the divorce in Australia.

Marriage and Australian Law

Australian law generally recognizes overseas marriages. There is some room to recognize law or practice from overseas that may differ from Australia. Arranged marriage may be accepted, but the individual circumstances will be considered. Marriage is not normally recognized in circumstances where it is a polygamous marriage and in cases where one party is under-age and significantly younger than the other party.

Australia only recognizes marriages between a man and a woman. Same sex marriages will not be treated as marriage, even if lawfully considered a marriage in the country where the wedding or ceremony took place. Recent legal changes removed most discrimination against same sex couples in areas such as eligibility for pensions and superannuation and access to in-vitro fertilization programs, but did not widen the definition of marriage to include same sex unions.

The age of consent in Australia is 16 years. People under that age cannot marry, or engage in sexual intercourse. As there are examples of teenagers departing from these legal norms, Australian law does allow exemptions, but these exemptions are only in cases that are shown to be exceptional. These exemptions may be available in relation to immigration law.

Where young people of the same or similar age have a sexual relationship, often evidenced by a pregnancy, child welfare authorities and Police have discretion not to pursue criminal charges after investigation establishes that no sexual assault has taken place. A court may allow young people close to 16 (say 14 or 15) to marry on an application supported by parents or guardians and with appropriate reports from child protection officials. Arrangements such as flexible school hours and childcare support are more common to allow young parents to continue their education after the birth of the child.

The law takes a very different approach where there is a greater age difference between the parties, or where a special power relationship is involved. A man in his twenties or older, in a sexual relationship with a girl aged 15 or even younger, would be charged with an offence (sexual intercourse with, or sexual assault of a minor, depending on circumstances). A teacher, priest, minister, step-father, step-mother or other carer will be charged with an offence if she or he has sexual relations with a young person in his care aged less than 18 years.

Some countries recognize marriages of girls after puberty, which can be as young as 9 or 10 years of age. Arranged marriages may involve even younger children. Australia will not recognize these marriages, and there is the possibility of criminal charges for child sex offences if sexual relations occur. These charges can be brought in Australia against an Australian resident even if the alleged offences took place outside Australia.

Modern relationships

Australia, and the world, has to come to grips with the changing nature of relationships. In Australia almost half of all marriages end in divorce, many in the first 1 to 7 years. More people are marrying for a second or third time. The age of first marriage is rising. In 2008 it was 31.6 for males and 29.3 (Australian Bureau of Statistics, 2009) for females compared to 25.6 and 23.5 in 1986 (Jain, 2008), and 23.8 and 21.9 in 1972 (Castles, 1995). More couples are living together without marrying. In 1975, only 16% of couples cohabited prior to marriage, while 76% of couples cohabited prior to marriage in 2005 (Australian Bureau of Statistics, 2010). Many couples, married or not, maintain financial independence and don't have joint accounts. Furthermore, financial contracts or pre-nuptial agreements have become more common and as more women develop an independent career, periods of living apart due to employment have also become commonplace.

With the Internet, many people claim genuine, continuing and long-term relationships with people they have not met face-to-face. Some people say their cyber-relationship is every bit as close and intimate as a face-to-face relationship; some even say a cyber relationship may be more intimate and authentic.

Australia has also recognized platonic, or non-romantic and non-sexual relationships as interdependent relationships. People who form close bonds but choose not to marry or have a sexual relationship with an Australian citizen may be granted a visa and eventually citizenship if they meet the requirements of the interdependency visa.

Many of the markers of a genuine and on-going committed relationship are not what they were a generation ago. Nonetheless, immigration law starts with a presumption of the traditional pattern, and it is up to the applicant and sponsor to explain variations or special circumstances.

“Mail-order bride” has been used as a derogatory term. A man who obtained a bride through “mail-order” was at times described in negative terms – socially-inept, unattractive, and unable to find a woman in his home country, looking for a quiet compliant wife who knew nothing of feminism and the liberation of women. The so-called “mail-order bride” was also portrayed in a bad light – marrying for money not love (sometimes called a “gold digger”), mercenary, or a prostitute using the older, inept and unattractive male to get a visa, then dump the man or, at the other extreme, submissive and weak.

These stereotypes misrepresent the majority of relationships that are genuine. Some men who marry a woman from another country, initially known through letters, do have personal and social deficits. Some brides are motivated by the hope of a better material life. But many genuine and long-standing relationships do develop, and families and communities are enriched in non-material ways through the relationships that grow and evolve. In particular, many women who marry through these means are strong and

courageous. The act of taking the risk of moving to a different part of the world is an act of courage and strength.

Some rural towns in Australia face an unbalanced population in the late teens through to the 30s where there are more men than women. A range of social and demographic factors is cited to explain this situation where it exists. Moreover, the 'mail-order bride' is not only from outside Australia. For example, the Australian reality TV show 'The Farmer Wants a Wife' documents a group of male farmers choosing between hundreds of women as potential brides. Single women from all over Australia are asked to view videos of the farmers and send in their applications to the farmer they like. The relevant farmers then pick from these women. Interestingly, the show featured one female farmer in the third series and two in the fifth series, and in doing so, not only subverted typical racial conceptions of the 'mail-order bride' but also the gendered conceptions (Ninemsn, 2010).

A genuine and continuing relationship

In any case, the applicant and sponsoring spouse or partner need to show the relationship is genuine and continuing at initial application, and continues to be so when the permanent visa is decided. Whilst this not a requirement at the time of the application for citizenship, if the Department has evidence that the original spouse visa application is fraudulent, a permanent visa can be cancelled and the application for citizenship denied.

