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Asia Pacific Mission for Migrants

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南洋台灣姐妹會

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婦女新知基金會

TransAsia Sisters Association, Taiwan

亞太移工工作團

Awakening Foundation

國境管制與
新移民女性培力
國際研討會



INTERNATIONAL CONFERENCE
on Border Control
and Empowerment of
Immigrant Brides

2007年9月29-30日

September 29-30, 2007

地點：台北市木柵路一段111號
世新大學管理學院大樓m207
國際會議廳

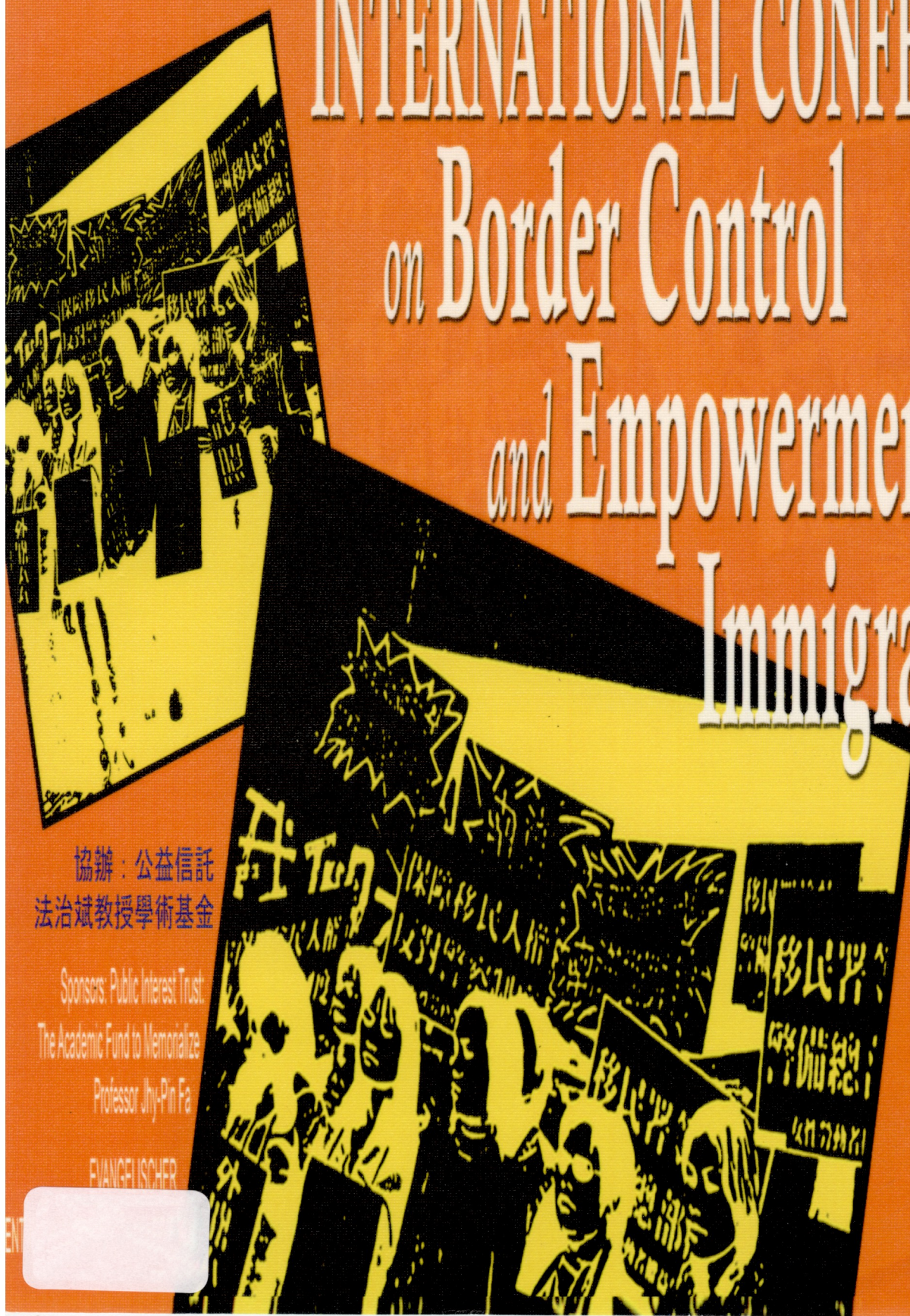
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EVANGELISCHER

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簡介

Introduction

International Conference on Border Control and Empowerment of Immigrant Brides

Background /Rationale

The issue of “foreign brides” is essentially a part of the phenomenon of massive migration of peoples from so-called Third World countries. The root cause of this massive migration is their countries’ underdeveloped and backward economies, resulting in poverty, unemployment and underemployment and other economic and social problems. Women and men from lower strata of society have been forced to leave their countries and families in order to find work abroad in order to survive. On the other hand, governments of such underdeveloped countries developed and intensified the export of labor as a national policy in order to gain revenues from it, thereby keep the sagging economy afloat, and in order to adhere to the much-ballyhooed “globalization strategy for development.”

Immigrant brides (marriage migrants) usually come from poor class background. In many cases, they come from impoverished rural areas. Their problem is how to overcome poverty. Their objective is to help their families survive and somehow provide their basic needs. They also want to have a better future for their children. This internal factor is the principal problem why “foreign brides” migrate.

On the other hand, immigrant brides were lured to bite the bait of becoming a foreign bride in order to solve this problem of poverty. Inside their own home country, the forces that lure them and run the industry are: the owners of marriage bureaus or matchmaking agencies, and their agents, the state and allied agencies of the state involved in the process. These forces have conduits or collaborations with businesses and governments in foreign countries or countries hosting foreign brides.

However, in the host country, the perceived “need” for immigrant brides by the local men is not the main problem but a result of the basic socio-economic ills in their own country. The root cause is also internal – the economic crisis in his own country is brought about by neoliberal globalization policies of liberalization, privatization and deregulation which are being pushed in his own country. Hence, as the crisis continues to worsen in the host country and the problems are not deeply analyzed and addressed, marriage migrants brides will be perceived as the solution to their perceived problems of decreasing and ageing populace, and negative attitudes of local people will continue to prevail.

In light of this condition, the need for a continued public education through collective

International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei

actions of people is needed. And in order to develop the understanding surrounding the issues, problems and struggle faced by marriage migrants, a gathering of different groups, organizations and institution dealing with immigrant brides issues will be held this year.

In 2005, a regional workshop in Asia was held in Taipei to identify the issues and concerns of immigrant brides. The workshop also reached a common understanding on the roots causes of forced migration and how it relates with “foreign brides” issues. It also identified the needs for more in-depth studies on the issues and struggles of marriage migrants as well as some joint or collaborative actions.

This year, the planned conference will look particularly on the immigration policies and laws concerning the immigrant brides as well as other socio-political and cultural aspects of the society that influence and shape up laws.

Another important aspect that this conference will look into is how to make use of the identified issues faced by marriage migrants in terms of coordinated advocacy and campaigns in ensuring the protection and promotion of the socio-economic and cultural rights of immigrant brides. Advocacy campaigns that can lead to the strengthening of the network and can pave the way for the formation of more grassroots immigrant brides organizations.

Objectives of the Conference

1. To share experiences, analysis and strategies in empowering marriage migrants;
2. To draw up plans for coordinated research and advocacy actions within the network;
3. To promote international solidarity among immigrant brides in different countries;
4. To generate regional and international awareness and support on the struggle of immigrant brides on their socio-economic and cultural rights as women and immigrants.

國境管制暨新移民女性培力

國際研討會

緣起

「外籍新娘」是所謂「第三世界國家」人民大量移出的現象之一，這類大量移出人口的根源，是由於母國低度發展及落後的經濟，造成貧困、失業、未充分就業以及其他經濟與社會面向的問題。為解決這些貧窮問題，許多女性為尋找出路，透過跨國婚姻成為「外籍新娘」。另一方面，移入國男性對「外籍新娘」的顯著「需求」，其實是國內社會經濟弊病所衍生的結果，並非造成婚姻移民的主要原因。然而，真正有能力操控這股跨國婚姻移民潮和新移民女性命運的，是移民女性母國的婚姻仲介業者、政府以及婚姻移民過程當中的相關單位，還有移入國的婚姻仲介業者、以及移民相關政策與法令。當移入國的危機持續惡化，而問題未被深刻地分析與處理，「外籍新娘」便成為當前人口少子化與老化危機的緩衝器。但是，隨著移入國的政策與國境控制逐漸緊縮，當地民眾對於新移民女性的負面態度亦持續存在，新移民女性在移入國的生活與公民身份取得因此面臨有增無減的壓力與限制。

有鑑於此，我們認為持續的公眾教育有其必要。為促使社會各界更了解新移民女性面臨的相關議題、困境和抗爭，繼2005年間舉辦第一次「亞洲女性移民／工NGO組織者國際工作坊」後，今年九月由世界各地與台灣關注新移民女性權益的相關組織，將舉辦第二屆的國際研討會，結合與新移民女性事務相關的各個社群、組織和個人，聚焦檢視並探討與新移民女性相關的移民政策與法令，以及社會中其他影響並型塑這些法令的社會經濟與文化面向。同時，本會議將討論如何將新移民女性面臨的問題整合在未來的倡議行動中，並就新移民女性如何獲得培力（empower）且能夠為自己發聲的過程，與國內外與會者進行經驗交流，以促進新移民女性的社會經濟與文化權利。

目標

1. 分享培力新移民女性的經驗、分析與策略；
2. 提升不同國家新移民女性之間的國際連結；
3. 規劃網絡內的整合性研究與倡議行動；
4. 引發區域性與國際性的意識覺醒，支持新移民女性爭取社會經濟及文化權利。

主辦單位

Asia Pacific Mission for Migrants (APMM)

世新大學社會發展研究所

世新大學台灣社會研究國際中心

南洋台灣姊妹會

婦女新知基金會

議程

Program

PROGRAM

| September 29, Saturday | | |
|-------------------------------|---|---|
| Time | Activity | Panelists |
| 8:30 – 9:30am | Registration | |
| 9:30 – 9:40am | Opening Remarks | Prof. Hsia, Hsiao-Chuan Graduate Institute for Social Transformation Studies, Shih Hsin University Taiwan |
| 9:40 – 10:10am | Welcome Speech | Dr. Mu, Tzung-Tsann Mu President, Shih Hsin University, Taiwan The Very Revd. Andrew Chan Dean, St John's Cathedral, Hong Kong and Member, Regional Board of APMM |
| | Keynote Speech | Jane Brock Immigrant Women's Speakout Association, Australia |
| 10:15 – 11:45am | Panel 1: Issues of Women in the Sending Countries in Relation to Trans-national Marriages (trafficking, marriage bureaus and home country's policies and laws) | Chair: Prof. Lin, Chin-Ju TASAT |
| | - Philippines | Emmi de Jesus GABRIELA |
| | - Indonesia | Syamsul Ardiansyah INDIES |
| | - Vietnam | Le Van Hai Institute for Reproductive and Family Health (RaFH) |
| | - Thailand | Ratchaneeporn Kung Thai Regional Alliance |
| 11:45 – 12:15am | Open Forum | |
| 12:15 – 1:30pm | Lunch Break | |

| | | |
|---------------|---|--|
| | and playing films: Foreign Brides in Meinong | |
| 1:30 – 3:00pm | Panel 2: Border Control and Criminalization of Immigrant Brides in the Receiving Countries (Host country immigration policies and laws concerning immigrant brides) | Chair: Prof. Fan, Yun Awakening Foundation Taiwan |
| | - Australia - Japan - Hong Kong - Taiwan - Europe - Canada | Peter Brock Solicitor Prof. Nobue Suzuki Center for Japanese Filipino Family (CJFF) Jackie Hung Justice & Peace Commission of the HK Catholic Diocese Prof. Bruce Liao National Chengchi University MIGRANTE Europe Evelyn Calugay The Filipino Women's Organization in Quebec |
| 3:00 – 3:30pm | Open Forum | |
| 3:30 – 3:45pm | Coffee Break | |
| 3:45 – 5:00pm | Panel 3: International Instruments concerning Immigrant Bride's (UN Conventions, CEDAW, etc) | Chair: Prof. Chen, Yao-Hua Department of Philosophy Soochow University, Taiwan |
| | Indonesia Malaysia Australia | Andy Yentriyani Asia Pacific Women Forum on Law and Development (APWLD) Lee Soo Choo TENAGANITA Peter Brock Solicitor |

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| 5:00 – 5:30pm | OPEN FORUM | |
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| September 30, Sunday | | |
|-----------------------------|--|---|
| Time | Activity | Panelists |
| 9:30 – 9:45am | Recap of Day 1 | |
| 9:45 – 11:00am | Panel 4: Organizing Immigrant Women | Chair: Ramon Bultron APMM |
| | - Japan | Virgie Ishihara FICAP/FMC |
| | - Korea | Lee In Kyoung Human Rights Solidarity for Women and Migrants in Korea |
| | - Taiwan | Yadrung Chiou TransAsia Sisters Association, Taiwan (TASAT) |
| 11:00 – 11:30am | Open Forum | |
| 11:30 – 12:00pm | Press Conference | |
| 12:00 – 1:00pm | Lunch Break | |
| 1:00 – 2:30pm | Panel 5: Sharing of Experience on Advocacy and Coordinated Action | Chair: Prof. Chen, Li-Ju Center for General Education, Chang Gung University, Taiwan |
| | - Taiwan | Hsiao-Chuan Hsia Alliance for Human Rights Legislation for Immigrants and Migrants (AHLIM) |
| | - Philippines | Laramie Castillo MIGRANTE International |
| | - Japan | Butch Pongos MIGRANTE – Japan / FMC |
| 2:30– 3:00pm | Open Forum | |
| 3:00 – 3:15pm | Coffee Break | |
| 3:15 – 4:15pm | Plenary Session: Planning | |
| 4:15–5:00pm | Declaration / Closing | |

議 程

| 9 月 29 日 (第一天議程) | | |
|------------------|--|---|
| 時間 | 議程 | 與談者 |
| 08:30 – 09:30am | 報到 | |
| 09:30 – 09:40am | 開幕致詞 | 夏曉鵬 (世新大學社會發展研究所副教授) |
| 09:40 – 10:10am | 致歡迎詞 | 牟宗燦博士 (世新大學校長) The Very Revd. Andrew Chan Dean, St John's Cathedral, Hong Kong and Member, Regional Board of APMM |
| | 主題演講 | Jane Brock (澳洲 Immigrant Women's Speakout Association 執行長) |
| 10:15 – 11:45am | 【論壇一】 跨國婚姻移民輸出國與移民女性 (人口販運、婚姻仲介、母國的政策與法令) | 主持人： 林津如 (高雄醫學大學性別研究所助理教授) |
| | - 菲律賓 - 印尼 - 越南 - 泰國 | 與談人： Emmi de Jesus GABRIELA Syamsul Ardiansyah INDIES Le Van Hai Institute for Reproductive and Family Health (RaFH) Ratchaneeporn Kung Thai Regional Alliance |
| 11:45 – 12:15nn | 開放論壇 | |
| 12:15 – 01:30pm | 午餐時間與影片播放：外籍新娘在美濃 | |
| 01:30 – 03:00pm | 【論壇二】 接收國的國境管制與罪化婚姻移民女性 (接收國與新移民女性相關的移民政策與法令) | 主持人：范雲(婦女新知基金會董事長) |
| | - 澳洲 - 日本 - 香港 - 台灣 | 與談人： Peter Brock (澳洲移民人權律師) Prof. Nobue Suzuki Center for Japanese Filipino Family (CJFF) 孔令瑜 (香港天主教正義和平委員會) 廖元豪 (政治大學法律系助理教授) |

2007 國境管制暨新移民女性培力國際研討會會議手冊
International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei

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| | - 歐洲 - 加拿大 | MIGRANTE Europe Evelyn Calugay Filipino Women's Organization in Quebec(PINAY) |
| 03:00 – 03:30pm | 開放論壇 | |
| 03:30 – 03:45pm | 茶點時間 | |
| 03:45 – 05:00pm | 【論壇三】 國際機制與婚姻移民女性 (聯合國公約、消除對婦女一切形式歧視公約等) - 印尼 - 馬來西亞 - 澳洲 | 主持人： 陳瑤華 (東吳大學哲學系教授) 與談人： Andy Yentriyani Asia Pacific Women Forum on Law and Development(APWLD) Lee Soo Choo TENAGANITA Peter Brock (澳洲移民人權律師) |
| 05:00 – 05:30pm | 開放論壇 | |

| 9 月 30 日 (第二天議程) | | |
|------------------|---|--|
| 時間 | 議程 | 與談者 |
| 09:30 – 09:45am | 第一天會議討論摘要 | |
| 09:45 – 11:00am | 【論壇四】 新移民女性組織工作 - 日本 - 韓國 - 台灣 | 主持人：Ramon Bultron (APMM) 與談人： Virgie Ishihara FICAP/FMC Lee In Kyoung Human Rights Solidarity for Women and Migrants in Korea 邱雅青 (南洋台灣姊妹會) |
| 11:00 – 11:30am | 開放論壇 | |
| 11:30 – 12:00pm | 記者會 | |
| 12:00 – 01:00pm | 午餐時間 | |
| 01:00 – 02:30pm | 【論壇五】 倡議與聯盟行動經驗分享 - 台灣 - 菲律賓 | 主持人： 陳麗如(長庚大學通識教育中心助理教授) 與談人： 夏曉騰 (移民/住人權修法聯盟) Laramie Castillo MIGRANTE International |

2007 國境管制暨新移民女性培力國際研討會會議手冊
International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei

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| | - 日本 | Butch Pongos MIGRANTE – Japan / Filipino Migrant Centre (FMC) |
| 02:30 – 03:00pm | 開放論壇 | |
| 03:00 – 03:15pm | 茶點時間 | |
| 03:15 – 04:15pm | 全體大會：行動計畫與總結 | |
| 04:15 – 05:00pm | 大會宣言／開幕 | |

2007 國境管制暨新移民女性培力國際研討會會議手冊
International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei

會議論文

Papers

Crossing Border Controls and Unpacking Foreign Brides

Jane Corpuz-Brock

Immigrant Women's Speakout Association

New South Wales, Australia

Marriages between peoples of different nationalities, race and socio-economic standing, ages and gender have taken many forms throughout human history. Relationships such as marriage, has its roots from the perception that we commit to a contract – an understanding that varies based on situations and context in a specific time and space. Throughout human history the common thread that connects how humans relate to one another is of need for socio-economic and psycho-emotional security. This security and stability is power-driven, control-based which is determined by the dominant socio-economic and political systems in a country where marriage takes place or de-facto relationships is recognized and eventual place of abode.