In deciding if the relationship is genuine, the Department of Immigration considers the following:

1. The duration of the relationship;
2. Evidence of mutual commitment, such as:
 - a. co-habitation;
 - b. any children of the relationship, and arrangements for these children;
 - c. financial arrangements, such as joint bank accounts;
 - d. rental agreements naming both partners;
 - e. ownership of property ('the matrimonial home') and mortgages, etc.;
 - f. a marriage ceremony;
 - g. letters or other correspondence between the spouses or partners;
3. Periods of separation or living apart and reasons;
4. Whether the relationship is exclusive (Australian Department of Immigration and Citizenship, 2010).

The partner visa applicant has to wait for two years before continuing the application for permanent residency. Both the applicant and the partner-sponsor have to prove that they have a genuine relationship within those two years. The presumption is that a relationship is exclusive or monogamous; the couple lives together, have joint financial arrangements, have few if any separations, and intend a permanent and life-long relationship. As Australian law recognizes that many genuine relationships do not

fit this more traditional model, applicants and sponsors have an opportunity to explain the nature of their relationship and why theirs is a genuine relationship warranting the granting of the visa. The most common evidence that are acceptable to the DIAC are: if the couple is residing in a rented accommodation, they must have the rental agreement under their names, joint bank account as shown on the latest bank statement, co-habitation and when a DIAC officer would visit them, the couple would be found living together and must have a successful result of the spot interview. For example, if the sponsored partner is not living with the partner-sponsor at the time that the DIAC officer visited them, the sponsored applicant will be asked to provide reasons for not living together with the partner sponsor.

DIAC has wide powers to investigate if a relationship is genuine and continuing. The Department can access records of other Government agencies such the taxation office, social security and health. Officers may visit a couple's residence unannounced and inspect the rooms to establish if the couple share a bedroom or have their clothing in the same room and cupboard. DIAC can require couples to complete questionnaires on intimate details of their personal lives together. The sponsor and spouse or partner may be interviewed separately and answers compared to see if there are discrepancies suggesting that one or both are being dishonest.

If a relationship ends -

The applicant and the sponsor are required to report any change in circumstances within 14 days. This includes the breakdown of a relationship, divorce and a break-up where co-habitation ends. Changes of residential address and birth of children should also be reported. Failure to do so is a criminal offence, fines apply and they may be viewed negatively when the Department considers granting a new visa or approving permanent residency.

If the spouse or partner applicant still holds a temporary visa, the visa will be cancelled. The Department of Immigration regulations require the person whose visa has been cancelled to leave Australia within 28 days. A permanent visa holder may proceed to Australian citizenship even if the relationship ends, so long as the Department accepts the relationship was genuine and the break-up or end of the relationship was not part of a false relationship concocted for the purpose of obtaining a visa or citizenship.

Some spouses or partners will be eligible for another visa, and may remain in Australia pending an application for this. If the application succeeds, they will be able to remain in Australia under that visa. The most common examples are where the spouse or partner is a parent of an Australian citizen child or children, and where a relationship ends due to domestic violence against the applicant or a dependent secondary applicant. If the spouse is employed in a skilled trade or profession, employer sponsorship of a skilled migrant visa may be an option.

If a temporary spouse or partner visa holder has given birth to an Australian citizen child, she may apply for a parent visa if the relationship with the sponsor comes to an end.

Australian law incorporates principles of the Convention on the Rights of the Child. Children have a right to have contact with both parents. Any child born to an Australian citizen inherits Australian citizenship by descent. This applies even if the child is born outside Australia. An Australian child of any age may sponsor their mother or father's application for a parent visa to come to or remain in Australia.

Parents have responsibilities towards their children. This includes care and nurture of the child, and also financial support and provision, especially if the parent has no or little part to play in day-to-day care and nurture. To ensure Child Support payments are made, Court ordered DNA testing is often used to confirm the identity of the biological father of a child. In the case of an Australian citizen child born to a non-Australian mother, this means the Australian father is included on a birth certificate, and the possibility is opened for the child to apply to have the non-Australian parent granted a visa to migrate to or remain in Australia.

Where a relationship ends due to domestic or family violence of the Australian sponsor against the applicant or a secondary applicant [such as a child of the applicant from a previous relationship], a permanent residency visa may be granted quickly. Spouses have remained in an abusive relationship to keep their spouse or interdependency visa. These provisions are in place to give the victims of domestic violence support when leaving an abusive relationship. Family violence may not be physical violence, but can include verbal abuse and ridicule, and even the use of financial pressure. The provisions are also available where a third party [such as a parent-in-law or sibling of the sponsoring spouse] is source of the violence.

The family violence provisions are also applicable for other visa classes. Examples are business visa where the spouse and children are secondary applicants and the primary applicant perpetrates violence.

Statistics show an increasing number of marriage migrants accessing the Family Violence Provisions (FVP). The DIAC Migration Program Report 2009 showed that in 2008-2009, there were 549 women who have continued to apply for permanent residency using the FVP. The total of applications was 708. There were 159 men who applied. Ninety percent (90%) were successful.

Table 2. Claims against DV/FV provisions 2004-05 to 2008-09¹

Year	2004-05	2005-06	2006-07	2007-08	2008-09
Claims	497	492	562	502	708

¹ This information was culled from the annual reports of the Australian Department of Immigration and Citizenship from 2004-05 and 2008-09.

Some realities

The dependence of the applicant on the sponsor often defeats the principled intentions of the law. Many sponsored women are not told of their rights. Indeed, some sponsors deliberately keep information from the spouse to make her even more dependent and domesticated. Some sponsors say to their spouse or partner “Do what I say and what I want, or else I will get you deported by the Department of Immigration”.