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

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

These examples from as recently as 1981 show that marriages that have elements

of alliance, duty, politics, wealth and other forms of arrangement are not an ancient relic, but have been prevalent even up to modern times, and even in Western nations. So, why do people raise their eyebrows at mail-order and pen-pal brides? As if they are low-class category of women?

In our current cultural perceptions on brides and marriages there is an assumption that love is what motivates persons to enter into marriage. This love is shown by living together and the couple signs a contract in a marriage ceremony. In turn, countries and governments also have this as a framework in their civil and family law that flows on to their immigration law as well.

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

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

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

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

The interactions among these persons are based on power and security. The bride as in olden times, during the feudal, and medieval and industrialisation periods is always in the position of inferior power. The bride in the case mail-order and pen-pal

brides had become a product for sale. One of the women who came to my workplace for help is from Fiji. Her marriage has been arranged by her parents with the parents of the prospective husband, also of Fijian-Indian origin and an Australian citizen. The mother of the prospective husband visited Fiji and searched for a prospective bride for her son. In this case, it's the parents of the prospective bride who has to pay the dowry. I asked her why some Fijian-Indian women have to pay the dowry when they get marry? The Fijian woman said that gift/dowry is given to the prospective husband so that he will treat the bride with kindness and respect. This arrangement puts the bride on a deeper level of exploitation.

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

The Structural Adjustment Program (SAP) in the early 1980s that was prescribed by the International Monetary Fund and World Bank brought tragedy to many businesses in the Philippines. Factories have been closed down; unemployment rate increased while the Philippine government had not fulfilled its promise of job creation. Filipino workers, especially women took a courageous step of working overseas as domestic helpers. Many took the more risky path of marrying someone whom they have known through pen-pal and mail-order-bride agencies. These Filipino brides hoped that their marriage could allow them to migrate to a rich country, work and earn money and send to the Philippines. Indeed, they are "heroes" for their families and the rest of the Philippines.

Prof Hsiao-Chuan Hsia has described this reality in the interaction of the personal, national and international aspect of the mail-order bride phenomenon -

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

International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei capitalist development”.¹

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

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

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

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

Essentialist feminism fails to explain the evolving context of commodified

¹ . Hsiao-Chuan Hsia, “Internationalization of Capital and the Trade in Asian Women: The Case of “Foreign Brides” in Taiwan, Women and Globalization”, in *Migration Monitor*, Issue 1, December 2005, p50.

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

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

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

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

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

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

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

capitalism are reproduced in the personal and individual relationships between people across national boundaries.

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

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

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

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

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

manifested the stereotyping of Filipinas as foreign brides.

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

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

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

In terms of paid work opportunities, there is a limited employment opportunity for many foreign brides because she has to juggle between serving her husband and paid work. There are instances that husbands do not allow a foreign bride to be in paid employment because this will reduce her time needed to do all her household duties. But of course, we also know that husbands do not allow their foreign wives to get paid employment because the wives will become independent once they have their own

International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei
income.

Foreign partners could also fall into a cycle of poverty trap due to the current Australian employment law, which is now becoming a channel for the recreation of the low-waged sector population. Foreign partners' limited knowledge on worker's rights compound this problem.

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

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

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

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

Marrage to Foreigner as an Option to Have a Better Life

Emmi De Jesus

Gabriela-Philippines

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

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

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

1. www.afilipina.com: “mail order brides, pen pal girls exclusively from the Philippines, lovely Filipina ladies, wishing to correspond and meet foreign gentlemen for romance and possible marriage”
2. www.2bwed.com: “world class service...has been in the business to introduce girls from the Philippines who would like to correspond, meet and marry Western men”...and Filipino women can be “instantly ordered” subject to a \$5.00 processing fee
3. www.1mailorderbrides.com: “Philippine women from Luzon...that includes post-graduate students”

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

International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei practices, including the advertisement, publication, printing or distribution of brochures, fliers and other propaganda materials...”

The Lure of Marrying Foreign Nationals

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

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

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

Preying on Women’s Vulnerability

Culturally, the patriarchal attitude towards women is still dominant in the psche of Filipinos. This low regard for women is apparent as can be seen in the economic and

social dynamics of the society. Women are still regarded as secondary labor force, discriminated against, vulnerable to be victims of gender violence (sexual harassment, rape, sexual abuse, wife battering, etc), and commodified directly or indirectly. Rooted historically, plus factors especially the media's portrayal of women, enshrining and enriching patriarchy is even aggravated by the government's economic and political policies.

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

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

- 5,000 OFWs were able to enter Syria where majority are women as domestic helpers, without proper documents and were recruited by agencies based in Dubai; because of their illegal status, they are more open to various forms of abuse
- in 2003, a Filipina married to a Korean died from falling from the 10th floor of their building; the victim's family alleged that it was the husband who pushed her to death because they knew that she was battered by the husband
- in November 2006, an OFW who was a victim of illegal recruitment in Qatar was raped and was not given her 5-month salary; she was able to escape and asked the assistance of the Philippine consulate in Qatar; unfortunately, no action from the government has been received by the victim even as she was able to go back in the Philippines
- as of November 2006, there were 32 women who were temporarily sheltered in a halfway house in Qatar who had the same experience as the victim above

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

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

husbands because they are also known for being richer ones in the region.

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

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

Where marriage used to be a sacred word for the Filipino women, "marriage" can now be an option to find "greener pasture." Poverty is a major factor why many Filipino women are driven to migrate thru marrying foreigners. With the current economic and political situation of the Philippines, this phenomenon is a reality we have to face.

The burden of ensuring protection for brides of foreigners should first come from the Philippine government. If we were to look at our existing laws, the two already mentioned above should already deter victimization of women. But the sad fact is there is still proliferation of agencies and individuals whom we suspect to have strong connections to law enforcement agencies.

There are more laws we can cite that should be strongly implemented and could help in rendering support to migrant brides. There is Republic Act 8040 passed in

February 1995 which is an Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of the Migrant Workers, Their Families and Overseas Filipinos in Distress. Another one we can mention is Republic Act 8171 passed in October 1995 which is an Act Providing Repatriation of Filipino Women Who Have Lost Their Philippine Citizenship by Marriage to Aliens and of Natural Born Filipinos.

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

GABRIELA's Work and Vision

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

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

Domestic Caused of the “Mail Order Marriage” in Indonesia

(Case Taiwan)

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Objectives

- To describe the social condition that support “the mail-order marriage” phenomenon in Indonesia.
- To analyze the legal instruments and the role of state.
- To give a brief recommendation.

General Pattern of “Trans-Border Marriages” in Indonesia

- Between Moslem’s women with the Arabic male (tourist).
- Between Indonesian women with expatriates.
- **Between Indonesian-Chinese (female) with the male from overseas (esp. Taiwanese).**

Three Main Factors of “Mail-Order Marriage” in Indonesia

- Because they Women
- Because they Chinese
- Because they poor and live in Poverty

Legal Instrument

- Marriage Act (1974),
- Anti Domestic Violence Act (2004),
- Anti Trafficking in People Act (2007).
- Civic Act (2007).
- Immigration Act (1992),
- Protection and Placement on Migrant Workers Act (2004).

Legal Definitions of Trans-border Marriage

- **Definition According to Marriage Act No. 1 1974:**
 - **Article 57:** “The trans-border marriage is the marriage between a spouse that submit to the different law in Indonesia, which one of them were foreign citizen and the other is the citizen of Indonesia.”

Marriage Act 1974

- **Related article with the trans-border Marriage;**
 - Part II Article 56, Subsection (1) and (2) on **Overseas Marriage.**
 - Part III Article 57-62 on “**Trans-border marriage**”.

Marriage Act 1974

- **Article 57:** “**The trans-border marriage is the marriage between a spouse that in Indonesia submit to the different law, which one of them were foreign citizen and the other is the citizen of Indonesia.**”
- **Article 58:** “**For a spouse or bride that belong to different nationality could attain the nationality of husband/wife and also could lose his/her nationality according to the civic law of Republic of Indonesia**”

Marriage Act 1974

- **The trans-border marriage could not be pursued before all the marriage requirement according to the law was not fully proof.**
- **Note: the requirement that mentioned above is submit to the Part I Chapter II Article 6-12 Marriage Act 1974.**

Definition of Trafficking

According to Anti-Trafficking Act 2007

- **Article 2 Subsection (1)**
 - Recruiting, transshipment, delivering, transference, or receiving someone by threat,
 - using violence, abduction, detention, falsification, deception, abuse of power or exploit the susceptible, debt trapping,
 - lending money or benefit to the person who take the control of other people,
 - to exploit that people in the territory of Republic of Indonesia

Definition of Trafficking

According to Anti-Trafficking Act 2007

- Importing and Exporting people for the exploitation purposes. (Article 3 and 4)
- Illegal adoption (article 5)
- Exporting Children for exploitation purposes (Article 6)

First Factor: Women's Issues in Indonesia

History of Indonesian Women's Struggle

- **Women's struggle in Indonesia has a long historical background. The struggle of women were historically close with the basic problem of Indonesian society; which is feudalism (esp. Javanese Feudalism) and Colonialism.**
- **Therefore, since the age of movement (1920s) until 1965 the women struggle were well-organized and had a strong influence in political level.**

Women's issues During the New Order Regime

- **When Gen. Soeharto in power, the militant and democratic women organization were repressed and disbanded**
- **Some leader of women's organization was killed, detente, black-propaganda on women issues.**
- **Women's issues was highly dominated by conservatives interpretation.**

After Soeharto Ousted (since 1998)

- **There're some progression in mainstreaming gender in many issues, promoted by women's group and NGO, but still, women's position are subordinated by man.**
 - The State Ministry of Women's Empowering
 - Specific laws on women (Anti Domestic Violence Act, Anti-Trafficking Act, etc)
 - Civil society initiatives that promoted the women issues (NGO, mass organization, Legal Aid, etc)

The Barriers on Women

- **Politic:** Restriction in Women political participation, through their genuine organization. State regulation (draft of law of Anti-pornography, Marriage Act, etc)
- **Economy:** Women still have no legitimate access to the productive forces in rural areas (land, water, etc)
- **Culture:** Islamic fundamentalism, Cultural prejudice

The Barriers on Women

- The remnant of feudalism that created un-democratic society and prolonged the gender inequality in Indonesian society.
- Bogus emancipation and Commoditization of female's body created by imperialism

The Weaknesses of Women's Struggle in Indonesia in Political Level

- Women's issues are still dominated by the mainstream and conservative-feudal interpretation of women
- this caused the democratic campaign to assert the basic problem of women aren't confront yet.
- The common perception among activist who still distinguished the women's issues from other sectoral issues.

The Weaknesses of Women's Struggle in Indonesia in Organizational Level

- Domination of conservative women organization like Dharma Wanita and PKK still exist
- In other side the mass-based and genuine women organization still in small number and limited areas.

Second Factor: Discrimination on Indonesian-Chinese

The Profiles of Chinese-Indonesian

| | |
|---|---|
| Total population | 1,739,000 (2000 census) |
| Regions with significant populations | Bangka-Belitung, Java, West Kalimantan, Sumatra, South Sulawesi |
| Languages | Hokkien (Min Nan), Hakka, Tiochiu, Mandarin, Indonesian, etc |
| Religions | Buddhist, Confucianism, Christian, Muslim |
| Related ethnic groups | Han Chinese |

Ethnic concentration (1)

| | |
|-----------|---|
| Peranakan | Jakarta, Java, Makassar |
| Hakka | Aceh, North Sumatra, Batam, South Sumatra, Bangka-Belitung, Lampung, Java, West Kalimantan, South Sulawesi, Ambon and Jayapura. |
| Hainan | Riau (Pekanbaru and Batam), and Manado. |

Ethnic concentration (2)

| | |
|-----------|---|
| Hokkien | North Sumatra, Bagansiapiapi, Pekanbaru, Padang, Jambi, South Sumatra, Bengkulu, Java, Bali (especially in Denpasar and Singaraja), Banjarmasin, Kutai, Sumbawa, Manggarai, Kupang, Makassar, Kendari, Central Sulawesi, Manado, and Ambon. |
| Cantonese | Jakarta, Makassar and Manado. |

Ethnic concentration (3)

| | |
|---------|---|
| Hokchia | Java (especially in Bandung, Cirebon, and Surabaya), Banjarmasin |
| Teochew | North Sumatra, Riau, South Sumatra, and West Kalimantan (especially in Pontianak and Ketapang). |

Political, Economy, and Cultural Discrimination

| | |
|---------|---|
| Politic | Restriction for Indonesian-Chinesees to assert their political aspirations. |
| Economy | Restriction for Indonesian-Chinesees from going public service, and other governmental occupations. |
| Culture | Restriction for Indonesian-Chinesees from going into academia (such state school or university), to use their language, or use their origin (Chinese) name. |

For Years in Discrimination

- Some restriction were abolished by the Indonesian government but the cultural effect and ‘cultural perception’ on Indonesian Chinese that caused by those restriction still continue until today.
- Its because the political discrimination of the Indonesian-Chinese was created since the Dutch Colonial, and reproduced by Soekarno and Soeharto.

Some Historical Lesson’s

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

‘Misperceptions’ on Indonesian Chinese

- Since Chinese Indonesians were banned from all aspects of life except from the economy and industry, they concentrated their effort in those areas and became remarkably successful.
- It opened opportunities for government and military officers to levy bribes from Chinese Indonesian businessmen. Bribes and corruption soon became a norm. This widened the gap between them and *pribumis*.

‘Misperceptions’ on Indonesian Chinese

- The *pribumis* accused Chinese Indonesians with colluding with the government and thereby poisoning the entire political system.
- On the other hand, Chinese Indonesians felt that they were treated unfairly and the government was much more lenient toward the *pribumis*.

Third Factor: Poverty in some Indonesian- Chinese Communities

Indonesian-Chinese Communities

- Dutch divided and grouped the people's resident in Indonesia based on ethnic and race.
- Chinese communities in Indonesian cities called "Pecinan" or "China-Town". Every "Pecinan" lead by one captain or "Kapiten Cina".

Cina Benteng's Experience

- "Famous" Chinese poor-communities in Indonesia. (Medan, Pontianak, Tangerang/ Jakarta, Bangka island, etc)
- 'Cina Benteng' is a poor Indonesian Chinese, lived near Jakarta (just behind the Soekarno-Hatta Airports).
- The communities was formed since the Dutch Colonial periods by some coolies or slaves that survived from the '1740 Massacre'.
- They also called 'black-Chinese'.

Cina Benteng's Experience

- Unlike the 'wealth Indonesian Chinese' (that still have opportunities in economy and industry), their access to the formal economic activities are very limited.
- Mostly the poor 'Chinese Indonesia' enter the informal sectors and some were become criminal (involve in drug producing or trafficking, women's trafficking, prostitution, gambling, etc)

Cina Benteng's Experience

- As other poor people in Indonesia, the poor Chinese-Indonesian communities did not have enough access to the government social's services, economic productive forces, educational and health services.
- The civic rights of the "Indonesian-Chinese" were intently discriminated.

Cina Benteng's Experience

- Poverty among the Indonesian-Chinese gave a sufficient condition that facilitated the mail-order marriage;
 - Become the brides: young female; widow or single.
 - Become the agency: based in 'Kota' sphere (a China Town) in central Jakarta.
 - Become the recruiter: usually the recruiter was still relation or as relative to the family of bride.

(Source: TEMPO Magazine)

Conclusion (1)

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

Conclusion (2)

- **Structural Condition of Mail-Order Phenomenon in Indonesia**
 - Gender inequality
 - Race and ethnic discrimination
 - Poverty and crisis in Indonesia and its effect to the poor Indonesian-Chinese Communities

Conclusion (3)

- Violation of Women's Right
- Violation of Civic Right of 'the Indonesian-Chinese'.
- Forced migration

The situation of Vietnamese women gets marriage with foreigners

Le Van Hai

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Getting marriage with foreigners is general trend in integrating and developing economy. Each person has their right to decide their marriage; Vietnamese law does not forbid or encourage it. However, in the recent years, Vietnamese women get marriage with foreigners has become emerging problem. It happens so popular that many people think that Vietnamese women get marriage with foreigners has become trend. Somebody considers it as “epidemic” or “a fever” of getting marriage with foreigners. The number of Vietnamese women get marriage with foreigners has been increasing dramatically in a short time. According to the report of IOM, Vietnam has about 100,000 women got marriage with foreigners, among them, over 11,000 women got marriage with Taiwanese; more than 20,000 cases with Chinese; 20,000 is the figure of marriages with Korean (increase 75% every year); Singapore: 5,000 and Malaysia is 5,000... Most of these women come from Mekong River Delta provinces such as Can Tho, An Giang, Tay Ninh, Bac Lieu... with the average age of 21; 10% of them is was under 18. All of them are living in poor family with low educational level.

The reasons of an increase in the number of Vietnamese women get marriage with foreigners are the impacts of open, integration and development policies of the Government; poverty; limited knowledge; lack of information of parents and young girls; gender inequality, domestic violence against women and girls, some of young girls are work-shy, desire of wealth so they decide to get marriage with foreigners to “have a new life. Nowadays, in some countries, it is difficult for men to get marriage because of gender inequality and economic problem, leading an increase of the demand of getting marriage with foreigners. Vietnam is one of destination countries for men who would like to seek for wife.