The sponsor/perpetrator of violence, who commits crimes of domestic/family violence or sexual abuse against a spouse partner or their child, may tell the victim/s not to report crimes because if they do the sponsorship will be terminated. The sponsor could call the Department of Immigration and say that the relationship has ended and the spouse or partner should be deported.

In some cases, the sponsor misleads the spouse or partner about a visa application. In one case handled by a member of our organization, a Filipino woman visiting family in Australia met and soon after married an Australian citizen of Spanish-speaking background. The husband assured his wife he had lodged her application for a spouse visa. In fact he had not. Several years later, domestic violence escalated in the relationship, and the wife sought assistance.

She learnt she was an ‘unlawful non-citizen’. Her visitor visa expired more than 2 years ago and she did not hold any other visa as she or her husband had not lodged the relevant application. As such she could not apply for the protection of the family violence provision. She could not then apply for any other visa. If her relationship was on-going, she may have obtained special leave from the Minister for Immigration to apply for a spouse visa, but the relationship had ended due to the domestic violence. She was given 28 days to make arrangements to leave Australia.

Immigration officials can be insensitive to individual circumstances, and not all spouses or partners receive accessible information from Australian authorities.

An Australian of Filipino background applied to sponsor his Filipina wife. This was the second marriage for both. Both had children from their first marriage, and were in their forties. The Australian citizen man divorced his first wife soon after they migrated to Australia as skilled migrants. The separation and divorce was very traumatic, with recriminations between the two. The Filipina wife had lost her first husband to a very severe cancer. Both the applicant and his new wife were devastated by their losses and found solace as old friends from the same town in rural Luzon. They had attended the same elementary and high school, and had been boyfriend and girlfriend in their first year of college. They had many mutual friends and when they had lost partners about the same time it was natural they had contact after seeing each other in the Philippines where the man visited family and friends at Christmas soon after his divorce. Over more than 18 months they corresponded and spoke on the telephone and agreed to marry, which they did in a registry office in the Philippines.

The Australian Consulate in Manila denied the spouse visa application. The grounds for the denial were that the relationship was not “genuine”. Amongst reasons cited by the Immigration officer were:

- The marriage was not celebrated in a church “as normal Filipino marriages are”;
- There was no big reception after the wedding – as in the case of ‘normal’ Filipino weddings;
- The bride did not wear white;
- The couple had spent little time together, with the husband returning to work in Australia only days after the wedding;
- The letters between the couple did not include emotional statements of love and devotion as ‘normal’ between Filipinos.

The Immigration officer at the Consulate who rejected the application was an Australian who did not read or understand Pilipino. He relied on an informal translation of the letters by a local clerical assistant who was not an accredited translator.

By way of an appeal the couple responded that:

- The Church had refused to marry the couple as the Priest in the Church in the Philippines told them the Catholic Church did not recognise the groom’s divorce in Australia;
- As this was the second marriage of both, they decided on a small registry wedding, with only close friends and family, and a small dinner at a local restaurant;
- The bride did not wear white as this was a second marriage and she preferred a cream colored gown;
- The husband was not a wealthy man and was the full time parent of two daughters aged 5 and 8. Due to financial responsibilities he had to return to work in Australia very soon after the wedding;
- The wife had 3 children as well, and was working as a teacher in the Philippines, and was not able to afford to take off work or to travel to Australia to spend time as a tourist for her fiancé then husband;
- Their letters did contain statements of affection appropriate for a couple in their forties [not teenagers!] marrying for a second time, and after some difficult experiences in their previous relationships.

Eventually, their application was approved after the husband sponsor appealed to the Migration Review Tribunal in Australia, but they suffered additional costs and months of uncertainty until the appeal was successful. The case illustrates common insensitivities of Immigration officials, and often misplaced presumptions about what is ‘normal’ in relationships and marriages.

There have been improvements in providing information to spouses and partners applying to migrate to Australia. In countries where there is a higher than average rate

of such applications, applicants receive an information pack and attend an information session, including video material and advice on such things as their rights in Australia, domestic violence assistance services and other service providers.

However, gaps still exist and applicants who make on-shore applications (that is, in Australia) usually arrive on a different visa class such as visitor, tourist or student. Information is not available in all languages. Sponsors of on-shore applications can keep information packs from the spouse applicant, who naively trusts their intended spouse to look after their best interests.

In the end, many spouse or partner visa applicants are not aware of their rights and are dependent on their sponsor.

Lived Experiences of Marriage Migrants with Residency Rules and Policies

From our focus group discussions in Sydney and Coffs Harbour, marriage migrants raised some areas of concerns. Most of the participants knew that they had to wait for two years before they could continue their application for permanent residency, but they did not know that they could continue to apply for permanent residency even though their marriage broke down due to domestic/family violence. Many have difficulty in providing evidence of their experience of domestic/family violence. The preparation of evidence provided by the court or competent persons requires a very complex process.

Most of the participants said that they do not understand the legal system in Australia. The services of a migration agent are very costly. One of the participants said that she knew someone who paid AU\$500 to a migration agent just for assisting her in writing a letter of change of circumstance that was sent to DIAC (Department of Immigration and Citizenship). There is a lack of culturally appropriate information about the Australian legal system, in particular the migration law and its regulations. There are information materials that marriage migrants cannot understand because the information presented is not in plain language. There are many existing information materials but these are mostly not easy to navigate even if these have been translated into the languages of priority ethnic communities.

A significant number of children of marriage migrants have been disadvantaged by the father who is the permanent resident or Australian citizen on the issue of residency. There were cases where the father refused to sign the birth certificate of the child. Others sent the wife back to her country of origin, when the husband found that she was pregnant.

ECONOMIC AND SOCIAL-CULTURAL CONDITIONS

Marriage and Family

Marriage migrants in Australia are looking forward to having a harmonious relationship and a life of dignity with their spouse or partner. They also wish to have paid work so that they are able to support the spouse in paying for their daily expenses. Many marriage migrants, especially those who are from poor countries like India, the Philippines and Vietnam, also want to help families in their home countries by sending money. However, the realities are quite different from what they have wished for.

First of all, they often experience language barrier. Though the Australian government offers 500 hours of English course to newly-arrived immigrants, this is not enough to enable a migrant woman to communicate effectively with her husband and in the community.

While in need of help in the new environment, most marriage migrants do not have extended families to provide support. Most marriage migrants are used to the culture of support from extended families in their country of origin. However, access to support from extended families is not possible because the Australian migration regulations have put limits to family reunion.

The husband-sponsor in many instances puts pressure on the marriage migrant to limit her communication with family overseas and in Australia and women in the ethnic background. This results in increased isolation of marriage migrants. One woman interviewed told of how she had a few family members living in Australia already but she could not ask them for help as all her phone conversations with them were monitored.

Family Economy and Employment

Marriage migrants in Australia have the right to work. But due to the temporary or provisional status of their visa, the types of employment they get are casual and contractual and in low paid employment. They are usually subjected to very serious cases of risk of Occupational, Health and Safety at these work places.

Marriage migrants have experienced bullying, intimidation and sexual harassment because most of them are employed in isolated and precarious workplaces. There were husband-sponsors who have imposed on their wives to stay home and look after their children. Those who have skills and have paid employment in their country of origin said that they have been deskilled and lost the motivation neither to regain nor to learn new skills.

In rural and regional areas, there is a lack of sustainable employment. The marriage migrants from the focus group in Coffs Harbour talked about how blueberry picking jobs only last four months of the year and employers prefer to hire “cheaper, younger people”. Another common occupation for these women is being care workers for the elderly, which is physically and emotionally demanding. They must also volunteer for two weeks before they are accredited and this volunteer period is hard to manage with the cost of petrol, food and accommodation to consider.

Social Isolation

The nature and conditions of social isolation for newly-arrived women marriage migrants could be viewed in various contexts. On the one hand, social isolation faced by marriage migrants is brought about by the cultural perceptions of a family on the role of a wife or women as a whole. On the other hand, some marriage migrants experience isolation because they are not able to connect to social networks or the community due to lack of efficient public and community transport and not enough income to pay for other pathways of communicating with the rest of the community.

The story of Sabeen illustrates the issues of isolation faced by marriage migrants.

Sabeen, from one of the countries in the Middle East, arrived in Australia in 2008 on a provisional residency visa. Her husband is also from a Middle Eastern country and is an Australian citizen. She begged her husband to allow her to attend English class. Her husband allowed her to attend English class but she had to be accompanied by her mother-in-law.

Sabeen’s husband continued to put restrictions on her by limiting her access to the telephone. She was only allowed to talk and interact with women who were known to her husband’s family.

Sabeen wanted to learn how to drive a car so that she could start looking for employment and contribute to their income as a couple. Her husband discouraged her to do driving lessons because they only have one car. But Sabeen thinks that her husband just wants her to stay home and look after the whole family, including her in-laws who live with them in the same house.

This situation of social isolation is more prevalent in rural and regional areas in Australia. The focus group participants in Coffs Harbour revealed that marriage migrants in most rural areas in New South Wales experience long-term isolation. The focus group held in Coffs Harbour was composed of migrants from non-English speaking countries and there are a few of them from refugee background. It is harder for women in rural areas to connect with ethnic support groups as the towns are small and such groups may not exist. In many cases their male partners deliberately exacerbate their wives’ isolation in order to have their wives be dependent on them and therefore easier to control. Many husband-sponsors always perceive marriage migrants who come from poor countries as docile and domesticated.

The isolation of most rural marriage migrants has brought about other issues and problems:

- Difficulty in accessing information on domestic violence protection orders, the requirements of family violence provisions (FVP) in immigration regulations, and other legal matters;
- Difficulty in getting information about accessing services, including various health services, welfare, counseling, education, training, and employment services;
- Communication difficulties and a fear of not being understood;
- Reluctance to use services such as counseling because of misunderstandings of what counseling offers based on their experiences with services or lack of such services in their country of origin;
- Fear of being judged and blamed;
- Discriminatory, insensitive or mis-informed work practices by service providers. There is lack of multilingual and culturally appropriate information about legal and social entitlements and processes and lack of appropriate outreach programs by service providers;
- Fear of authority particularly on the part of women from corrupt or oppressive socio-political regimes;
- Fear of deportation.

Access to Services

For the newly-arrived migrants in Australia, their type of visa determines their eligibility to the government and non-government services that are available. In general the marriage migrants could access Medicare, the government health care system. Their access is attached to their partner-sponsor's Medicare card. When a change of circumstance happens such as domestic violence and a marriage migrant has been assessed to have genuine claim of domestic violence, the DIAC may issue a document or a letter that will state that a newly-arrived marriage migrant can have her or his own Medicare card, independent from the partner-sponsor.

The case study below shows how the status of residency and Australian citizenship of a child of a newly-arrived marriage migrant woman had become pathways to access the vital services that they need.

Sheena is of Asian origin married to an Anglo-Australian in 2008. Her husband sponsored her for permanent residency. She was granted a provisional residence visa and has to wait for two years before she could continue to apply for permanent residency. When she got pregnant her husband forced her to go back to her country of origin because he is not able to support her. She gave birth to her son in January 2009 in her country. Sheena had realized that she had to go back to Australia to access health service for her son and herself.

She applied for an Australian passport for her son. The application for an Australian passport for her son requires that her husband must sign the application form. She asked her husband to sign the application form. But her husband didn't want to sign the application form and said that the infant might not be his son.