Moreover, trafficking in women and girls bring about much profit, which increases the ring of trafficking in persons. Traffickers take the advantages of getting marriage to traffic women and girls to overseas for sexual exploitation or prostitution. Ministry of Public Security of Vietnam reported that, there are thousands of Vietnamese women who are victims of trafficking in persons. According to Nhan Dan newspapers released on 26th July, 2007, only in the first six months of 2007, there were 742 women were trafficked, 879 children are way from home for a long time and are in doubt of being trafficked and 144 new rings of trafficking in persons. The statistics of Lang Son Police Department showed that, since 2004 among 5000 women

who have been away from home, there have been 140 victims of trafficking in persons.

The problem of Vietnamese women get marriage with foreigners is different between the North and the South. Most of the marriages in the South are official with certificate of marriage, wedding ceremony... Marriage brokers organize a meeting between prospective brides and grooms in hotel. There are hundreds of women in each meeting. The “groom” will be introduced to his wife and he has to pay about 2,000 USD- 3,000 USD for broker. In the North whereas, marriages are unofficial without certificate of marriage or wedding ceremony. Marriage brokers take women and girls to border through paths or pass the border gates by using tourism passport. After setting the foot on the other side country, these women will be sold to men, who have the demand, for about 7 million VND per bride. Most of these men are poor. The victims of trafficking have o hard work and are put under house arrest by husband family. The trick of marriage brokerage, many women and girls are fallen into prostitution. In Ha Khau commune of Van Nam province- China, there is a Vietnamese market called “Ba Tang” and there are about 2,000 Vietnamese women working as prostitute. Brokers promised them that they would be introduced to get a job or get marriage with Chinese men. However, they were forced to be prostitute. Victims in the North always come from border provinces and recently there has been a trend to spread out to interior areas.

The marriage happened very quickly. It took only 5-7 days for the couple become husband and wife. So, they did not have time to get to know about each other and language difference causing contradiction with each other and the wife found difficult in integrating into new living environment. Due to being married off and forced marriage, women depend on husband and his family. They are unjust and badly cheated, domestic violence... but they do not dare to say a word. They can not protect themselves as well as have a little chance to seek for help from neighbors, local authorities because they do not know the local language.

Many Vietnamese women are violated human rights, beaten, sexual and physical abused, human dignity offended, and labor exploited... Vietnamese brides are ill-treated to disable or mad. They had to get marriage with handicapped or crazy husband. Some of them are used for child bearing purpose and considered as “delivering machine”. Many others were put into glass cage and sold as good in markets. There are some cases that women or girls are violated and exploited in their country. They were forced to take their clothes off in the presence of many men or be touched throughout their body by their husband-to-be...

Sexual abuse against women causes serious consequences for victim’s physical

and mental health, high risk of STDs and HIV/AIDS infection and violates women's rights. It also results in unstableness in economy, labor and work and social security of every country.

Vietnamese Government has paid much effort to solve the problem of Vietnamese women get marriage with foreigners. The marriage and family law has 1 chapter and 6 regulations mentions about marriage with foreigners and protecting Vietnamese citizen. Moreover, the Government also has decrees to prevent and limit taking advantage of marriage for exploitation and trafficking in women and girls... such as 68/2002/N§-CP and 69/2009/N§-CP decrees and No 130 regulation...



Communication programs to enhance awareness on marriage and family law, safe marriage and migration for community people have been promoted through justice department, women union... Some activities to assist Vietnamese women who would like to get marriage with foreigners have been carried out in legal counseling centers, hotline of government agencies...INGOs and VNGOs have actively involved into advocacy and behavior change communication programs and rehabilitation to community for returned trafficked women and girls.

The Institute for Reproductive and Family Health (RaFH) has many experiences in implementing projects on combating trafficking in women and girls in may border provinces of Vietnam. In the projects, we has been organizing many community activities such as: trainings, campaigns, gatherings, club meetings, distributing IEC materials on the issue... with the aims to enhance awareness and knowledge of community people on gender equality, trafficking in women and girls prevention, safe migration... Moreover, RaFH also gives support for returned trafficked victims as health check up, HIV VCT, vocational trainings and job introduction...

Besides gained achievements, there are existing several difficulties. Communication is not comprehensive so that community people still lack exact and sufficient information leading wrong understanding about getting marriage with foreigners. Poverty and unemployment are inextricable problems. Supporting and counseling for women before and after marriage in Vietnam and in husband's country are limited. In Vietnam, there are not many centers for assistance and counseling on marriage with foreigners, only several centers directly under women union or justice

department at provincial and district level, which are working on legal counseling
Illegal marriage brokerage can not control... These are reasons that cause insufficiency
in marriage with foreigners and bad consequences for the society.

In order to solve the problem, it is necessary to have more attention and effort of
the Government, mass organizations, as well as national and international
organizations. Each country in the region should be alliance and support each other to
ensure the marriage of women with foreigners safely, to help women to have a happy
and prosperous family and to protect women rights.

The Impact of The Difference of Thai Bride In Hongkong

Ratchaneeporn Kung

Thai Regional Alliance

1. Culture :

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

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

2. Language :

Mostly Thai brides in HK use Cantonese to communicate with husband and his family but not all of them can speak. It makes very difficult to get used and get along with his family/cousins. Some of them feel lonely and unhappy to stay and loss confidence to stay longer with family. Some of them have give up to get back home country.

3. Family :

Problem was found that they were unacceptable from family of husband. They have been looked down and were treated as a servant. Some of couple were divorced because of family members.

We found only few case who had successful but she had to endure for the beginning. Those of women actually are graduated or above level.

4. Discrimination:

As Hong Kong is the popular town for foreign workers especially domestic helpers therefore the local people especially from the public people have look down and have bad treated to the Asia foreign women brides because local preferred every Asia women are the domestic helper.

At the Immigration Department: They were discriminated when they need to extend visa per period before 7 years by required to leave Hong Kong

because of husband has not enough money to support, of course because the bride is not allowed to work. Some of them are not approved the visa to stay and was allegeable to fake married.

Settling In Japan: Filipino Women's Acts Of Empowerment And Disempowerment

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In this presentation, I will describe some post-migration movements of Filipino women (Filipinas) who are married or divorced in Japan. The influx of Filipinas to Japan has shown a rather unique pattern compared to other women's migrations worldwide, and the majority of current residents came as entertainers working at nightclubs and other similar establishments. This nightwork has engendered their particular images on top of the generally negative images of working-class women on the move. They are commonly seen as some kind of sex workers who come from impoverished segments of the Philippines. These negative images have encouraged many women to engage in certain movements or activities² in order to recreate their national, ethnic, gender-sexual, and social identities in diaspora. I will focus on two of these movements in this presentation: First is to a lawsuit in which nine Japanese-Filipino children, who are not recognized Japanese citizens, and their Filipino mothers demand the children's Japanese nationality to the Japanese government. Second is a creation of new employment opportunities for themselves in the tight job market. This is further divided into two categories: carework and teaching English in the community.

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

Images Of Immigrant Filipinas To Japan

At the height of globalization and the denationalization of movements of capital,

² By "movement," I do not mean social movements, i.e., feminist movements. It refers to collective acts for their goals which are more mundane at present than those aiming at a social transformation.

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

While many other countries experiencing labor shortage have accepted foreign workers under various contracts, Japan has kept its doors shut even to this day to foreign workers with no recognizable profession or skills. Filipinas have come to Japan on different visas, but the majority who came from the 1970s served as entertainers in night establishments.³ Despite their services that were remunerated with pay, they were not legally recognized as workers. As entertainers in night businesses from a Third World (read: poor) country, these women were commonly conceived as engaging in some kind of sex work. At bars and nightclubs in Japan, one of the most important tasks is communication with the customers which is accompanied by other services – verbally welcoming them, handing wet cold or warm towels for refreshment, making drinks, lighting cigarettes, offering food, and singing and dancing with them. Prostitution has taken place at some establishment and sexual gestures are commonly displayed. However, their operations have been grossly misunderstood by many people in the world as well as in Japan and paid sex is not a fix feature at many clubs. Together with Japanese men's stereotypes as "chauvinists," "sex animals," and "merciless samurai" as in the "yellow peril" discourse, these Filipinas' sexuality has been suspected to have become a commodity and their morality depraved amid paid sex outside marriage, the recruiters' or their own lies or deception, and physical, sexual, and economic violence.

Although real cases of abuse need to be legally and practically attended, similar to the discourse of domestic workers abroad, unattached working-class Filipinas in Japan who are conceived as "sex workers" have been met with the "3-D" stigmas of disease, depravity, and drugs (Ong 2006: 211). These women may have been benefitted from the work of those who have tried to "uplift" their status at home and abroad. Simultaneously, the pervasive views of Filipinas and attached stigmas thereof in Japan

³ In March 2005, the Japanese government tightened the issuance of entertainer visas to an unprecedented degree due to the criticism mainly from the US government, which identified the visa as a foil for human trafficking, leading to feed international criminal syndicates and terrorists (US-DOS 2004). This legal change has resulted in the significant decrease in tens of thousands of Filipinas, and at the end of 2006, the number of new Filipino entrants on entertainer visas was 8,607 (MOJ 2007).

and elsewhere have in fact paradoxically reinforced the patriarchal values and control as well as the market logic and discipline (see Ong 2006: 195-218; Ferguson and Gupta 2002). These have also reduced the existence of the Filipinas to helpless women in need of rescue and rehabilitation. Meanwhile, their status and entitlements as workers have been legally denied. The struggles of (formerly) married Filipinas in Japan as immigrant women of humble background are situated in these limited economic opportunity and social context. Below, I first introduce the case of nine Filipina mothers who sued the Japanese government for not granting their children Japanese citizenship.

Demanding Nationality

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

The citizenship of children born to foreign parents is determined by several factors. Japan subscribes to *jus sanguinis* and if the parents are legally married (i.e., united under the family law), the children are entitled to Japanese citizenship.⁴ If parents are not married, the nationality of the mother becomes crucial: When the unwed mother is Japanese, the fact of giving birth to a child while someone – doctor, nurse, or midwife – is witnessing the delivery grants the child Japanese citizenship. When the unwed mother is a foreigner, the child must be legally acknowledged by its Japanese father before it is born, or the father’s recognition of the fetus (*taiji ninchi*) grants it Japanese citizenship. After birth, under the nationality law only when the parents marry and the Japanese father adopts it, the child can gain Japanese nationality (see Jō and Tsutsumi 1999 for details). Many young Filipinas who were romantically engaged with Japanese men were unaware of these legal conditions at the time of pregnancy and delivery. During pregnancy or after delivery, these women were (and are even now) unable to marry their partners either because their partners are already married or for other reasons. Under such circumstances, while living in Japan, the children can only become Filipinos by registering at the Philippine Embassy. As most rights and entitlements are usually observed through one’s belonging to a

⁴ Dual citizenship is allowed in Japan up to the age of 21.

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nation-state, these children are forced to lead disadvantaged and less protected lives in their paternal homeland.

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

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

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

Recreating Economic And Social Subjectivities

“Filipinas’ image is bad,” is an expression I have frequently heard since the early 1990s when I began fieldwork among Filipinas in the Metropolitan Tokyo area. While laboring women’s sexuality and morality on the move are constantly suspected everywhere, their gainful opportunities are severely limited. This may be particularly so in Japan, where the vast majority of Filipinas (used to) work in the night businesses.

Their employment continues to be limited within such businesses and other work at the low rungs of the occupational hierarchy. They are hence lowly paid. Recently however, they have begun to expand their economic niches in the areas of caregiving and teaching English.

In January 2002, during his trip to ASEAN nations, then Japanese Prime Minister Jun'ichiro Koizumi proposed the possibility of establishing a comprehensive Japan-ASEAN EPA (Economic Partnership Agreement) to which Philippine President Gloria Macapagal-Arroyo promptly responded with a proposal in May of that year (METI 2006).⁵ Official negotiations began in November 2004 and the Japan-Philippines Economic Partnership Agreement (JPEPA) was signed in September 2006, waiting ratification by the Philippine Senate at present. Learning about the JPEPA, since the mid-2000s local Filipina/os – those living in Japan – (mostly women married to Japanese) have begun to enter the field of care and Japanese labor-power companies, non-governmental organizations, and others have offered them training and work opportunities.⁶

These Japan-based careworkers do not have the 750-hour training that the Philippine government-certified caregivers, nor do many of them have a college degree that is required for the eligible candidates under the JPEPA. Instead, local Filipina/os have undergone training to become *herupā* (helpers) in the field of care. *Herupā*⁷ are placed below the expected careworkers under the JPEPA, but they must have completed the 130-hour training at prefecture-certified institutions. Although obtaining certificate is not terribly difficult (if one understands the Japanese language), having acquired this certificate personally empowers Filipina/o trainees. Upon completion of the training, Filipina *herupā* felt as follows: “I have passed the exam in Japanese. At last, I feel that I stand at the same line as the Japanese!”

The fieldwork that I have conducted thus far suggests that the jobs performed by Filipina *herupā* are not easy. Oftentimes these low-rank careworkers – Filipinas and Japanese alike – are placed in the night shift where one attendant may oversee twenty patients by herself for sixteen to eighteen hours. A Filipina showed me a bruise on her upper arm because a patient could not control his/her grip. Some of their Japanese colleagues gossip about Filipina *herupā*, about “their” need for money because of the Filipinas’ presumed former occupation and their Third World origin.

⁵ See Suzuki (forthcoming a) for details.

⁶ Some have been working as nurses’ aides and licensed and unlicensed *herupā* (see the next paragraph) at hospitals and care institutions much before than this date. The longest period a Filipina worked as a *herupā* I know was nine years.

⁷ There are three levels: One (*ikkyū*), Two (*nikyū*), and Three (*sankkyū*). The vast majority of Filipina/o *herupā* are at level Two.

At the same time, others have experienced something more positive. The Filipina introduced above mentioned to me that the medical doctor and neighbors she met changed their attitudes towards her and said, “Oh, you’re working as a *herupā*? That’s respectable (*erai ne*).” She also said that “Even X (a Filipina group, leader, who is known as *kempeitai* (military police) among local Filipinos) told me, ‘That’s GOOD!’” She is proud to receive such words of praise, which is something she never received when working as a bar hostess. Currently, there are about 800 local Filipina/os estimated to hold the *herupā* certificate. Not everyone is making use of their certificate; but, those who are working as *herupā* express that they now have a socially recognizable job in a foreign society.

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

Another trend in Filipinas’ economic and social mobility is to teach English. Filipinos are educated in English from elementary school as a legacy of colonization by the USA. Although their actual proficiency levels vary, this linguistic skill has in fact allowed them to find jobs abroad. Their ability to speak English especially in societies where the majority are incompetent and even feel inferiority complex towards those who speak the language of globalization and power – such as Japanese and Taiwanese – Filipinas can mobilize their colonial education for their own advantage.

In fact, there have been some English teachers in Japan for several decades in formal and semi-formal education institutions such as at the university I work and at

YMCA/YWCA. Increasingly today, the need to learn the language has become stronger in order for Japanese to sustain its political-economic power in the global economy and technological fields. Until now, they learn English as a mandatory subject from junior high school and the Ministry of Education sends native (or semi-native) assistant English teachers (ALTs) to Japanese high schools nationwide. However, the majority of the Japanese have not acquired communicative skills to a degree that they can converse with ease. In order to ameliorate this situation, the ministry is currently planning to introduce the language to fifth and sixth graders in elementary schools. This may engender employment opportunities for English-speaking Filipinos in Japan.

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

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

One of these workshops is named CHOBET, community and home based English teachers, specifically targeting at Filipina mothers who do not have decent work opportunities but are willing to do something new. The organizer is well aware that such an opportunity is a way to counter the women's defiling images and their possible negative impacts on their children and families. The levels of their English vary and many are grammatically, phonetically, and practically good only to teach small

children. Others have higher skills and are creative in making necessary props to promote communication. At some neighborhood classes, some of these teachers are well appreciated by small children and their Japanese mothers for their teaching, which is often fun with lots of songs and play. Although teaching nowadays requires many gadgets – books, CD players, toys, and many other visual materials, which are costly and which teachers sometimes have to make by themselves, some of the Filipina teachers are gaining confidence and much desired social respect from the Japanese majority. Whether or not they can further move upwardly is yet to be seen. At least for now, these women enjoy the title, “*sensei* (teacher),” which in many Asian contexts is usually a marker of respect and empowerment.

Conclusion

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

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

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

The JFCs and their mothers who are fighting to gain the children's Japanese citizenship are now at the stage of challenging the legitimacy of the Japanese Constitution. If they win, their acts will produce significant social, political impacts on and empowering forces for other people in Japan and beyond. At least for now, their challenges have made visible the serious consequences of some Japanese men's irresponsibility and indifference.

To discuss acts of empowerment of immigrant women with less resource does not offer a sweeping scenario of victory and their acts may take place along with disempowering circumstances. For any change for better to take place, it is nonetheless important for the immigrant women, advocates, and scholars together continue to collaborate to achieve our common goals and defy any forms of discrimination and disempowering forces.

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Opening Doors to Hong Kong's Future

Jackie Hung

Justice and Peace Commission of the HK Catholic Diocese

What makes HK competitive? Most people would probably agree that it lies in both our system and the people. We have a fine, orderly and efficient society. Human capital is a different story. HK has no natural resources. Our success in the past owed a lot to the entrepreneurship and hard work of the people. In the 1950s, refugees from Shanghai brought capital and industrial expertise, and helped set up manufacturing and textile industries.

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

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

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

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

According to HK police figures from the era, many more than 300,000 people crossed into HK and obtained permanent residency between 1971 and 1980 (excluding

1975-76), while at least another 180,000 were caught in the New Territories and sent back to the mainland to receive a couple of months of so-called moral education in farms. While the mainland was embroiled in political chaos in the 1970s, HK flourished. It was a golden time for the city's manufacturing industries, rising to become an economic powerhouse of Asia. New immigrants contributed huge amounts of labour and amid the boom emerged countless rags-to-riches stories.

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

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

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

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

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

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

The second influx took place after the 1911 revolution, when the population doubled in a few years. It spiraled again in the late 1930s when the Sino-Japanese War began. The fourth major influx happened during and after the Cultural Revolution. In 1973 alone, 56,000 illegal immigrants arrived from the mainland. This led to the

replacement of the open-door policy, and a strict regime of repatriation came into place, which led to many heart-breaking cases in the 1980s and 1990s.

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

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

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

HK's New Arrival

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

One in 20 women in HK is a new-arrival. The number of new-arrival women has been increasing since the 1990s. The apparent result of the policy negotiated between the HK and Mainland government from 1983 to 1995, which give priority to increasing

numbers of Mainland one-way permit applicants wanting to emigrate to HK to reunite with their families.

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

Quota System

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

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

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

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

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

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

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

Population Policy

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

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

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

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

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

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

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

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

Seven Years Residence Requirement

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

The rationale behind the government is that CSSA is a non-contributory scheme funded entirely from General Revenue. Eligibility based on a seven-year residence requirement reflects the contribution a resident has made towards our economy over a sustained period.

Rising social welfare costs prompted the government in 2004 to implement a new policy requiring migrants over the age of 18 to live in HK for seven years before

becoming eligible for welfare under Comprehensive Social Security Assistance. The rule was a drastic departure from the previous one-year requirement.

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

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

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

Discrimination Against Mainlanders: From The Government To The Society

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

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

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

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

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

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

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

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

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

The super HK' thinking is outdated. HK may still progress a little bit, but the major cities in the mainland are growing [economically] much faster," he said.

The Tragic Case of Kam Suk Ying

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

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

The killing of a Kam Suk Ying and her two young daughters in Tin Shui Wai earlier in 2004 raised disturbing questions about HK's ability to tackle serious social problems - especially domestic violence. Six months after the death, a report published

by an independent panel of inquiry has revealed how numerous and complex those problems are.

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

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

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

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

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

This policy came into effect in 2004. It denies immigrants financial help at the time they most need it. It is a shortsighted measure that makes it all the more difficult for new arrivals to adapt to life in HK and quickly integrate into society. It places a

terrible burden on their families and helps to foster an environment in which serious social problems are bound to arise.

Every day, 150 migrants from the mainland arrive in HK to start a new life. Most are coming to join family members already here. Within the quota, there are 60 places for wives who have been waiting at least 10 years to join their husbands.

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

As A Consequence Of Population Policy 2003

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

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

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

The policy paper raises many questions but leaves some of the most important unanswered. It highlighted the greying of HK's population, which will bring heavier burdens on the social security and health-care systems, and result in fewer resources available for purposes that are more productive. The paper also noted the ongoing influx of mainland migrants under the one-way permit scheme. While making much of

the need to integrate new migrants into HK society, it contains few concrete plans to help this happen.

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

Right Of Abode Saga

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

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

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

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

Court battle started after the Provisional Legislature passed the 1997 Immigration (Amendment No) Ordinance on 9 July 1997. It required that children born in the Mainland should obtain a "Certificate of Entitlement" before they can

come to HK. The law was backdated to take effect on 1 July 1997. This brought a number of Mainland children resort to the court to object repatriation.

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

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

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

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

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

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

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

The government produced figures on the cost to HK in terms of roads, housing, schools, hospitals and welfare payments - requiring an extra \$700 billion in government spending. It assumed that all of the 1.6 million entitled to the right of abode - a highly dubious figure in any event - would want to come and, once here, not a single one would get a job or contribute to the economy.

The mechanism in the Mainland China for such application however, is not effective and reasonable enough to settle the problem of family separation.

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

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

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

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

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

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

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

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

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

Mainland Pregnant Woman

At the end of November 2006, the internationally feted mainland pianist Lang Lang was granted residence in HK as the first of 83 successful applicants for the quality-migrant admission scheme.

The Immigration Department kept its doors open late to accommodate his arrival here from overseas. Just a week later, December 2006, the Hospital Authority is harboring thoughts of shutting its doors to Lang Lang's pregnant sisters by raising hospital maternity fees by between 50 and 150 per cent.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Trade Development Council and China Travel Services have agreed to design tours for mainlanders that include a "must-go" attraction - private hospitals. The idea is to attract mainland tourists who can afford HK's quality private medical

services - which are unavailable in most parts of the country, even for the relatively few that can afford them.

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

Conclusion

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

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

The interrelations between women, poverty and social welfare have been a global topic for more than 20 year. "Social welfare" is the system established by government to help people in poverty meet their needs and escape from poverty. However, whether HK social welfare system can effectively help the poor is a matter of debate.

Women in poverty suffer from low self-esteem, and additional impediment to achieving self-sufficiency. The cultural background of the mainland women, being subordinated to male in family, further worsened their status in family, domestic violent, and the lack of gender perspective within disciplinary forces, and the government support units follows with sex and physical abuse, sexual violence, and child abuse. It remains true that victims rarely complain, often choosing instead to endure the violence, by avoidance and pretending nothing happened.

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

The Exclusionary Taiwan Immigration Laws

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INTRODUCTION

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

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

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

The Government has never even considered eliminating the financial requirement. The officials presented a lot of reasons, but the real, underlying concern is that they are reluctant to accept those poor immigrants to become Taiwan citizens. The immigration policymakers are discriminating against those low-income foreigners and their Taiwanese family members alike. Nonetheless, this xenophobic and discriminatory measure is paradoxically the benevolent ones in terms of government’s policy

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statement. It indicates how great a discrepancy between immigrant families' real life experiences of financial certification policy and policymakers' understandings thereof.

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

I. LAWS AGAINST MARRIAGE IMMIGRANTS

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

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

A. Entry Barrier—Denial of Family Union Right

1. The Arbitrary Interviewing System

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

The interviewing officials' legal jurisdiction is to determine whether the marriage is a sham one. However, they virtually enjoy unconstrained discretion in making "pass" or "fail" decisions. There's no precise legal standards defining or discerning

“sham marriage”; their decisions to fail the applicants generally don’t need to give precise reasons and records of findings; the interviewing proceedings are secret and confidential so as to avoid any meaningful public scrutiny. Worse, due to the aforementioned conditions, plus the imminent enforced removal or exclusion, the post-hoc administrative and judicial reviews appear meaningless.

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

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

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

2. Numerical Limitations

The Immigration Act and the Act Governing the Relationship between Taiwan People and Mainland Chinese both provide that the government may set numerical limitations for immigrants. The Immigration Act even provides that the quota could be

varied in terms of geographical and national differentiations. There's no exception for citizens' wife or other immediate relatives. That is, the right to family union is contingent on the amount of resource to be preserved for "Taiwanese only." It also likely depends upon which country your wife's birthplace is. Border control obviously takes precedence of human rights to a great extent, notwithstanding the involved constitutional rights of ROC (Taiwan) citizens (the husbands).

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

3. Denial of Family Union Right

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

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

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

However, the Executive appears denying the existence of such rights categorically. We have an "Administrative Appeal Act" providing that anyone's legal right violated by government agencies may appeal to a Board of Appeals, and then the Board would review the legality of the administrative decisions at stake. In many occasions, when the Ministry of Interior rejected the immigrant spouse's admission application on whatever ground, the (either foreign or mainland Chinese) spouse or the Taiwanese

husband file the administrative appeal. The Executive Yuan's Board of Appeals took the cases filed by the spouses, but dismissed the cases in the name of the husbands without touching the merit! Is it weird?

The Executive Yuan's Board of Appeals explained the differentiation—the rejection at least appears adversely affecting the spouses' right to travel; it nonetheless has nothing to do with the Taiwanese husbands' right. Whether or not you can live with your wife is in essence not a legally protected interest or entitlement, it is at best a de facto interest. Therefore, the husband has no standing to sue the government's rejection decision. As a result, only the foreigners living abroad may bring suit against the government. It also embodies the Executive branch's fundamental attitude—there's no such right as “family union.”

If we look at how the reviewing court responded the Executive Yuan's legal interpretation, we'll be more thrilled by the government's stubborn, hard-lined position. Taipei High Administrative Court has set aside the Executive Yuan's decision in 2004 on the ground that the applicant's husband of course has standing to sue. However, I keep tracking how the Executive Yuan's Board of Appeals deal with this issue after the reviewing court's judgment, it's surprise that the Board insisted on the same position—the husbands have no standing to appeal the rejection decision for “living together” is not a legal right at all.

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

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

B. Deportation and Detention without Due Process

In modern democracies, one of the most critical features to distinguish citizens from aliens is that the latter is subject to deportation. As long as the punishment of

“banishment” or “exile” has faded away, only foreigners could be expelled from the national territory.

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

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

1. Unfair Grounds for Deportation

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

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

Many foreign spouses were expelled due to the infection of HIV, even though they were infected by their Taiwanese husbands. Later, the Legislature amended the law to exempt the foreign spouses from the mandatory deportation order so long as she is able to prove that it’s her husband to infect her. But they are still subject to the Immigration Act’s “discretionary” deportation. Since foreign spouses have no right to get infectious disease such as AIDS, they tend to conceal their infection.

Second, the catchall provisions—prohibiting foreigners engaging any activities inconsistent with the specific admission purposes—in immigration laws have been erroneously interpreted to restrict any foreigners’ freedom of expression. Those officials absurdly alleged that foreigners are inherently prohibited to conduct any political activities in host countries, so that they are not allowed to attend any political

expressive action. Practically, the immigration authority has expelled or threatened to expel some foreigners taking part in social or political protest. Though only few aliens have been deported simply because of getting involved in parades or demonstrations since the martial law has been lifted, the occasional and selective use of this weapon does have its chilling effect. In many occasions where immigrants went to the street to protest the relevant policies, the true stakeholders, foreign spouses, were reluctant or hesitant to speak in front of the masses simply because they don't have the Card.

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

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

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

This legal practice is not only unfair to those divorcees and widows; it also creates the incentive for foreign spouses to tolerate domestic violence and other abusive

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

2. Absence of Due Process

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

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

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

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

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

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

C. Denial of Social Rights

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

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

Ironically enough, the government refused to give immigrant sisters the right to social benefits; it created a special fund called "Fund to Take Care of Foreign Spouses" (the Fund) as the funding source of marriage immigrants' social benefits. Many local governments refused to give foreign spouses any statutory benefits turn out beginning to give the benefits they refused to give initially. In terms of legal logic, if the foreigners are ineligible for those benefits by law, how could they turn into eligible for the same benefits simply because there is more money? The reasonable inference is

that legality doesn't matter as it appeared; "resources allocation" and "foreignness" are the core, real concern.

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

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

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

Such a restriction is unnecessary and illegitimate. Right to work not only adds the income of immigrants, but also indicates the human dignity in a capitalist society like Taiwan. Deprivation of such right is equal to denying their right to pursue happiness. Furthermore, mainland Chinese spouses' works, like other foreign spouses, could fill

the rent of Taiwan's social security net and therefore increase the overall productivity. In fact, no empirical studies thus far can determine whether and to what extent mainland Chinese spouses will reduce the native-born Taiwanese' working opportunities. The policy is made not upon economics or sociology, but on political hostility toward mainland China.

D. Summary

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

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

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

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

A. Obstacles to Naturalization

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

One is the “test” requirement for foreign spouses (not including mainland Chinese spouses). The Nationality Act provides that an immigrant sister must pass the test of

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International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei
basic language skill and basic knowledge regarding citizens' rights and obligations.

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

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

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

As a result, absurd enough, the test contains lots of questions totally irrelevant with the notion of “citizenship.” It includes fiddle-faddle questions such as the speed limit in free way, the legal condition to feed pets, and so on and so forth. I, among other native-born Taiwanese, would not pass the test without reading designated materials. Does it mean that we are unqualified to be a Taiwanese? Why doesn’t the government just enact a new law requiring all citizens, native-born or immigrant, to take a citizenship renewal test annually to ensure the quality of national population?

Notwithstanding other countries similar provisions, Taiwan does not guarantee noncitizen-immigrants equal protection of the laws, which must be the justification of

the “test” requirement. In many countries, resident aliens could enjoy most legal entitlements other than right to vote (and access to the ballot), they thus generally don’t need to worry about discrimination, deportation, urgent need, or even poverty simply because of their alienage status. Citizenship in these countries could be regarded as a “plus” or “honor” for immigrants inasmuch as citizenship is not the necessary and minimum condition of livelihood. The test requirement to naturalization indeed set a threshold of basic human rights. It is totally unreasonable and unfair in Taiwan’s social and legal context.

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

- a. The requirement is nominal, simply the basic living standards in Taiwan. Immigrants without such minimal financial support could not live well.
- b. Some officials implied (or even expressed) that the foreign spouse or her husband can borrow money to get bank saving certificate.

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

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

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

B. Second-Class Citizenship—Discrimination AFTER Naturalization

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

citizens in certain regards.

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

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

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

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

this, why should I love this country?

IV. CONCLUDING REMARKS

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

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

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

Canada'S Mail Order Bride Industry

Evelyn Calugay

Filipino Women's Organization In Quebec (PINAY)

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

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

Methodology

The industry has evolved within the context of a free market in the absence of Canadian regulation. It is evolving into an almost clandestine trade. Like other First World countries, Canada is one of the most desirable immigration destinations for the promoters of the mail order bride trade. The expansion of information technology, the Internet and email has transformed MOB business practices significantly by replacing or supplementing the catalogue system. Today, the MOB trade essentially operates through the Internet. Websites are also more efficient because access to data banks means that brides can be selected on a made to measure basis, to suit the wishes of the prospective husband. Every bride offered on the site is given a number. The bride introduces herself by her given name and mentions her age, a few physical characteristics, some distinguishing personality traits as well as her qualifications and interests. Her description generally includes at least one photograph of her face and often a full-length photograph. She concludes her ad by expressing her wishes as to

the type of man she is looking for, with a short description of the qualities she would like to find in him.

Several websites require the prospective husband to give the maximum and minimum age, height and weight of the bride he is seeking. Numerous websites also include the bride's measurement, i.e. the size of her bust, waist and hips. An interested prospective husband will subscribe either to the site or to the catalogue. The adventure begins when the prospective husband subscribe to a service allowing him to select the women with whom he wishes to correspond.

First, he will select women who conform to his requirements and then he writes to a number of them. During the courtship period, the prospective husband generally sends a bride a few presents such as money, flowers, necklaces, watches and brassieres. He also communicates with her by telephone.

During the immigration process, correspondence, gift and telephone bills are provided as evidence of existence of a genuine relationship between the prospective husband and the bride. So the MOB agency recommends that the prospective husband meet the bride in her country.

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

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

Cost and Profit

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

Once the choice of bride has been made, the marriage will take place in the bride's country. Following a wedding in a foreign country, he returns to Canada alone.

He must then initiate the immigration process, which includes applying for immigration by the bride as a member of the family class, obtaining a spousal visa and providing an undertaking of sponsorship. This procedure raises the issue of the validity of foreign marriages. If the application of the bride now the wife is accepted, she is given a spousal visa granting her permanent residence status in Canada. She may then join her husband in Canada.

The Bride'S Situation Once In Canada

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

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

Inequalities Between Countries And Individuals

1.Economic

The first inequality exploited by the MOB trade is the economic inequality between First and Third World countries. First World countries are lands of plenty sought after by people, motivated by a desire to improve their lots and that of their families. Immigration admission criteria, based mainly on educational and financial qualifications, make it difficult, if not impossible, for people from the Third World to acquire residence, and then citizenship, in the countries of the First World. In this

context, the MOB Industry has taken advantage of North American pro-family immigration policies, which favor the traditional family unit under reunification of the members of that unit. The MOB Trade uses the institution of marriage to create an express route to Canada without which it would be impossible for these women to gain access.

2. Sexism on a Global Scale

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

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

3. Inequalities Between the Sexes

The sexual inequality between the bride and the husband is reinforced by great number of factors. First, the sexism prevalent in her country of origin has convinced the bride she is a second-class citizen.

Second, the anti feminist stereotypes leading husbands to turn to the MOB trade imply that the objective of a relationship between a man and a woman is the control and domination of the wife by the husband.

4. Ethnic Stereotypes

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

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

5. Economic Disparities

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

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

6. Generational Disparities

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

7. Educational Disparities

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

8. Other Disparities and Relevant Factors

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

Women's Resistance Against Mob Industry And An Anti-Women And Racist Immigration Policy

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

Actions Taken

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

Toward Better Recognition on the Rights of Foreign Brides

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

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

* This paper is prepared for the *International Conference on Border Control and Empowerment of Immigrant Brides*, Taiwan, September 2007. The writer is currently working with Indonesian National Commission on Violence Against Women (Komnas Perempuan) and attending this conference also on behalf of Asia Pacific Forum On Women, Law and Development (APWLD)

To generate the discussion to design human right instrument specifically on FBs, this paper (a) examines the provision of rights recognised in present instruments, particularly within Universal Declaration on Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), Covenant on Economic, Social and Cultural Rights (ECOSOC) and Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and (b) explores abuses experienced by FBs in order to identify problems that need to be addressed by the coming instrument. The paper is divided into 5 sections reflecting the recognised rights and problems faced by FBs in accessing and enjoying the rights.

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

Article 16 of UDHR recognizes that both men and women are entitled equally the right to marry. This right is confirmed in article 23(2) of ICCPR and article 16(1a) of CEDAW. In these three instruments, as well as in the article 10(1) of ECOSOC, the provision of the right is followed by the recognition of equal rights between men and women to enter into marriage *freely and with full consent*. But, for many of the women performing transnational marriage, free and full consent is a luxury. It is difficult for a daughter to object the marriage arrangement if her family have received the money from the man. In this situation, violence will be applied if necessary to gain the women's compliance to the arrangement. In one case of transnational marriage in Indonesia, the woman managed to run away seeking help from a local legal aid organization; but this was only possible after 6 days of her forced marriage ("Trafficking Almost Happen", Pontianak Post, 2006)

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

Another concern relating to this issue is the practice of child marriage despite being strongly objected internationally because it puts girls in a high risk of physical, psychological and sexual disturbance and violence. The concern on this matter is shown, for instance, in the *Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage* submitted to the United Nations General

Assembly in 1965. The recommendation encourages the member states of UN to prohibit marriage by any person under the age of fifteen years although dispensation is possible when granted by competent authority. CEDAW takes up the agenda of prohibiting child marriage by stating in the article 16(2) that “[t]he betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage”. Following the CRC/Convention on the Rights of the Child article 1 that “a child means every human being below the age of eighteen years...,” it is arguable that any legislation in favour of terminating child marriage should take the standard of 18 year old as the minimum age of marriage. Hence, all member states that have ratified CEDAW and/or CRC have the responsibility to revise their marriage law in compliance to the standard.