Sheena had to leave behind her son and was cared for by her parents and sisters in her country. She sought support from an immigrant women's association who assisted her in gaining access to free a legal service for her son who is an Australian citizen. Sheena was able to get a family mediation process where her husband agreed to sign the application for an Australian passport for her son. Sheena went back to her country to get her son. Both Sheena and her son arrived in Australia and eventually were able to access public housing, health services and other welfare assistance.

Marriage migrants in rural and regional areas have more difficulty in accessing social services. The following are some issues and needs presented at the rural focus group in Coffs Harbour.

First of all, they experience difficulty in getting information about accessing services. All of the participants said that when just arrived, they only came to know about government services when a problem arises.

Public transportation system in rural areas is irregular or none at all. Marriage migrants become more isolated due to lack of public transport in rural areas. In most situations marriage migrants need to negotiate with a neighbor or a relative of her spouse to give her a lift or drive her to an appointment with the doctor. Many marriage migrants have had driving lessons and have acquired driver's license but they do not have regular access to the family car. In most instances the family car is used for work by the spouse. There is one elderly immigrant woman who offered to provide transport for newly-arrived immigrant women who are looking for jobs or have medical appointment. Other immigrant and refugee women who have driver's license and have their own cars, formed a carpool that provided transport for those in need. The carpool also assists newly-arrived immigrant women in preparing for their driving test and encourages them to save money to buy their own car.

The isolation due to limitations imposed by their sponsor-partner-husband narrows the access to valuable information from health services for pregnant women marriage migrants, which results in lacking access to prenatal and post-natal information. Many women do not know about the services provided by community health centres and women's health centres near where they reside.

Moreover, majority of marriage migrants have difficulty in understanding and navigating the legal system in Australia. Legal information is not available in some languages spoken by marriage migrants. In most situations the only interpreting service that marriage migrants in rural areas can access is the telephone interpreting service. Therefore, there is a need for more trained and registered interpreters on-site or face-to-face.

In New South Wales, free legal advice is available over the phone through the Law Access and free interpreting service is also available. This free telephone advice covers many aspects of the Australian law system such as domestic violence, family law, child protection, etc. But many newly-arrived marriage migrants are not able to seek legal advice due to the lack of awareness about this service or to the isolation and controlling behavior by the partner-sponsor.

If the marriage does not work out, once a marriage migrant separates from her husband-sponsor, she may be pressured to leave the house and look for her own housing. In most cases marriage migrants in rural areas do not have enough money to pay for rental bond. Marriage migrants who are newly arrived cannot access rental bond assistance.

In situation of family and domestic violence, marriage migrants may have limited access to safe housing and women's refuge. The first two years is very difficult for marriage migrants due to their residency status. Though all women's refuges in New South Wales have made flexible eligibility for women marriage migrants, priority of safe housing and women's refuge is given to permanent residents especially those who have young children. While affordable housing is a big problem for all Australians, women marriage migrants are more vulnerable to becoming homeless in situations of family and domestic violence.

Domestic Violence

Australia's Family Violence Provisions (FVP) of the Migration Regulations aim to address the vulnerability of marriage migrants to family violence, allowing them to progress with their application for permanent residency despite leaving the relationship with their partner-sponsor. However, there are many structural and conceptual problems with FVP which need to be addressed in order to allow marriage migrants to be fully supported in leaving family violence.

Filipino women in Australia are victims of homicide at a rate of nearly 6 times that of non-Filipino background Australian women (Stubbs, 1997). In a research conducted by Cunneen and Stubbs (1996, 1997), findings indicated that nearly all of the perpetrators were non-Filipino Australian men who were current or former partners to these Filipino women. The findings of the research by from Cunneen and Stubbs were one of the data that were used in lobbying to have a migration regulation that will allow the holder of a partner visa-provisional resident to leave the violent partner-sponsor. This migration regulation was called the Domestic Violence Provisions (DVP) and then later changed to the Family Violence Provisions (FVP). Below is a case study that showed the domestic violence situation, which pushed a newly-arrived woman marriage migrant to access the FVP.

When the access to FVP is successful, the applicant (marriage migrant) could be granted permanent residency. The permanent residency status could open doors of eligibility to various community services such as access to employment services.

Darina is from Eastern Europe and arrived in Australia on a student visa in 2006. She met a man of European background who is an Australian permanent resident. Their relationship developed and they married in 2007. Darina's husband refused to sign and lodge her application for permanent residency. He became unemployed, started drinking heavily and gambled regularly in the casino. There was always constant shouting and yelling by her husband towards Darina.

Darina was forced to stop her studies and worked more than 50 hours per week so that she could give money for her husband's vices. She was also subjected to marital rape by her husband.

One morning in late 2007, Darina's husband came home very happy because he won a big amount of money from his gambling at the casino. He signed and lodged Darina's application for permanent residency on that same day.

In the weeks that followed, her husband forced Darina to perform sexual acts against her will, eventually leading to her hospitalization. When she was hospitalized she disclosed her situation to the hospital social worker.

After her release from the hospital Darina went to a women's refuge. Through the assistance of an immigrant women's association Darina had continued her application for permanent residency by accessing the Family Violence Provisions of the Australian Migration Regulations. Darina was granted permanent residency in late 2009.

STRATEGIES AND RECOMMENDATIONS

This research concludes that, as a whole, migration through marriage is one of the ways in which women from poor countries could find pathways to better economic position. The majority of the participants expressed that there should be love, caring and respect in marital relationship. But they also looked at the practical aspect of economic security in their lives as very important.