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

B. Rights to Mobility and to Protection from Trafficking and Forced Prostitution

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

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

“Marriage concluded between a national of a member State or a third country national legally resident in a member State and a third-country national with the sole aim of circumventing the rules on entry and residence of third-country

nationals and obtaining for the third-country national a residence permit or authority to reside in a member State” (EU Council,1997, p.29)

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

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

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

The understanding on trafficking and its complexity has been progressing through the work of the various UN mechanisms, such as the Commission on the Status of Women, Committee of the Elimination of Discrimination against Women, Special

Rapporteur on Violence Against Women, on Child Rights, and on Migrant Rights. In 2000, UN adopted the *Convention against Transnational Organized Crime* which contained the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. The protocol not only identifies the rights of victims of trafficking to protection but also specifies the state's responsibility in providing not only protection to victims but also in prevention and cooperation to combat trafficking. In article 3(a) of the protocol, trafficking in persons is defined as:

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

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

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

husbands are abusive. The brides, subsequently, have to live in a condition different to what have been promised by the matchmaker and even, some have to endure a servile marriage within which both physical and sexual exploitation is prevailing.

C. Equal Rights During the Marriage and at Dissolution

Emphasizing the urgency to protect individual's right to a nationality as recognized in UDHR (15), the United Nations in 1957 adopted *International Convention on the Nationality of Married Women* that urged member states to protect women's right to acquire, change or retain their nationality independently from their husband. In the same spirit, CEDAW advocates for assurance that "neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. (Article 19a)."

In many countries, the legislation has made it possible for the foreign bride to retain her nationality after the marriage and to acquire the husband's nationality at her own request. However, claiming the nationality of their children may be problematic despite article 19b of CEDAW advocating women's equal right with men to the nationality of their children. Many countries applying *jus sanguinis* (bloodline) principle for the establishment of one's nationality tend to recognize only paternal bloodline. Many others do not recognize double citizenship so that although matrilineal is recognized, the children may not acquire their mothers' nationality if they were born not in the mother's country of origin and if they are entitled to the father's nationality. The unrecognized right of women to their children's nationality may deter them from enjoying the same rights and responsibility with the men as parents. Indonesia, for instance, recognize maternal bloodline and double citizenship for children only recently (Indonesian Law No. 12/2006).

The unequal bargaining position between the foreign bride and her husband also deters her from enjoying the equal rights during marriage and its dissolution that has been guaranteed by UDHR article 16(1), ICCPR article 23(4) and CEDAW (16c). This includes women's rights:

- to decide freely and responsibly on the number and spacing of their children and to have access to information, education and means to enable them to exercise these rights (CEDAW 16(e));
- to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation (CEDAW 16(f));

- of personal rights as husband and wife, including the right to choose a family name, a profession and an occupation (CEDAW 16(g), ECOSOC 6))
- of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration (UDHR 17, CEDAW 16(h))

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

D. Right to be free from torture and slavery

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

Within the servile marriage, bride is perceived to be a source of labour and children by her husband and his kin. She tends to be viewed as a chattel by the family, a source of potential costs and benefits, to be controlled by them while under their jurisdiction and disposed of as they see fit. (Taylor, 19993) FB is particular vulnerable to this practice since her legal status is dependent on the sponsorship of her husband. The threat of deportation is regularly used to maintain her submissiveness and servitude. Hence, FBs often find themselves working 24 hours, providing service for everyone at home, taking care of the house and the children as well as earning income for the family. In various countries, the pervasive acceptance to the concept of dutiful daughter and obedient wife has hindered the state from providing the protection for FBs from this slavery-alike practice despite widely promoted by various international instruments- although none specifically mentioned foreign bride- such as

International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei the 1926 League of Nations *Slavery Convention*, UDHR article 4 and 24, ICCPR article 8, the UN 1956 *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery*, 1930 ILO *Convention concerning Forced or Compulsory Labour*, and in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

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

E. Advancing the Rights of FBs: Conclusion

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

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

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

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- Declaration on the Elimination of Violence Against Women
- Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage
- Convention on the Rights of the Child
- International Convention for the suppression of traffic in Women and Children,
- International Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution and Others
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, attachment to the Convention against Transnational Organized Crime
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International Instruments concerning Foreign Immigrants

Dr. Irene Fernandez & Lee Soo Choo

TENAGANITA

Introduction

Human trafficking has emerged as an important transnational, regional and national issue. It is estimated that between 1 and 2 million people are trafficked worldwide each year and that the majority are women and children. The proportions of the trafficking problem in terms of the illegal revenue generated, the disregard for human rights and its scale all figure in any analysis of the issue and state responses to it.

The Foreign Bride phenomena

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

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

This form of domestic slavery is a human rights violation of the first order, an appalling crime which needs to be paid more attention to. Yet, unfortunately, we are not much closer to solving the problem of domestic slavery.. It is intimately linked to trafficking in human beings, a subject which has captured the attention of many governments especially with the pressure put by the US government to address the issue as a crime.

Although, officially, slavery has been outlawed in most countries for over 150 years, it continues to exist, albeit in a different form. While “traditional” slavery, for example, involved a notion of people as property, who were “owned”, “modern” slavery rarely involves notion of ownership. What is common to traditional and modern slavery is that the slaves are forced to work (through mental or physical threat) with no or little financial reward, are physically constrained or have restrictions placed on their freedom of movement, and are treated in a degrading and inhumane manner.

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

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

Global recruitment processes and problems

The magnitude of the “mail-order bride” business is often underestimated. There are more than 800.000 such sites on the Internet, with, in America, two “mother” sites: goodwife.com (regrouping 353 sites), which describes itself as “The Mail-Order Bride Warehouse” and receives 12 million visits per year, and planetlove.com (regrouping 318 sites), which totals 10 million visits per year. The use of agencies is, especially Internet ones, is the usual operating mode in the “mail-order bride” -business.

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

Some type of regulation of the “mail-order bride” agencies, especially the Internet ones, is also necessary. Whether this regulation should be governmental, or whether the industry should start self-regulating itself, is a difficult question to answer. When an unscrupulous agency was outlawed in the Philippines, the “mail-order bride” -sites simply

relabelled themselves as “pen-pal clubs” . However, it is in the interest of the more serious agencies to accept some type of regulation.

In addressing the issue of regulating and making the players more accountable, it is important to look at the issue within an international context and a global perspective. We need to analyse the exploitation of the women from a “three in one” package of wife, worker and domestic worker. What a great deal for men as it comes within the sanctity of marriage embedded in a patriarchal institution protected by religion and culture!

The marriage institution is protected very much through family laws that are civil and religious as in the case of syariah and the catholic church. These laws very often favor and protect the men. Thus the foreign bride is caught in a web of patriarchal laws, norms and institutions. It is even more difficult for her to extricate herself when she is discriminated, unequal and her very status in the country is determined by her husband.

Trends

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

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

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

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

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

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

Statistics – Foreign brides marrying Non-Muslim Malaysian men

| Year | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | June2006 |
|--------|------|------|------|------|------|------|----------|
| No. FB | 3953 | 4847 | 4085 | 5123 | 5701 | 7277 | 3009 |

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

| Nationality of non-Muslim brides | 2001 | 2005 | % increase |
|----------------------------------|------|------|------------|
| China | 351 | 1711 | 387 |

| | | | |
|-----------|------|------|------|
| Vietnam | 28 | 1185 | 4132 |
| Thailand | 681 | 931 | 37 |
| Indonesia | 1386 | 2036 | 47 |

- An exponential increase in the number of Vietnamese brides, an increase from 2 to 4 figures, in 2005, the numbers are 42 times that of 2001. A diversion of these brides from Taiwan? Chinese brides are 5 times the number in 2006, from that of 2001.
- In Singapore, in 2005, 6520 men took foreign wives (a quarter of all the grooms), the highest in 10 years. Of the 1723 non-Muslim inter-ethnic marriages registered in 2004, 42% were between Singaporean men and foreign women.

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

Various abuses / complaints

- Fake marriages – foreign women given real marriage certificates which act as visas while the women work illegally.
- Bigamy in order to stay in country – August 2007, a Vietnamese national, Tran Thi Gai, 29, had married three Singaporean men within a space of five year, was found guilty of bigamy by the Singapore court and was sentenced to jail for 11 weeks.
- Agents offer false marriage certificates, making it a problem when registering birth of children.
- Clients complaints of pressure selling by short 6-day packages.
- Complaints of agents running away with the dowry.

Discriminatory Practices

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

In Malaysia, foreign brides can apply for Permanent Residence (PR) status after 2 years, but in reality it takes up to 10-20 years. The situation becomes worse if she belongs to the lower income group.

When there is a crisis between the couple, abuse, separation or divorce during the application process period, the foreign bride is left without recourse.

Foreign brides, as a domestic violence survivor face enormous difficulties in leaving an abusive relationship and sometimes forced to remain in it due to their fear of deportation and retaliatory violence, unfamiliarity of culture and legal means, isolation and language barriers, fear of leaving her children behind, and/or fear of returning home with 'nothing' but a stigma.

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

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

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

Migrant workers are not allowed to marry during their term of contract.

Female migrant workers who wish to marry a Malaysian man would need to give up her work visa, return to her own country, come back on a social visa, get married and then get a spouse visa.

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

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

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

Using International Instruments

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

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

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

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

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

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

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

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

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

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

The UN system has been criticized frequently for its contradictions on issues of

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

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

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

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

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

Gaps and challenges ahead

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

5. It is unclear how organizations have used the Convention on Economic, Social and Cultural Rights to make governments and non state actors accountable. Maybe we need to see and critically evaluate how we can use this convention.

Organizing Immigrant Women in Japan for Empowerment

Virgie Ishihara

Filipino Migrants Center (FMC) /FICAP Coordinator-Nagoya Japan

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

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

Brief background of the Japanese Filipina wives situation

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

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

Empowering Immigrant Women Through Organizing

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

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

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

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

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

Let me go back to my topic which is, organizing and empowerment of

International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei

immigrant women, Again as an immigrant bride in Japan my experience as wife,
migrant worker, an empowered immigrant joining you advancing women's rights
to free themselves in any forms of exploitation.

Thank you very much.

Marriage Migrant Women in Korea and Attempts to Organize Them

Lee Inkyoung

Human Rights Solidarity for Women & Migrants in Korea (HRSWMK)

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IV Conclusion

I A common story from marriage migrant women in Korea.

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

married to foreigners don't have money like us. If they are tall, well educated, or have good jobs and good salary, they never marry us. We were poor there but we are poor here in Korea." Related by a Chinese who has lived for 3 years in Korea.

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

II Present situation of International Marriage in Korea

1) Statistical facts of Migrant women in Korea

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

Table 1 International marriage, by Korea National Statistical Office (KNSO) in 2007,

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|-------------------------|---------|---------|---------|---------|---------|---------|----------------|
| Total marriage cases | 334,030 | 320,063 | 306,573 | 304,932 | 310,944 | 316,375 | 332,752 |
| International marriages | 12,319 | 15,234 | 15,913 | 25,658 | 35,447 | 43,121 | 39,690 |
| Percent | 3.7 | 4.8 | 5.2 | 8.4 | 11.4 | 13.6 | 11.9 |
| Variation | 1,749 | 2,915 | 679 | 9,745 | 9,789 | 7,674 | -3,431 |
| Rate of variation (ROV) | 16.5 | 23.7 | 4.5 | 61.2 | 38.2 | 21.6 | -8.0 |
| ■ KM+FW | 7,304 | 10,006 | 11,017 | 19,214 | 25,594 | 31,180 | 30,208 |

| | | | | | | | |
|---------|-------|-------|-------|-------|-------|--------|--------------|
| ROV | 26.5 | 37.0 | 10.1 | 74.4 | 33.2 | 21.8 | -3.1 |
| ■ KW+FH | 5,015 | 5,228 | 4,896 | 6,444 | 9,853 | 11,941 | 9,482 |
| ROV | 4.6 | 4.2 | -6.4 | 31.6 | 52.9 | 21.2 | -20.6 |

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

Table2 Korean husbands and Migrant women couples by nationality

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | Rate | ROV |
|-------------|-------|-------|--------|--------|--------|--------|---------------|---------------|--------------|
| | Total | 7,304 | 10,006 | 11,017 | 19,214 | 25,594 | 31,180 | 30,208 | 100.0 |
| Chinese | 3,586 | 7,001 | 7,041 | 13,373 | 18,527 | 20,635 | 14,608 | 48.4 | -29.2 |
| Vietnamese | 95 | 134 | 476 | 1,403 | 2,462 | 5,822 | 10,131 | 33.5 | 74.0 |
| Japanese | 1,131 | 976 | 959 | 1,242 | 1,224 | 1,255 | 1,484 | 4.9 | 18.2 |
| Filipina | 1,358 | 510 | 850 | 944 | 964 | 997 | 1,157 | 3.8 | 16.0 |
| Mongolian | 77 | 118 | 195 | 318 | 504 | 561 | 594 | 2.0 | 5.9 |
| Cambodian | * | * | * | 19 | 72 | 157 | 394 | 1.3 | 151.0 |
| American | 235 | 265 | 267 | 323 | 344 | 285 | 334 | 1.1 | 17.2 |
| Uzbekistani | 43 | 66 | 183 | 329 | 247 | 333 | 314 | 1.0 | -5.7 |
| Others | 779 | 936 | 1,046 | 1,263 | 1,250 | 1,135 | 1,192 | 3.9 | 5.0 |

* Sourced by Korea National Statistical Office (KNSO) in 2007

2) The methods of marriage migration

According to the Survey conducted by the Ministry of Health and Welfare in 2005, there are four types of marriage migration in the points of first meeting their Korean spouses ① introduction by acquaintance(49.3%), ② direct meeting(16.1%), ③

introduction by religious groups(15.6%), ④ by international marriage agency(13.4%) respectively. These ①, ③, ④ seem different methods but are the same in the respect of dealing with money and other goods in the marriage. As a result of "trade marriage" many marriage migrant women have been abused their human rights by their husband and in-laws as well as other Korean people.

3) Marriage Matching Broker

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

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

Case1) Victim of Vietnamese wife

Nguyen (not her real name) is a Vietnamese and 19 years old but her husband is 45 years old. She married in 2005 through an international marriage matching broker and came to Korea with spouse visa. Her husband, Mr. Kim had had a car accident so he hobbled when walking and has a scar on his face. Due to the accident, he never married

before. She wants a divorce because her husband is sex addicted. Whenever she had sex with her husband, she felt she was being raped by her husband. We transferred her to abused women's shelter.

A few days later, the husband and her mother-in-law came to my office. Her mother in law, more than 70 years old, wanted to claim her pay, 14,000 USD, if she divorces him because they paid that amount of money to the broker.

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

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

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

4) Frequently occurred problems of marriage migrant women in Korea

- 1) Human rights abuse: domestic violence and verbal abuse, etc.:

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

○ Seriously considered divorce(34%), the reasons not to divorce are children, legal status.

- The reason of divorce & separation is due to domestic violence (34%), different living condition by promising before marriage (16.5%)

○ Experience of domestic violence are verbal abuse(31%), physical abuse(10 ~ 14%)

- Verbal abuse is 70-80% and physical abuse is 50% in divorce. separation cases.

- Lower using of hotline in persons of domestic violence experiences(13 ~ 14%), Hotline is not helped cases(30-50%) but helped is only (20 ~ 40%)

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

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

Case2) B (30years old and her husband is 50years old)

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

Case 3) Park (34 years old)

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

R) She was admitted to an abused women's shelter and got legal divorce.

Now she's applied for Korean nationality due to accusation of her husband.

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

2) Economic problems :

Higher poverty rate, and higher desire of employment but child rearing and job linking problems make them frustrated.

○ 52.9% of total marriage migrant women and 57.5% of the family who have minority(below 18 years old) are living under the minimum cost of living(family income base).

- Beneficiaries of National basic living insurance system among them is only **13.7%**

* The family who experienced skipping a meal due to economic reason is 15.5%

○ **Women marriage migrant who participate in economic activity is 60%**

- Service fields such as waitress in restaurants (**52%**), Reasons of participating of economic activity is for livelihood (51%), for children's education (17%)

- The reasons of unemployment are children's rearing (**43%**), failure of seeking work (21%)

Case 4)

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

Case 5)

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

Case 6)

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

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

3) Language and cultural difference:

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

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

Until they achieve Korean citizenship, they have to endure brutal marriage life instead of divorce. So they are destroyed both physically and psychologically.

Case7) Cultural difference: I am not a toy of my husband

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

Case 8) Cultural Difference

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

III. Organizing marriage migrant women in Korea

Since 2005, there are many organizations and NGOs who provide service to marriage migrant women and try to organize them for promotion of their human rights.

Most of them provide Korean class, Korean culture class, mentoring service with Korean wives. Some groups provide counseling service both legal & living and medical service, etc. I would like to classify them in three groups.

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

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

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

2) Women's organization

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

Those groups are Korea women's hotline, 1336(Ministry of Gender Equality & Family), groups of Korea women's association.

3) Social welfare centers

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

4) Organizing and empowering programs

I would like to focus on organizing and empowering program by Migrant workers' support NGOs, specially by HRSWMK 's members in this paper. There are 11 members groups nationwide which mostly are oriented from migrant workers support groups.

Four groups mainly provide counseling and shelter for abused migrant women. Other groups provide legal, living and couple counseling as well as Korean class even shelters as well. We conduct education programs for both migrant women and Korean citizens. Migrant women become counselors for peer groups and Korean citizens have a chance to meet and understand migrants in Korean.