They acknowledge the reality that many women from poor countries are forced to migrate to a rich country to work so that they can send money back home to their families. Marrying someone who is a resident or a citizen of a rich country is seen as one of the ways to migrate and get employed overseas. The interviews with marriage migrants indicated that some of the husbands accept this reality. Some of these types of marital relationships have been successful but many have ended in separation and divorce.

Migration through marriage does not have the hurdles that other forms of migration require. In most of Australian migration schemes, the major requirements are the language test, education and experience in the occupation that one has used in the application as an independent migrant. Most of the focus groups participants in this research have university degrees, and participants included a lawyer and a civil aviationist in their countries of origin.

Moreover, this research shows that the two-year waiting period before new marriage migrants can continue their application for permanent residency is not aligned to the Australian policy of social inclusion and social cohesion. Acceptance and social justice and equity are key domains of social cohesion. The Australian government has committed to implementing strategies that will show concrete outcomes of its policy of social inclusion and social cohesion. The provisional residency status of newly-arrived marriage migrants is discriminatory and exposes them to a lot of risks such as exploitation and oppression by their spouse and also in the workplace.

From this research, the Immigrant Women's Speakout Association identified some strategies that could break the barriers to access and equity for newly-arrived women marriage migrants. The set of strategies must be founded on structural changes in the migration law systems on international level and in all countries.

The response to the marriage migrant issues on access and equity should be framed within in a whole-of-community and whole-of-government approach. It requires the participation of communities, service providers, decision-makers and the marriage migrants.

The following were identified as strategies from the focus groups that could increase the level of access to services and achieve higher equity for marriage migrants in Australia. The list also included some strategies that could be considered by AMM♀RE for implementation on international level.

Strategies for Action on International Level

1. Maximize the use of international standard and mechanism that will provide a framework and mechanism to will uphold, protect and defend the rights of marriage migrants. This could be in the form of a United Nations convention, for example. AMM♀RE could campaign to have the United Nations adopt a convention on marriage migrants and their children that will provide a framework for member states to ensure that rights of marriage migrants and their children are upheld. One of these rights is permanent residency for the marriage migrants upon approval of their application for residency of the host country.

2. Build a network of women refuges in all countries that will become a support centre for women marriage migrants escaping domestic and family violence in every country.

3. Advocate for permanent residency on arrival of a marriage migrant in the host country so that she will be eligible for all support services.

Advocate and Lobby for Changes of Australian Policies

1. The Australian government has to cancel the two-year waiting period that is required of marriage migrants so that they can continue their application for permanent

residency. Marriage migrants must be granted permanent residency after successful assessment of their application and not be given a temporary spouse/partner visa. Once a marriage migrant arrives she must be assisted to access basic services. A register system must be introduced where marriage migrants are encouraged to register to a 'one-stop point' where they can get information on the following:

- Reproductive health services;
- Domestic/Family Violence support services;
- Employment/job search agencies;
- Transport services;
- Legal Aid.

2. Child/children of marriage migrants once born or have entered Australia must be provided with social services such as appropriate housing, access to low-cost transport, health and education. This action must be done whether the child or children have been recognized or not by the parent who is an Australian resident or citizen. A parent who is looking after the child must be accorded with all corresponding benefits and entitlements.

3. The Family Violence Provisions must be reviewed and make the process of providing evidence of family violence in an accessible manner.

4. Government services must put more resources for services that provide services for newly-arrived migrants and refugees in particular for marriage migrants. All service providers both government and non-government must use an outcomes-based monitoring and evaluation strategy to ensure that newly-arrived migrants and refugees especially by marriage migrants are accessing resources and services.

Action in the Community

1. Advance community education and organizing: Community organizations of migrants and refugees should increase community education and organizing of marriage migrants.

2. Monitor and maximize new changes in New South Wales; There have been changes in New South Wales geared toward best and good outcomes for women and children. These recent changes had progressed the delivery of support services for families in New South Wales, Australia. These strategies as shown in the following are hoped to have positive results for marriage migrants who are in domestic/family violence situations:

- 'Keep Them Safe': this is the whole of government response to the issue of child protection. For women marriage migrants who have children, this re-structured child protection program could be accessed through various government services and non-government services. Child Wellbeing Units (CWUs) have been established in all the government services that deal with child protection such as the police and health

departments. The police force in New South Wales is one of the points of assistance that a marriage migrant could call and get support.

- ‘Staying Home Leaving Violence’: the New South Wales government started to implement this arrangement in pilot areas in Western Sydney. The evaluation on these pilot areas showed that the scheme has positive impacts on women and their children. In this arrangement the perpetrator is ordered by the court to leave the house and live in an accommodation for men. The victim and her children stay at home. The police make regular monitoring of the safety situation in this household ensuring that the perpetrator will not go near the house.

3. Strengthen government programs: In New South Wales, the police force has Domestic Violence Liaison Officers (DVLOs), but there are a limited number in each local area. The other access for marriage migrants is the MCLO (Multicultural Community Liaison Officer program). The MCLOs are not police officers. Rather, they are civilians but part of the community services provided by the police force. In many cases the MCLOs have assisted marriage migrants in navigating the police system. These various types of Liaison Officers, including GLLOs (Gay and Lesbian Liaison Officers) have improved access for women who cannot be adequately supported by a typical Police officer. However, the presence of LOs (Liaison Officers) in the Police system does not negate the need for generalist Police Officers to be trained better in handling cases which involve domestic violence, CALD (Culturally and Linguistically Diverse) women and gay and lesbian women. Thus, it is recommended that these programs be strengthened as specific LOs are not always available when needed.