5) Organizing & Empowering marriage migrant women through HRSWMK

Korean class

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

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

Forming or organizing community by nationals

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

Culture Day for migrant women

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

Education of Migrant women counselors and multi-cultured teachers

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

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

Family camp and other cultural programs

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

IV. Conclusion

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

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

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

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

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我與南洋台灣姊妹會培力新移民女性的歷程

邱雅青

南洋台灣姊妹會執行秘書

前言

台灣目前有五大族群，其中之一是新移民女性。什麼是『新移民女性』？就是透過跨國婚姻，飄洋過海嫁來台灣的一群姊妹們，從一個國家搬到另一個國家，就是複雜、新鮮、但沒朋友的另一種生活，原本在自己的國家的習俗、能力技術、學歷、語言，都無法在台灣使用也不被看見，所以剛嫁來台灣的新移民姊妹們會遇到生活適應、語言、識字、社會歧視、工作權的問題。就像曾寫下自己的故事：

8年前從泰國嫁來台灣的第一天，我很高興、也很害怕；我告訴自己不管發生什麼事情，我都會認命，沒想到，因為語言不通和婆家的人在相處上產生很多誤解，發生很多問題，那時候，我沒有朋友可以商量，不知道要怎麼辦，每天都把自己關在房間裡哭，日子過得很痛苦。後來我就回娘家，我媽媽問我「他們對你不好嗎？」我說不是不好，他們都對我很好，但是他們講的話我聽不懂，老是覺得他們在嫌我不好，我心裡好難過。我在娘家住了三個月，每天都在想該怎麼做，才能了解台灣的文化，跟他們的家人好好相處。想了很久，我決定回台灣和先生一起生活，回來後心裡面還是很不安，時常想我要怎麼面對未來？

我以前沒朋友、語言不通，這樣的狀況是每一位姊妹都會遇到的問題，也是最大的問題。而我們：台灣怎麼去看待這一些新移民姊妹們？總言之，我比其他姊妹幸運，是因為我認識了『外籍新娘識字班』以及後來的南洋台灣姊妹會。

談到『外籍新娘識字班』，最早是1995年7月31日在高雄美濃創辦，因為有一群美濃愛鄉協進會的伙伴們，看見了來自東南亞的姊妹們因語言不通、不認識字，連姊妹們要帶小孩去看醫生也困難，因此決定創辦「外籍新娘識字班」，創立的是以學習中文為第一步，建立姊妹們學習的平台，協助新移民走出困境，建立互助網絡，並與大社會對話。識字班提供新移民女性語言學習的機會，提供相同處境的新移民女性，在生活空間上能有更密切的聯繫，互為姊妹、朋友、家人般的彼此關心，成為在他鄉異國的支持網絡，並突破台灣社會普遍存在的對新移民女性的偏見與歧視。

當初，創辦的伙伴們清楚地知道，姊妹們並非不識字，而是姊妹們原有的語言和能力，來到台灣無用武之地。因此，取了「識字班」這個名字，以突顯姊妹們在台灣這個中文主導的環境中「看不見、聽不到」的困境。此外，「外籍新娘」一詞隱含了排外，和性別歧視，將新移民女性視為永遠的外人，以及依附於台灣男性的附屬品，所以特別用括弧標式，以提醒大眾。新移民女性絕非沒有能力，

而是因為環境驟變，使得其頓時失原有的語言、行為能力，仿如「不識字」。

識字班創立的目的，正在一步步達成，我也相信姊妹們一定做得到的，因為姊妹們團結。

識字班的啟蒙「課程」

1995 年美濃中文識字班創設的目的，是以認識中文為媒介，促使新移民女性逐漸能自主發聲，並進而形成組織，為自身爭取權益。在這樣的理念下，美濃的姊妹們越來越成長、學習能力越來越好，在發展出一套較有系統的中文課程後，也開始發展各式的志工師資培訓課程，並逐步與其他地方組織合作。

2002 年與台北縣永和社區大學合作開設「外籍新娘識字班」，並由社大的女性主義研究社擔任志工老師，自此開始我們另一蹲點的培力基地，這個時候我就進來上課了！在我自己進入中文班時，我更瞭解姊妹會的「識字班」的精神，也更瞭解什麼叫做喜怒哀樂，以下是我喜怒哀樂的故事，也是我成長的故事：

我那時候連自己的名字也不會寫，想認識中文字的我，很認真唸書，當初很單純的上課，其他事情都不想，難過的日子慢慢的淡化，認識各國的姊妹也認識老師(台灣志工)，我學會了一些簡單的中文，了解一些台灣的風俗習慣，認識了很多不同國家的朋友，我好快樂，生活越來越有意義，讓我有信心繼續在台灣生活，可以跟大家互相學習在台灣的生活、談心事、互相幫忙。還有我最高興的事是：我有要好的朋友一起聊天去逛街、老師們很用心打電話關心我們、來我們家拜訪、聊東聊西，還帶我們去中正紀念堂玩、喝茶吃飯。同學們說老師很用心在教我們，我們想要送什麼東西給老師？剛好我的先生要去泰國玩，我跟同學討論說我們送泰國的小禮物好不好？同學們同意，我就請我先生買泰國的黃金枕頭送給老師，代表我們的謝意(我們還偷偷問老師喜歡什麼顏色，老師回問我們說問這個幹什麼？我說沒什麼)買回來之後，洪榮細(另一個同學)帶回家包裝，包了很可愛像糖果一樣，榮細還做了手工花，成果展當天我們把東西送給老師，一個學期過去了，在那時候很快快樂樂的學習。

看到自己以前的故事，感覺好像自己長大了！（就像高中期想要自己的權力、想要作主）在中文班之後，更讓姊妹們有動力想要學習更多東西，也想參加更多活動，所以南洋姊妹會以其他團體合作與辦更多活動，例如：

一、在 2002 年年底，永和社大中文班的志工藉著婦女新知基金會與扶輪社合作之「外籍媽媽親職教育學校」，與板橋、文山、中山等社區大學合作，培訓志工，開設親職教育工作坊，在我上完教育工作坊後，我更瞭解我要怎麼樣照顧我的小孩，要怎麼樣協助與陪伴小孩的教育方面。在這段時間，我們在永和社大開了托育班，爲了要提協助解決一般的婦女想要上課，但是沒人可以幫忙照顧小孩的困難，所以我們設計了東南亞歌謠以及遊戲，讓我們的小孩與一般台灣人民的小孩有東南亞文化的概念。

二、2003年03月16日，婦女新知基金會主辦之「南洋·台灣·姐妹情」活動，是美濃和台北的姐妹們第一次的接觸。這是婦女新知舉辦之「讓新移民女性說自己徵文活動」的頒獎活動，數位美濃和永和的姐妹們參賽獲獎，公開朗讀她們的作品。而美濃的姐妹們應婦女新知基金會的邀請，以戲劇的方式表現姐妹們的處境和心聲，這是姐妹們第一次登台演出她們的心聲。「高雄辣媽媽劇團」的團員們以短短數月的時間，協助姐妹們分享彼此的故事，並化為動人的戲劇，感動在場所有的人。

三、2003年板橋社大也開始開設親職教育，和中文班，成為南洋台灣姊妹會另一個培力姊妹們的基地。

社大成立南洋姊妹會「社團」，練習團隊合作

識字班的南洋姊妹不斷與其他團體合作、開課、培力，為了讓姊妹們練習團隊合作，於2003年9月在永和社區大學成立「南洋姊妹會社團」。在姊妹會的社團裡的學習，我更了解台灣的社會、法律、親職教育的方法，最高興的是我認識了很好的老師，她給我很多意見，也告訴了我很多關於台灣人的想法及生活方式。那時候我就認識同鄉，第一堂老師問我們說什麼是社會、我還記得林史潘莎上去寫泰文給我們看，上課的時候很好玩、有趣，還可以用我們的母語解釋給剛來的姊妹聽，這樣姊妹們容易懂，當時我們還上台教生字、帶念課文，分組討論，我才瞭解說這樣的上課方式叫「成人教育」。老師們（志工）設計的課程內容包括很多議題的討論，而且用戲劇、說故事等活動讓大家更容易理解和討論，也有戶外教學，讓大家親身體驗台灣社會。我們慢慢地瞭解移民法，我慢慢學，也慢慢當幹部（班長）、參加社會活動、演講（主題是：剛來台灣的生活），慢慢跟外面的人接觸。我夫家的人看到我有進步、越來越有能力，她們很開心也認同我在做的事情，我婆婆說「你以前說也說不清楚、現在可以一個人帶小孩去看醫生」，這是他們對我的肯定。

在2003年底當時我印象最深刻的事是抗議移民署，那時移民署即將要成立，



成員大多數都是警察，可以進姊妹家查察，還可以帶槍、問不該問的問題，例如：妳老公穿什麼顏色內褲等....。為了我們的權利，我們去抗議，有很多團體、姊妹一起去，還演一部戲。當天去抗議心裡很害怕，心想抗議警察會不會被抓？偷偷告訴自己說：沒關係，有那麼多人應該不會有問題。我看到很多姊妹與很多團體一起站出來，為了姊妹們的權利，同時我加入

討論移民/移住人權修法聯盟。移民/移住人權修法聯盟在 2003 年 12 月 12 日成立、姊妹會也是成員之一。

南洋台灣姊妹會正式成立，為新移民女性發聲

經過中文班多年的培力，有一群姊妹想有自己的社團。但是問題來了！為什麼要成立社團？何謂宗旨、組織章程？理監事要做什麼？立案需要經過哪些流程？會費要收多少？社團要取什麼名字...？這一切大大小小的問題，透過一次次的討論，藉由小組分享、圖說各自對社團的期待，志工們協助姐妹們逐步擬定出「南洋台灣姐妹會」的章程，並進而著手分工，姐妹和志工們共同分組進行招募會員、排練成立大會節目、募款...等工作。

2003 年 12 月 7 日，南洋台灣姊妹會，在高雄市婦女館正式成立。成立時台北的姊妹和志工共同租了兩輛遊覽車南下。理監事會的組成，依姊妹們討論出的章程規定，需有三分之二以上為南洋姊妹。第一屆理監事包括南北的姊妹和志工，以及婦女新知等友好團體的代表。姊妹會的會址設在美濃，由於經費限制，姊妹會開始只有一位專職人員，各事務的推動大量依靠志工和南洋姊妹幹部。而台北的基地因為無法付擔昂貴的房租，開始一直以各社區大學為活動據點。

姊妹會在 2004 年 7 月 10 日至 9 月 20 日，共計兩個月，開辦「東南亞語課程」，這是由台北市政府民政局委託姊妹會在中正社區大學、北投戶政事務所開設的印尼、越南、泰國語課程，招生對象有外籍配偶家人、外籍配偶輔導工作第一線人員，以及社區人士。學員均表示很喜歡課程設計和教學模式，姐妹們當老師也在過程中各自得到不同程度的成長。當時我們在設計課程的時候遇到很多困難，例如：沒有泰文軟體我要什麼辦？用手寫會看不懂因泰文字畫圖(像是『สวัสดีค่ะ』)怎麼辦？我們分別去找軟體，同時我們一起討論課程大綱與內容，要放什麼東西才可以讓一般人民瞭解姊妹們家鄉的事情。時間快到了！剩下七天要把教案和課文交給民政局去印，剛好有一位一直在陪我的人（台籍志工杜淑霞，他是永和社大識字班第一屆的志工）找到泰文軟體了～！她很開心打電話給我、教我怎麼設定語言，當時我家的電腦不是 Windows XP 所以不能設定，後來我到淑霞家打課文，花了三天晚上打課文後還要校稿，錯很多字又要改，改到最後一天交稿。這是我們第一次當老師，要設計課程和教師手冊，還好有我們的團隊，姊妹們一起努力，有志工的陪伴，遇到困難正是我們的學習，我們的成長過程。有很多人來上東南亞語言課程，讓我更有信心可以把我們的文化當一個平台跟他人互動。

2004 年 9 月至 12 月，在台北市立永建圖書館辦的『台北市永建圖書館故事媽媽』活動，印尼籍的洪榮細及泰國籍的我邱雅青，代表外籍姊妹接受台北市立永建圖書館的邀請，成為故事媽媽，在館內為兒童說故事。接著，2005 年 3 月至 7 月，永和社區大學開設『南洋文化課程』，由南洋台灣姊妹會的越南籍的阮氏舒

婷、印尼籍的洪榮細，以及泰國籍邱雅青，還有其他姐妹協助，共同開設共十八週的南洋多元文化課程，這課程非一般的旅遊觀光介紹內容，我們介紹南洋地理、歷史、種族、氣候、飲食、服裝、語言、風俗習慣等，學員包含外籍姊妹的夫家家人、對東南亞文化有興趣的民眾，及輔導外籍姊妹們的志工所共同參加。

2005 年 7 月設置北部辦公室：北部的姊妹終於有自己的娘家了！『娘家』是一個姊姊妹妹們一起創造出來的家，過年不用坐飛機也可以回娘家，也可以煮各國菜一起分享，很溫暖的家。

2005 年 9 月我們一起出了一本書，『不要叫我外籍新娘』說了一些心裡的話：還記得我們一開始連中文都聽不懂嗎？所遇到的辛苦，因為這本書而被大家看到姊妹的努力與能力。

2006 年九月姊妹會在板橋的志工開始協助三重等社區大學開設新移民女性相關課程，希望能拓展更多的培力姊妹和志工的據點。

後來陸陸續續有很多單位以及很多民眾對東南亞文化有興趣，我常常被邀請去演講以及教課語言課程，例如：2004 年 7 月 20 日於台北市新移民會館承接文山戶政事務所的泰語課；2004 年 11 月 16 日台北市政府「健康城市—台北大不同」，我們得獎主題是多元文化教育；2004 年 12 月 2 日 東南亞多元文化教育種子教師研習及教材發展工作坊(泰國文化講師)；2006 年 2 月 25 日天主教會培訓講座(泰國文化講師)；2006 年 4 月 15 日於新移民會館承接文山戶政事務所的泰語課；2006 年 4 月 25 日台北市政府民政局新移民會館通譯人員(泰語)；2006 年 5 月 16 日世新大學東南亞文化講座(泰國文化)；2006 年 5 月 10 日交通大學東南亞講座(泰國文化)；2006 年 7 月 26 日永和社大外籍配中文班(中文講師)；2006 年 11 月 7 日忠貞國小東南亞文化介紹(泰國文化講師)；2007 年 3 月 13 日信義國中東南亞文化週(泰國文化講師)。經過很長的時間，我的成長慢慢發展到我可以帶其他姊妹一起去演講，可以跟姊妹們分享我當初去演講的心得，還可以教姊妹們設計課程，我的角色已成為志工了！我自己沒想到我可以這樣做，在我家鄉沒加入過什麼社會服務，沒什麼經驗，都是我進姊妹會後才有機會學習。姊妹會給大家機會、空間，學習社會服務、議題倡議、培養能力。

姊妹會培力新移民姊妹，我們也意識到了，社會對東南亞以及大陸配偶的限制，目前東南亞與大陸籍配偶來台，必須要「過五關斬六將」地面對移民法與國籍法中的重重刁難，包括身體健康檢查、住滿一定的居留期間、放棄母國國籍、一定的經濟條件以及中文考試等五項規範，才能成為台灣人。其中，最為困擾跨國婚姻家庭的，莫過於要提出四十一萬多的財力證明（或者是每月基本工資兩倍的所得扣繳憑單或五百萬的不動產證明），許多跨國婚姻家庭為此，只好去跟仲介業者借款，遭受高利息的吸血剝削，讓原來就不富裕的經濟，雪上加霜。在台三、四年（外配）甚至八、九年（陸配），生養子女、照料公婆、努力工作、已經生活好好的，卻還不夠，還要拿出財力證明；現在經濟不景氣不要說外籍配偶了，

要一般的本籍上班族工作個五年、八年，能有以上的財力證明怕也不容易。

還沒入中華民國國籍的新移民女性，遇到很多的限制，例如：警察常要找麻煩；辦手機一定要先生代辦；辦信用卡也不可以；不能買房子，更無奈的是，如與家人發生衝突，而家人不肯幫新移民辦理延期居留的話，新移民就被遣返回國，被迫與子女分開，種種限制對新移民女性來說，使她們的跨國婚姻沒有任何自主權。

在台灣各地都可以看到新移民女性的努力，我們用心學語言、認識中文字，瞭解台灣的文化，慢慢適應台灣的婚姻生活，還幫夫家生兒育女、照顧公婆、打理家中大小事情。我們還投入勞動，賺錢養家，在沿海地區挖蚵仔、出海捕魚；在路邊小攤、雜貨店招呼客人、清理碗盤；在市場賣菜；種田；做建築工人...，我們在台灣不同的角落都會看到新移民女性的身影。

新移民女性嫁來台灣三年後，才開始有資格申請『身份證』，但必須過五個關卡，其中一關是要有財力證明，條件是伍百萬的不動產證明，或四十一萬四千七百二十元的存款證明，或每月相當於最低工資兩倍的扣繳憑單證明，請問台灣一般家庭有多少能拿的出每月三萬多元的扣繳憑單？這些財力證明條件對新移民家庭來說根本沒有道德與人權。新移民女性在台灣生活三年以上，努力的工作，如果將我們在家幫夫家照顧兒女、公婆，打理家中大小事情，改請家庭幫傭、保母、清潔工，一個配偶可以替代掉每月 7-8 萬以上的勞動力，但是外籍配偶的『家務勞動』的付出從未被算入。

我們這些新移民女性努力照顧家庭、出外工作，到底哪一點「浪費國家資源」。內政部長說「為了保障你們」，叫我們新移民女性拿出財力證明，才可以拿身份證，會不會天真了一點？。



不滿這種不合理的移民法令制度，我們九月九日走上街頭，有好幾百人參加，來自不同的國家以及台灣的四面八方。我們也要權利，所以當天很感動有很多人來支持，東南西北的姊妹手牽手來到行政院為自己發聲。

做了一段時間的幹部後，在 2006 年 7 月 14 日姊妹會又給我機會擔任執行秘書，我進姊妹會當工作人員後要跟其他團體聯繫、安排姊妹的課程、練習寫計畫書、

做會計、姊妹會的行政雜事。擔任了姐妹會更多的事情，我就要安排我家的事情，跟我夫家人說我會很忙，請他們幫我照顧小孩，我婆婆二話不說，她說：「好你去做阿！不要擔心家裡的事，我可以幫妳！」我很開心，我會做的更好的！

在姊妹會的工作中，姊妹會給我機會出國學習，像是 2006 年十二月的菲律賓之行，最主要的目的是參加 IMA (International Migrants Alliance) 的籌備會。原預定要以觀察員的身分參加 ILPA 的會員大會，以及一場遊行，都因為菲律賓的政治局勢變化而提前舉行或取消；許多的組織工作者也在 12 月 15 日到馬尼拉參加當地的示威遊行行動。我看到他們為自己權利而團結、努力為自己發聲，讓人感動。2007 年我又去了香港，主要是拜訪 TRA (Thai Regional Alliance in HongKong) 的創辦人 and 幹部們，爲了五一勞動節遊行，參與的團體有香港人、泰國、菲律賓、印尼、尼泊爾、斯里蘭卡，和其他國家的人，每個組織都用自己母語喊口號，非常的熱烈，我看到不在自己的國家、和不同國籍的夥伴共襄盛舉，真讓我感動。我希望台灣可以進步。

南洋台灣姐妹會的經驗，吸引許多台灣各地的團體前來交流外，亦引起其他國家的媒體和相關組織的興趣。除了與來訪的各國友人分享經驗外，姐妹會也開始參與一些國際間的組織交流活動，漸漸拓展姐妹會的國際視野和合作的網絡。

姊妹們在公共事務的參與愈益增加，從到各地分享移民經驗和講授東南亞歷史語言文化與多元文化議題，到公共議題的推動與移民法令政策的修定，並進而關注移工等弱勢群體。在這過程中，姊妹們原本局部的對於中文班和姊妹會的社群認同，也逐步轉化爲更全面的對新移民人權推動的認同與投入。

在日漸複雜而多層次的參與中，南洋台灣姐妹會逐漸成長，但也在過程中產生了各種人際互動、團隊合作方面的問題。經過不斷的嚐試錯誤、摸索與沈澱後，姐妹會邀請了有多年豐富的基層組織經驗的 Asia Pacific Mission for Migrants 的組織者來爲姐妹會進行幹部訓練。透過培訓的過程，姐妹、志工和工作人員，一同整理與釐清組織發展的困境，以及解決困境的方法。藉由問題的分析，姐妹會更看清楚我們過去的軌跡，也更明瞭未來前進的方向。

姊妹會也慢慢進步了！我們發展到台北高雄以外的地方，培力其他團體，2007/7/12~17 日我們在宜蘭辦工作坊，希望可以聯結其他地方的組織一起合作，爲了台灣的未來，姊姊妹妹向前衝！

My Journey of Empowerment as an Immigrant Woman in TransAsia Sisters Association, Taiwan

Chio Yadrung (Thailand)

Executive Secretary of TransAsia Sisters Association, Taiwan

Preface

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

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

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

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

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

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

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

The enlightenment of the “Chinese Literacy Program”

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

In 2002, the “Meinong Foreign Brides Chinese Literacy Programs” cooperated with Yungho Community College in Taipei County in establishing another “Foreign Brides Chinese Literacy Program” there. The volunteer teachers of this program were

from the Feminist Research Club in this community college. Yungho Community College became another base of empowerment for immigrant women. That was when I started to participate in the program. When I joined the Chinese class, I learned more about the spirit of the “Chinese Literacy Program”. I also experienced the four emotions, namely, joy, anger, sorrow, and happiness. The following is my story of the four emotions and my story of growing up:

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

As I read my own story of the past, I feel like I've grown up! It is like how I felt when I was in high school when I wanted more rights and wanted to do whatever I felt like. After taking part in the “Chinese Literacy Program,” the immigrant women have stronger motivation to learn and to participate more. Therefore, we worked with other organizations and held more activities, such as:

1. At the end of 2002, the Awakening Foundation and Rotary Club organized a “Foreign Mothers' Parenting Education School.” The volunteers of the “Foreign Brides Chinese Literacy Program” at Yungho Community College took this opportunity to cooperate with three community colleges in Panchiao, Wenshan and Zhongshan by conducting training workshops. I participated the parenting education workshop and learned how I should take care of, assist and educate my

children. At the same time, we opened a babysitting class at Yongho Community College. In order to solve the problem of having no one to babysit the kids while their mothers attended the class, the curriculum we designed includes the Southeast Asian songs and games so that our kids and other Taiwanese kids can have some idea about Southeast Asian culture.

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

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

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

The immigrant women from “Chinese Literacy Program” continued to cooperate with other groups, give courses and empower themselves. In order to provide opportunities for the immigrant women to practice working as a team, a TransAsia Sisters Club was established in September 2003 at Yungho Community College. Through the club, I learned more about Taiwanese society, laws and parenting. The best part was that I got to know a very good teacher from this program. She gave me many useful suggestions and told me about the Taiwanese values and lifestyles. At that time I met some friends from Thailand. In the first class, the teacher asked us what a society was. I still remember that Pan-Sha went on the stage and wrote it down in Thai. The classes were really fun and interesting. We could also explain things to the newcomers in our mother tongue so they could understand better. We went to the front of the class to explain new vocabulary, led the class in reading the text, and worked in

small groups. Later I learned that this was so called adult education. The curriculum designed by volunteer teachers included many issue discussions. It also allowed us to express our opinions by plays or storytelling so everyone could understand better. Besides, the teachers took us out for field trips to experience the Taiwanese society. We learned the Immigration Act little by little. Eventually, I was elected to be the class leader and started participating social activities such as giving speeches (to talk about my life when I just arrived Taiwan) and communicating with other people. My husband's family saw my progress and my capacity. They are happy with that and they support what I am doing. My mother-in-law told me, "We could hardly understand what you meant in the past, but now you can take your children to the doctor on your own." I have won their trust.

At the end of 2003, the most impressive thing was the protest against the establishment of the National Immigration Agency. The reasons that we protested were because the agency would be composed of police officers, they would be granted the



power to enter any immigrant woman's house for the purpose of investigation, and they would be able to carry guns and to ask inappropriate questions such as the color of your husband's underpants. To defend our rights, we went to protest against this institution. Several organizations and many immigrant women participated in this protest and performed a drama. I was

scared and afraid of being arrested. But I kept telling myself that I would be alright with so many people with me. I saw so many immigrant women and organizations stand up and speak out. To know our rights better, I joined discussions held by the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM). AHRLIM was established on December 12, 2003. TASAT is a member of the alliance.

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

After several years of empowerment in the "Chinese Literacy Program," a group of immigrant women decided they wanted to have their own organization. But here came a lot of questions. Why do we need to establish an organization? What will be the principles and objectives? What will the constitution of the organization be like? What

will be the responsibilities of its officers? What is the procedure for official registration? How much should the membership fee be? What should we name our organization? The immigrant women discussed and expressed their opinions about every detail. The volunteers helped them draft the constitution of the “TransAsia Sisters Association, Taiwan.” Later on, they divided the tasks into several working groups, including membership recruitment, preparation for the founding assembly, and fundraising.

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

From July 10 to September 20, 2004, TASAT held a two-month Southeast Asian Language Program. This program was funded by the Department of Civil Affairs of Taipei City Government. TASAT opened Bahasa Indonesian, Vietnamese and Thai language courses at Zhongzheng Community College and the Household Registration Office in Beitou District. The program recruited the family members of immigrant spouses, counselors for foreign spouses and community members. The students said they like the design of the curriculum and the teaching approaches. The immigrant women learned from being teachers and became more mature and more experienced. When we were making the lesson plans, we encountered many obstacles. For example, what I should do if the computer had no Thai software input? Thai letters looked like pictures (such as 『 สวัสดิ์ค๊ะ 』) and if we wrote them by hand the students would not recognize them. Therefore, we had to look for Thai software. Meanwhile, we discussed the outlines and contents of the courses. We thought about what to include in the contents so the students could understand what our country was like. We had limited time. We had to give the lesson plans to the Department of Civil Affairs to send for printing. Fortunately, Shu-Xia, a Taiwanese volunteer who kept me company all the time, found the Thai software. She called and told me the good news and taught me how to install the software. I had a problem installing the software because the operating system on my computer was not Windows XP. Therefore, I had to go to

Shu-Xia's place to type the text. It took me three nights to do it and then I had to proofread and make corrections up until the last day. This was our first time to be teachers and we had so much to do. Fortunately we had a team that we could work with. With the help of the volunteers, we transformed every obstacle into a chance to learn. Many students attended our courses and that gave me confidence to communicate with people on the basis of my culture.

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

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

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

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

Gradually, the public has become more interested in Southeast Asian cultures. I was invited to give lectures and teach Thai language very often. For example, I was invited to teach Thai at Taipei City New Immigrants' Hall on July 20, 2004; on November 16, 2004, as part of the activity "Healthy City – With You, Taipei is Different" we were given an award because of the multicultural education course we

gave; on December 2, 2004, I was asked to be the Thai culture lecturer in the Study and Curriculum Developing Workshop of the Preparatory Teachers for Southeast Asia Multiculturalism Education; on February 25, 2006, I was the Thai culture lecturer for the Catholic Church Training Workshop; on April 15, 2006, I taught Thai language at Taipei City New Immigrants' Hall again; on April 25, 2006, I worked as the Thai translator at the Taipei City New Immigrants' Hall; on May 10, 2006, I gave a lecture on Thai culture at the Southeast Asia Forum at National Chiao Tung University; and on July 26, 2006, I taught Chinese to immigrant women at the "Foreign Brides Chinese Literacy Program" at Yungho Community College. From May 2006 to March 2007, I gave speeches on Thai culture at Shih Hsin University, National Chiao Tung University, Jong Jen Elementary School and Xinyi Junior High School.

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

While TASAT is empowering many immigrant women, we are aware of the restrictions that other immigrant women from Southeast Asian countries and China face. When an immigrant woman applies for naturalization, she will have to overcome several obstacles which are stated in the Nationality Act. The obstacles include having a medical inspection, staying in Taiwan for a certain period of time, abandoning her original nationality, providing proof of financial status and passing the Chinese proficiency exam. The one that troubles the international marriage families most is the requirement of proof of financial status. The families have to hand in documents which state that they have more than NT\$410,000 (approx. US\$12,500) in their savings, or the receipt for withheld amount for income tax purpose must show they earn twice the minimum wage each month NT\$34,560 (approx. US\$1,050), or they must prove they own real estate which is worth NT\$5,000,000 (approx. US\$151,515). Many international marriage families are forced to borrow money from agents and are taken advantage of by loan sharks. This worsens the economic situation of these families. In fact, immigrant women from Southeast Asian Countries have to have been living in Taiwan for more than three years, or more than eight years for immigrant women from China, before they can apply for naturalization. They give birth to children and educate them, they take care of their parents-in-law and work hard to make a living. But this is

not enough for the government. They are asked to produce proof of financial status before they can be recognized as Taiwanese. The economy in Taiwan is not good at the moment. It is not easy for a Taiwanese to provide such financial proof even after she or he has worked for several years, not to mention many immigrant women and their families.

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

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

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

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

In order to fight against this unreasonable immigration policy, we gathered



hundreds of people and went on the streets for a protest this September 9. Immigrant women from different countries and local supporters came from everywhere in Taiwan. We asked for our rights and our appeals won a lot of support in the society. Immigrant women from all over Taiwan joined us and supported each other. We

spoke out for ourselves in front of the Executive Yuan.

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

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

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

International Conference on Border Control and Empowerment of Immigrant Brides, 2007, Taipei
see Taiwan become more progressive in this way.

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

The immigrant women of TASAT have significantly increased their participation in public issues, from sharing their immigration experiences, giving lectures on Southeast Asian histories, languages, cultures, multiculturalism, to policy advocacy and promoting reforms of immigration laws. We even reach out to other disadvantaged groups such as migrant workers. In this process, the initial self-identification of immigrant women developed from the “Chinese Literacy Program” and TASAT has been transformed into a comprehensive commitment to issues of human rights for immigrants and migrants.

As TASAT gradually grows with ever more complicated and multi-layered activities and involvement, problems and difficulties in interpersonal relations and collaboration have arisen. After continuous trial and error, exploration and reflection, TASAT invited Asia Pacific Mission for Migrants (APMM), which is very experienced in grassroots organizing, to facilitate various training workshops for TASAT members and staff. From these trainings, the immigrant women, volunteers and staff collectively identified the obstacles in the development process of TASAT and found solutions. By analyzing the problems, TASAT can better evaluate its development and has a better view of its future direction.

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

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

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

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

The sky's so magnificent; the earth's so magnificent.

The endless Pacific Ocean

Thinking of this; thinking of that

Where does the road come out at?

The sky's so vast; the earth's so vast.

With no relatives, I rely upon my husband.

The moon's so bright; my heart's so agitated.

My home's so far away

Friends' class, Chinese class:

Coming out from the corner kills loneliness.

Chinese class, sisters' class:

Chinese class connects friends.

Sisters' class, cooperative class:

We have mutual trust, mutual love, and mutual help in difficulties.

Cooperative class, connections to everywhere:

After a long period a strange place becomes home.

When Southeast Asian sisters⁸ first learnt this song in the Chinese literacy classes at Yong-he Community College in Taipei County, everyone was in tears. Usually appearing very confident but stern, Vietnamese sister, Shuei-Hong, looked at me, with

⁸ In the Chinese literacy programs and subsequently the organizations, Taiwanese volunteers call immigrant women from Southeast Asia "sisters."

tears in her eyes and arms moving in front of her chest, tongue-tight and eventually said, “A lot of feelings in my heart that could not spell out. Thanks so much for this song!” A year and half later, a group of sisters and Taiwanese volunteers from Chinese literacy classes of Yong-He and Bang-Chao community colleges joined a training workshop. Some were chatting in the room while watching TV bombarded by news about Presidential Election. Sisters talked about political party’s orientation in their families. Suddenly, Shuei-Hong asked everyone in the room, “There will be a new political party. Guess what it will be?” To our surprise, Shuei-Hong steadfastly told us, “Immigrants Party!” “Immigrants’ Party” was still lingering in my ears, Shuei-Hong and other sisters from Indonesia and Thailand had begun to offer classes of the languages, histories and cultures of their Southeast Asian home countries.

Yong-He community colleges continued to offer Chinese literacy classes for the immigrant women⁹ and at the end of every term, volunteers would teach sisters to sing “After a long period a strange place becomes home” and all sisters new in the classes would be just like Shuei-Hong singing with tears. Interestingly, when hearing this song again, Shuei-Hong and other sisters who had been in the classes longer would tease with laughter, “Come on, don’t cry any more!! We want a marching song, because we are different now!” In late 2004, a group of NGO representatives from Hong Kong visited Taiwan and met our Southeast Asian sisters. One sister excitedly expressed her reflection, “I used to be very sad, lonely and feeling useless, until I attended the Chinese literacy classes. I now feel very different. I feel I can finally stand up!”

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

⁹ “New Immigrant Women” were commonly called “Foreign brides (spouses),” which was considered derogatory. In 2003, via a “naming campaign” initiated by Awakening Foundation, one of the leading feminist organizations in Taiwan, “new immigrant women” was voted by participating “foreign brides” as their favorite choice of term.

／住人權修法聯盟) to broaden the alliance work to further enhance advocacy for immigrants rights.

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

Root Causes of Marriage Migration: Globalization and Unequal Development

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

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

The men whom the marriage migrants marry are mostly farmers and the working class in Taiwan. Taiwan gradually began to take on the characteristics of a semi-peripheral country after it became increasingly incorporated into the world capitalist system in the 1980s. This is when Taiwan began to exploit Southeast Asian, Mainland China, and other peripheral countries. At the same time, globalization began to push liberalization, privatization and deregulation, resulting in distorted development in Southeast Asian countries and a great number of agricultural and

industrial laborers in distress. The poverty created by globalization was not as serious in Taiwan as in Southeast Asian countries, but agriculture in Taiwan was clearly hollowed out by the twin forces of continued urbanization and industrialization, as well as international pressure on agriculture. Low-skilled workers have also been affected by the increasing threats of liberalization. These low-skilled agricultural and industrial laborers found survival more and more difficult and themselves in an extremely disadvantaged position in Taiwan's domestic marriage market.

Constrained Situation of 'Foreign Brides'

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

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

Furthermore, immigrant women have to face constraints imposed by laws and regulations, which reflect Taiwan's exclusionary policy of immigration. For instance, Taiwan's policy of incorporation has been based on the principle of *jus sanguinis*, which is inclusive of people who can claim a common ancestral origin, real or imagined, and exclusive of people who do not share that commonality. Despite recent changes in the Nationality Law, it remains extremely difficult for those excluded from nationality to become citizens of Taiwan, except for spouses and children of Taiwanese citizens. Prior to the changes in the Nationality Law that occurred in the late 1990s, foreigners could not be naturalized as Taiwanese citizens except for women married to Taiwanese men. Foreign women are seen as 'naturalizable' only because of their ability to continue Taiwanese 'blood,' which apparently has patriarchal values perceiving women only as breeding objects, rather than independent subjects. Based

on this patriarchal exclusionary policy of incorporation, Taiwan government does not grant citizenship to foreign women as an inalienable right, but rather preconditions citizenship on their status as wife of a Taiwanese man. For instance, immigrant women who have not obtained Taiwanese citizenship are often illegible for social services and welfare benefits. Battered immigrant women without Taiwanese citizenship are deported if they get divorced; given that custody of the children is often granted to the Taiwanese fathers, this deportation would make them unable to return to Taiwan to visit their children. Consequently, battered immigrant women often decide to endure domestic violence for the sake of their children. The husband's power over immigrant women is thus sanctioned by the state (Hsia 2007).

These laws and regulations are not only the products of, but also in turn reinforce prejudice and discrimination against the 'foreign brides.' Indeed, the very term, 'foreign brides,' reflects the discrimination against Third World women. This common parlance only refers to foreign spouses from developing countries, not to those from so-called developed countries, such as Japan, U.S. and western European countries. Additionally, these immigrant women from Southeast Asia and Mainland China¹⁰ are called 'foreign brides', no matter how long they have been married to their Taiwanese husbands.