4. Advocate for more government funding allocated to the Women’s Domestic Violence Court Advocacy Scheme (WDVCAS): This will result in more workers available to support women applying for Apprehended Violence Orders through the court. In New South Wales there is a Court Assistance Scheme (CAS) that has a pool of specialist workers who are trained to assist women in accessing the court. There are areas where Court Assistance Scheme workers are not available due to high numbers of clients. In many instances, marriage migrants do not have CAS workers to support them during court proceedings. Without this much needed support, these women are not only disadvantaged but also not attend the court proceedings due to feeling dread and anxiousness.

5. Advocate for culturally appropriate support services including effective interpreting services: All government departments, including the police force, must have an access and equity policy. They also must undergo training in cross-cultural strategies and cultural competency on knowledge and skills in supporting marriage migrants.

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Leaders and members of AMM♀RE met with Japanese legislators to talk about the situation of marriage migrants during an exchange visit to Nagoya, Japan last July 2009. (Photo courtesy: AMM♀RE)



Appendices

Appendix 1

GUIDELINES FOR FOCUS GROUP DISCUSSION

(for Victims of Domestic Violence)

I. Criteria for participants:

1. Participants should be married to the local men and currently living in the urban (or rural) areas in the host country
2. Participants must be from different nationalities
3. Participants must have the basic ability to understand and speak the language in the receiving country
4. Participants should represent different status of residency (including those with residency and citizenship)
5. Participants should represent different education levels at their home countries (such as primary schools, high-schools, etc.)
6. Participants should represent different levels of spousal relationship (including those who are currently married, separated, divorced, etc.)

II. Procedures

1. Read the concept paper and fully understand the purpose of this comparative research before you conduct the focus groups
2. Recruit participants according to the above-mentioned criteria and explain to them the purposes of this study
3. Form the focus groups (at least 5 participants for the urban group, and another 5 for rural group)
4. Have brief individual interviews for the background information before the focus group discussion (you may print out the questionnaire for the background information for the participants to fill out, when it is appropriate)
5. Arrange a convenient and comfortable venue with child-care services for the focus group discussions.
6. Conduct the focus groups with the following pointers in mind:
 - a. Have some ice-breakers at the beginning for the participants to know each other and feel comfortable
 - b. Brief participants of the purposes of the study
 - c. The questions listed in the discussion outlines only serve as outlines, which can be adjusted so that participants can comprehend more easily

III. Questionnaire for Background Information (fulfilled before the FGD)

1. Name _____; Age _____
2. How many years have you been living in the host country? _____ years
3. How many years have you been married? _____ years
4. Had you been to the host country before you got married? If yes, what was the purpose of your stay then? _____
5. Current residency status: _____ (temporary, permanent residency, citizen, etc.)
6. Current marital status: _____ (married, separated, divorced, widowed, re-married, etc.)
7. How many children do you have? _____; How old are they? _____ Any children from previous marriage? _____
8. Have you been employed in paid-work? _____
If yes, what kind of work? _____
How long have you worked for each paid work? _____

IV. Discussion Outlines for FGD

1. What kind of difficulties did you have when you first got married in the host country?
2. How did you resolve these difficulties? Have any one (individuals , non-governmental organizations, and governmental agencies, etc.) helped you?
3. If you have had help from individuals or organizations regarding your marriage and family, how did find them?
4. Have you experienced any difficulties when seeking information, help or services regarding your marriage or family from governmental agencies? If yes, what kinds?
5. Have you experienced any difficulties when seeking information or help regarding your marriage and family from non-governmental organizations (including grassroots marriage migrants' organization)? If yes, what kind?
6. When did you first encounter the domestic violence?
7. Did you seek help when you first encountered the violence?
----If yes, where did you seek help? How did you find the help?
----If no, why not?
8. Did the violence happen more than once?
9. Have you looked for help regarding the violence? If yes, where did you seek help? How did you find them?
10. Have you experienced any difficulties when you seeking help? What kinds?
11. Have you received any services from governmental agencies regarding your problems of DV? If yes, what kinds?
12. Have you experienced any difficulties when seeking services from these governmental agencies? If yes, what kinds?
13. Have you received any services from non-governmental agencies (including grassroots marriage migrants organizations)? If yes, what kinds?

14. Have you experienced any difficulties when seeking services from these non-governmental organizations? If yes, what kinds?
15. Have you resolved the problems of DV? (separation, divorce, court orders,...etc.) If yes, how did you resolve it?
16. When you try to resolve the problems of DV, what are your primary worries? (children, residency status, finance.... etc.) Why?
17. Have your worries been resolved? Why? How?
18. Are you planning to return to your home country? Why (or why not)?
19. Are you planning to stay in the host country? Why (or why not)?

Appendix 2

GUIDELINES FOR FOCUS GROUP DISCUSSION

(for Urban and Rural areas)

I. Criteria for participants:

1. Participants should be married to the local men and currently living in the urban (or Rural) areas in the host country
2. Participants must be from different nationalities
3. Participants must have the basic ability to understand and speak the language in the receiving country
4. Participants should represent different status of residency (including those with residency and citizenship)
5. Participants should represent different education levels at their home countries (such as primary schools, high-schools, etc.)
6. Participants should represent different work experiences at the host country (including those experienced in paid work and those not experienced in paid work)
7. Participants should represent different levels of spousal relationship (including those who are currently married, separated, divorced, widowed, etc.)

II. Procedures

1. Read the concept paper and fully understand the purpose of this comparative research before you conduct the focus groups
2. Recruit participants according to the above-mentioned criteria and explain to them the purposes of this study
3. Form the focus groups (at least 10 participants for the urban group, and another 10 for rural group)
4. Have brief individual interviews for the background information before the focus group discussion (you may print out the questionnaire for the background information for the participants to fill out, when it is appropriate)
5. Arrange a convenient and comfortable venue with child-care services for the focus group discussions.
6. Conduct the focus groups with the following pointers in mind:
 - a. Have some ice-breakers at the beginning for the participants to know each other and feel comfortable
 - b. Brief participants of the purposes of the study
 - c. The questions listed in the discussion outlines only serve as outlines, which can be adjusted so that participants can comprehend more easily

III. Questionnaire for Background Information (fulfilled before the FGD)

1. Name _____; Age _____
2. How many years have you been living in the host country? _____ years
3. How many years have you been married? _____ years
4. Had you been to the host country before you got married? If yes, what was the purpose of your stay then? _____
5. Current residency status: _____ (temporary, permanent residency, citizen, etc.)
6. Current marital status: _____ (married, separated, divorced, widowed, re-married, etc.)
7. How many children do you have? _____; How old are they? _____ Any children from previous marriage? _____
8. Have you been employed in paid-work? _____
If yes, what kind of work? _____
How long have you worked for each paid work? _____

IV. Discussion Outlines for FGD

1. Residency Status

- a. Are you familiar with the procedures to apply for permanent residency or citizenship?
- b. How do you know about these procedures and policies?
- c. Do you find any difficulties in acquiring the PR or citizenship?
- d. How do you resolve these difficulties? Have any one (individuals , non-governmental organizations, and governmental agencies, etc.) helped you?
- e. If you have had help from individuals or organizations regarding your status, how did find them?
- f. Have you experienced any difficulties when seeking information or help regarding your status from governmental agencies? If yes, what kind?
- g. Have you experienced any difficulties when seeking information or help regarding your status from non-governmental organizations (including grassroots marriage migrants' organization)? If yes, what kind?

2. Marriage and family

- a. What kind of difficulties did you have when you first got married in the host country?
- b. How did you resolve these difficulties? Have any one (individuals , non-governmental organizations, and governmental agencies, etc.) helped you?
- c. If you have had help from individuals or organizations regarding your marriage and family, how did find them?
- d. Have you experienced any difficulties when seeking information, help or services regarding your marriage or family from governmental agencies? If yes, what kinds?

e. Have you experienced any difficulties when seeking information or help regarding your marriage and family from non-governmental organizations (including grassroots marriage migrants' organization)? If yes, what kind?

3. Family Economy and Employment

- a. Who is the primary financial provider in the family?
- b. Have you had any paid work in the host country? If yes, what kinds?
- c. If you have had paid work, what are the reasons for you to have paid work?
- d. If you have not had any paid work or stopped your paid work, why?
- e. Have you worked at family business (or family farms)? If yes, have you received any money from working at family business (or family farms)?
- f. Have you experienced any difficulties when seeking paid work? If yes, what kinds?
- g. Have you experienced any difficulties at your paid work? If yes, what kinds?
- h. How did you resolve these difficulties? Have any one (individuals, non-governmental organizations, and governmental agencies, etc.) helped you?
- i. If you have had help from individuals or organizations regarding your paid work, how did find them?
- j. Have you experienced any difficulties when seeking information, help or services regarding your paid work from governmental agencies? If yes, what kinds?
- k. Have you experienced any difficulties when seeking information or help regarding your paid work from non-governmental organizations (including grassroots marriage migrants' organization)? If yes, what kind?

Appendix 3

INTERVIEW GUIDE: FOR SERVICE PROVIDERS AND COMMUNITY ORGANIZATIONS

1. What type of services you provide for immigrant and refugee (i/r) women? Are your services free/no charge? Do you have translated information about your services? What languages? (ask for copies)
2. Are you funded by government? Or an NGO funding agency?
3. If you provide services for i/r women, what are their rights and responsibilities as service recipients? Are these policies translated into major community languages? Eg Filipino, Burmese, Thai, etc (ask a copy of the document, national language and the translated)
4. Do you access interpreting and translating service for i/r women who have little ability to understand/speak English/the local national language of receiving country, who come to you for support? Who pays for the interpreting service? If it is free, how many hours is the client's entitlement to free interpreting service?
5. What are the eligibility criteria for i/r woman accessing your service?
6. What types of training do you require from staff members so that they can effectively support and provide assistance to i/r women accessing your service?
7. If you are providing support and assistance to i/r women who are in DV/FV (Domestic Violence/Family Violence) situations, especially for newly-arrived and are married to locals who are permanent residents or citizens, what are your service guidelines? Are these guidelines written as policy and procedures document? (request a copy of the document)
8. If you have made referrals of i/r women to other services, what are the referral procedures followed by your service? (ask a copy of the document)
9. If you collect data from your service recipients, what are your policies and procedures in collecting data, how do you store and use these data?
10. What are your exit policy and procedures for i/r women exiting your service?





ABOUT THE BOOK

This comparative study of marriage migrants in Taiwan, South Korea, Japan, Hong Kong and Australia gives us a glimpse into the reality of marriage migration in the region.

From the issue of citizenship to the right to work, from accessing social services for them and their children to protection from domestic violence and other abuses, this comparative study into the access and equity for marriage migrants in the five areas in Asia Pacific sheds more light to the real sufferings of marriage migrants.

It also tackles how marriage migrants have learned to equip themselves with tools and skills to assert not only their rights but claim them as well. Experiences of organizing, collective discussions and linking up with other groups and support networks provide the reader with the sense of empowerment that many marriage migrants in the region have learned and obtained.

The comparative study aims to break the myth of marriage migrants being the perpetrators, the gold-diggers, the opportunists and prove the reality of them being sufferers, victims, survivors and empowered sections of the migrant sector.

ABOUT THE APMM

The Asia Pacific Mission for Migrants is a regional centre committed to support the migrants' movement through advocacy, organizing, and building linkages for the advancement of migrants' rights. The issue of marriage migrants is one of its focused programs.