The Formation of Immigrants Movement: Rooting and Alliance-Building

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

The Beginning of Immigrant Movement

In spite of various definitions and analyses of social movements, one can argue that both American and European theorists agree that one of the major characteristics of social movements is being collective struggles in certain forms of contentious politics. Therefore, "contentious collective action" is considered the basis of social movements and social movement is defined as "collective challenges, based on common purposes and social solidarities, in sustained interaction with elites, opponents, and authorities."(Tarrow, 1998: 4) From this basic definition, I would argue that the

¹⁰ Marriage migrants from Mainland China are also referred to as "Mainland brides."

establishment of “Alliance for Human Rights Legislation for Immigrants and Migrants” was the beginning of the new immigrants movement in Taiwan.

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

- The “Universal Declaration of Human Rights” clearly states that national policies must not infringe upon the basic rights of the individual for reasons of race, nationality, gender, and so forth. Although Taiwan has signed this Declaration, the Executive Yuan’s plans for a National Immigration Agency combine police¹¹, investigative, and judicial functions in a single body and make immigrants and migrants into a population of suspected criminals. The proposed NIA would focus on preventive control, in effect covering up human rights’ violations in the name of security. We ask for an immediate halt to deliberation on the proposal presented by the Executive Yuan and propose that public discussion of immigration policy be allowed to return to its basis in human rights.

¹¹ According to this proposal, 75% of NIA personnel would be officers transferred from Police Departments.

- 二 Given that immigration policy in itself requires comprehensive planning, and given the need to prevent abuse of authority, we suggest related laws be reviewed. The draft governing the organization of the National Immigration Agency proposed by the Executive Yuan is part of an organizational law that should be amended at the same time amendments are made to the related functional codes—i.e., the Immigration and Entry and Exit Law—in order to establish the terms of concrete norms for a comprehensive immigration policy. Such a policy would address such issues as the specific tasks to be assumed by the National Immigration Agency, channels for supervision of the NIA and the handling of complaints, and jurisdictional divisions with other departments.
- 三 The draft proposal presented by the Executive Yuan for the organization of the National Immigration Agency and related immigration codes are measures that directly affect the future of Taiwan’s immigration policy, including the organization and authority accorded to the actual administrative organs concerned. As such, it forms a crucial link in national immigration policy, affecting the rights of immigrants and migrants. National immigration policy further contains implicit ideas about social organization that will directly affect the way Taiwanese people imagine “citizenship” and identity. Hence, we ask that public debate on such an important matter be expanded such that immigrants, migrants, their families, and society-at-large may have a greater chance to participate in, and understand the stakes of making, such policy.

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

Legislator Yuan.

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

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

Strategies of Advocating Immigrant Rights

Construction of Public Awareness

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

I. Radicalizing existent values and rhetoric

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

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

Since the ROC is not recognized by most international organizations, it has been the primary national anxiety to prove to the world that Taiwan has achieved the international standards on all grounds hoping to gain more support from international community for Taiwan to be recognized as an independent state. The Alliance has

purposefully used such international conventions as the Universal Declaration of Human Rights to push for a more inclusionary immigration policy. As stated in its first signature campaign, the Alliance's position was:

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

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

In addition to human rights issues, ethnic issues were critical appeals for mobilization in the opposition movement before DPP gained power in 2000, among which criticizing the "national language policy" was a crucial strategic framing weakening the legitimacy of KMT government. Since DPP gained the power, ethnic issues continue to be the focus. As a result, revitalization of ethnic languages has become a commonly accepted rhetoric, helping to in turn spread the concept of "multiculturalism." The DPP government has carefully employed the concept of multiculturalism to portray its governance as being more democratic and progressive, such as establishing Council for Hakka Affairs, and two TV stations for Indigenous Peoples and Hakka Peoples. DPP government further uses these "multicultural images" to promote international relations, especially employing symbols of Indigenous Peoples for publicity in international events (e.g. propaganda to attract foreign tourists and official gifts for diplomatic delegates.) However, these seemingly progressive values are very exclusionary in practices. For example, "mother tongues" of the Southeast Asian immigrant women have been ignored and devalued. AHRLIM and affiliated organization have taken every chance to radicalize meaning of "multiculturalism" by appealing to include languages and cultures of the new immigrants as part of Taiwanese multi-cultures. On celebrating Mother's Day in 2004, AHRLIM and affiliated organizations co-sponsored an activity titled "Mother's Name—Acknowledging New Immigrants and Migrants" with the purpose of "*encouraging the public to acknowledge rich cultures the new immigrants have contributed to Taiwanese multiculturalism..... and striving to make Taiwan an island*

filled with rich cultures, respecting each other's cultures, different voices and faces." To radicalize this politically correct rhetoric of "multiculturalism," AHRLIM and its affiliated organizations have argued that the mother tongues and cultures of these immigrant women should also be respected, the immigration policy should not be based on assimilation, and thus the *san juanis* tradition of incorporation based on blood should be changed.

Similarly, "democracy" has long been regarded as an important national identity, in contrast with China, especially since DPP won their first victory over presidential campaign in 2000. Additionally, related concepts such as "citizenship" (or citizen's rights) and "civil participation" are also common political rhetoric. However, As Faulks (2003) pointed out, values of capitalism, and liberal and republic citizenship are in contradiction. As market values become more dominant, values of citizenship are often forced to take the backseats. Globalization further intensifies this contradiction and immigrant/migrant issues have become symptoms of this contradiction.

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

Since the welfare system in Taiwan is based on household units and identification cards (proof of citizenship), immigrant women who do not obtain Taiwanese citizenship are illegible for social services and welfare benefits. Battered immigrant women without Taiwanese citizenship are deported if they get divorced; given that custody of the children is often granted to the Taiwanese fathers, this deportation

would make them unable to return to Taiwan to visit their children. Consequently, battered immigrant women often decide to endure domestic violence for the sake of their children. The husband's power over immigrant women is thus sanctioned by the state. The Taiwan government does not grant citizenship to foreign women as an inalienable right, but rather preconditions citizenship on their status as wife of a Taiwanese man. The financial proof blocks the women from becoming Taiwanese citizen and prevents them from actively participating in the society. Even when marriage migrants obtain formal citizenship, since they are greatly constrained by language barriers, economic conditions and discrimination, they apparently lack access to implement their substantial citizenship, that is, to become active participants in public issues and enjoy the essence of democracy. Therefore, one of the three demands of AHRLIM's protest against the government's proposal of National Immigration Agency thus employed the framing of "democracy.

Taiwan is a democratic country, where people have freedom and capacity to express their opinions about various issues. However, the government's policies and laws related to the human rights of im/migrants have never been publicly discussed, nor have they considered the rights of migrant workers, not to mention the importance of immigration policy for the prospects of Taiwan societies." AHRLIM argues that since immigration policy is "a matter of the rights of im/migrants and their families, and what is embedded in immigration policy is what the society thinks of itself, and influence Taiwanese people's image of 'citizens' and their identity," they demand to "expand public discussions so that im/migrants and their families, and the general public can fully understand and participate"

In short, to move immigrant movement forward, one strategy is to radicalize all seemingly progressive political rhetoric—such as human rights, multiculturalism and democracy—in order to transform public discourse to be more receptive of new immigrants.

II. Constructing "Betweenness" of Us and Them

In addition to radicalizing the existent values and rhetoric, constructing a sense of empathy in the public discourse is another important strategy. In the first petition of AHRILM, it pointed out the fact that most "Taiwanese" are decedents of immigrants to construct the sense of connection between "us" (the "Taiwanese") and "them" (the so-called "foreign brides" and "foreign workers"). It was stated, "Taiwan's migratory population did not just appear out of nowhere in the last two years. Our ancestors

were precisely those hardy souls who traveled, in small groups, across the ocean to brave a new life in Taiwan. Ironically, today's Taiwanese society, itself composed of immigrants, looks upon new migrants and immigrants with fear and casts them into exclusion." By recalling the histories and memories, AHRLIM aimed at constructing the sense of empathy among the Taiwanese so that they can better understand the issues and conditions of im/migrants.

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

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

the experience of being oppressed as a Black. Racism and sexism may appear as two different things on the surface. However, if we look into the “connectedness” and “*betweenness*,” we would notice that struggles and frustration in the process of resisting these two forms of discrimination are indeed similar.

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

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

III. Demonstrating the Subjectivity of Immigrant Women

To ensure the legitimacy of the immigrant movement, it is essential to have active participation of immigrants themselves. Many social movements impose themselves as the “spokespersons” on behalf of the marginalized mass neglecting the subjectivity of grassroots in the movement. More often than not, the mass that participate in the protest action is “mobilized” without knowing fully the issues at stake and sadly becoming only “props.” Since long before AHRILM was established, TransAsia

Sisters Association, Taiwan (TASAT) had been empowering and organizing immigrant women for eight years and consequently the subjectivity of the immigrant women have been gradually developed in the process, the “legitimacy” of immigrant movement in Taiwan can be founded. At the first protest initiated by AHRLIM, immigrant women organized by TASAT were at the front line voicing their dissent by performing a short play in front of the Legislative Yuan. The immigrant women of TASAT have become significantly more active after their first protest, often participating in AHRLIM activities, speaking at protests or press conferences, and sharing their experiences and opinions at various activities.

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

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

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

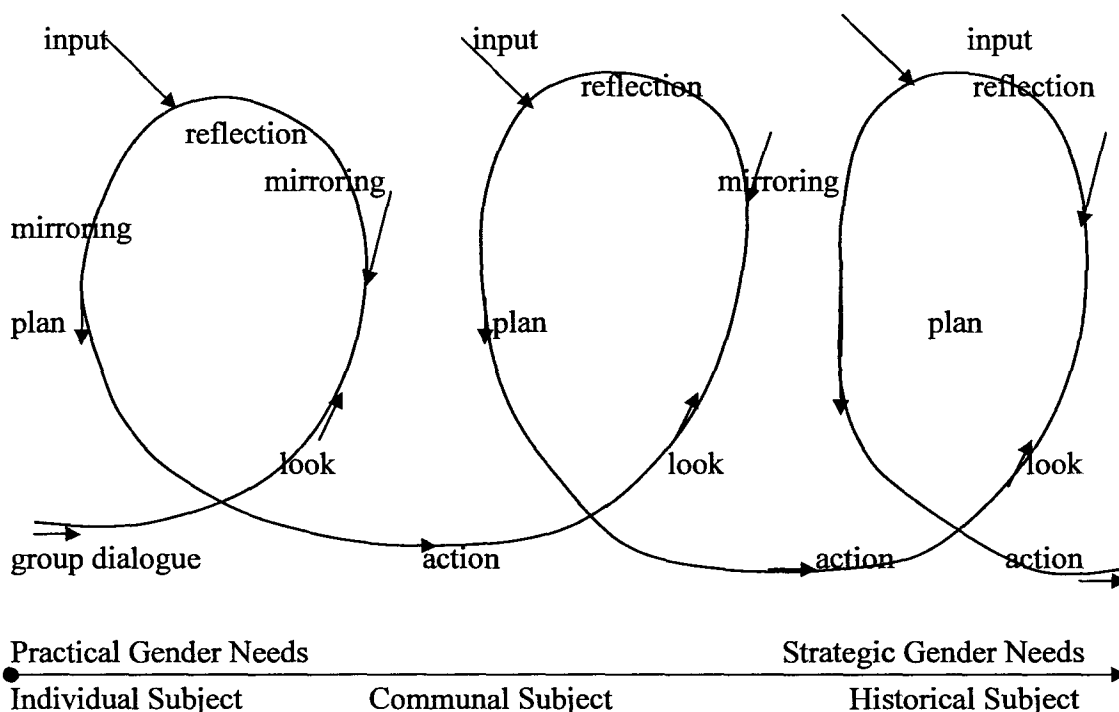
In addition to empowering immigrant women and Taiwanese volunteers, TASAT has also made efforts to change the public perceptions of immigrant women. Through such methods as seminars, writings, and films, TASAT and her members constantly strive to create a sense of *betweenness* among Taiwanese and the immigrants. This is done in part by pointing out the similarities that exist between the biographies of both. Stories used to create empathy include the facts that most Taiwanese citizens are

descendents of immigrants who arrived at different times in Taiwan's history and that many Taiwanese citizens have experienced prejudice and discrimination migrating to first-world countries.

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

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

Figure 1: Subjectivation Process of Immigrant Women



Confronting National Anxiety: Strategies of Transforming Media Construction

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

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

Knowing the crucial roles the media play in constructing realities, movement organizations cannot only rely on alternative media, but also have to engage in the public discourse by gradually transforming the media construction. Despite of

structural constraints on the agency of media workers, such as the control by the governments and corporations, Chang (2002) found that conscientious journalists often use tacit strategies of resistance, such as fulfilling routine requirements on time to spare more time and energy for more in-depth and interesting reports. Those who have accumulated enough experience and expertise on certain subjects may also exert their power of knowledge to gain more freedom from supervision and more control of their stories. Instead of avoiding the media, we had learned from our experiences that it would be more effective to work with more conscientious and experienced journalists who have earned their reputation and are willing to find tacit ways of resisting media corporations. By working closely with these journalists, we can more effectively have our critical perspectives heard in mass media.

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

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

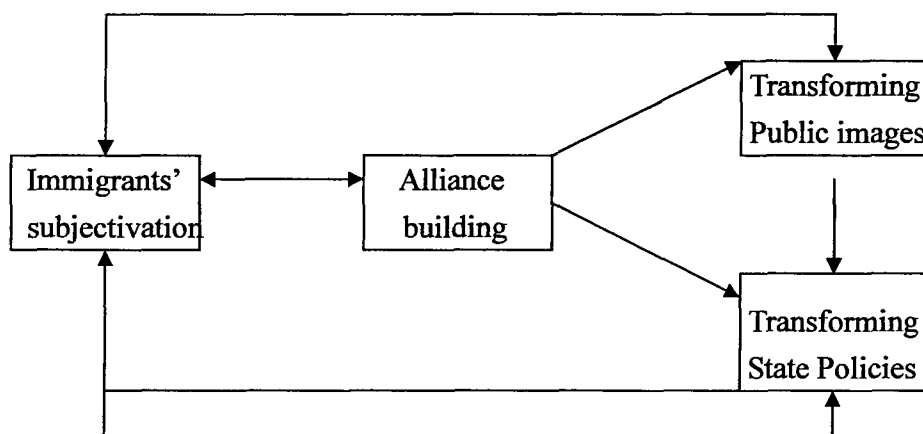
It is crucial to note that the “foreign brides” need a process of empowerment before they can appear in front of the public and the mass media with great confidence,

and consequently drastically challenge the mainstream construction of them as problematic. Without this process of empowerment (see Hsia 2006), “foreign brides” often appear as victims and reinforce the dominant media construction of them as problematic¹². With the confidence, immigrant women organized by TASAT have become significantly more active, not only being present, and speaking at various protests, but also giving lectures on multiculturalism and Southeast Asian languages and cultures. In 2005, they collectively published a book entitled *Don't Call Me Foreign Bride*, drawing great media attention at the press conference for their book launch. These activities are not only considered by the media as worthwhile covering, but also suffice as viable images and perspectives critically challenging the existent media construction. In short, by actively engaging in the politics of media construction, the movement organizations have gradually transformed media construction, and consequently the public discourse, of the “foreign brides phenomenon.”

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

¹² 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.

Figure 2. The Formation of Immigrant Movement in Taiwan



Organizational Strategies of AHRLIM

Heterogeneity with the Basis of Unity

AHRLIM was initiated by Awakening Foundation in late 2003, after her involvement in related issues. In response to the “foreign brides phenomenon,” the original position of the central government was to ignore it wishing that it was only a short-lived fad and would disappear in a few years. The government’s position dramatically changed recently. The watershed of this change in position was the realization of the increasing number of foreign brides’ children. In December of 2002, the Ministry of Interior released statistics indicating that one fourth of newlywed couples were Taiwanese with foreigners (mostly brides from Southeast Asia and Mainland China) and around one eighth of the new born babies were children of foreign brides. The Ministry of Education released other statistics in 2002 indicating that the number of foreign brides’ children in first grade had increased five-fold in six years. Without any solid research, the Ministry of Education immediately initiated various programs with enormous funds to “improve” the quality of foreign brides’ children, whose underlying ideology is racist and classist (Hsia, 2007). As the result of assuming the “ill quality” of marriage migrants and their children, Taiwan government began to devote much attention to these issues around 2002. As one of the leading feminist organizations in Taiwan, the government often invited Awakening Founding for various consultation meetings. As the Board Member of the Awakening Foundation at that time, I was constantly consulted by the staff concerning issues

related to marriage migrants. After careful discussion, we concluded that our efforts and energy should not be drained by countless meetings with the governments, which were often used by the government as endorsement from NGOs. Since the government was rushing to establish the National Immigration Agency whose organizational structure and principles were problematic, we found it urgent to consolidate efforts and strength from more critical NGOs and experts to advocate rights for immigrants and migrants. To develop the movement for im/migrants issues, we decided to initiate an alliance comprised of organizations and experts concerning for immigrants and migrants issues. Awakening called for a consultation meeting on November 6, 2003m where organizations, scholars and legal experts concerning human rights, women, workers, marriage migrants, migrant workers discussed the situations and the possibility of forming the alliance. After two consultation meetings, the Alliance for Human Rights Legislation for Immigrants and Migrants, whose founding organizations include Awakening Foundation, TransAsia Sisters Association Taiwan, Taiwan Association for Human Rights, Women Labor Rights Association and Rerum Novarum.

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

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

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

additional members, without any objection.

Conscious efforts to avoid spotlights on individual organizations

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

Finding Links to Different Interests

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

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

Essentially, AHRLIM appreciates expertise of different individuals and organizations, and members can enrich each other via working together in AHRLIM (Awakening 2006).

Overcoming communication barriers and Ensuring Democratic Decision

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

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

Consolidating Efforts

Since im/migrants issues are very complicated and AHRLIM has been tackling a lot of issues, from physical abuses of im/migrants to condemning discriminatory

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

Expanding Solidarity

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

To reach out broader public and develop network with other progressive

organizations, AHRLIM collaborated with a well-known group called “Trees Music & Art” (大大樹) which has organized annual “Migration Music Festival”(流浪之歌音樂節). We organized the first Migrant Workers Singing Contest on October 18, 2006, as part of the series of Migration Music Festival 2006. The purpose of the contest is to allow migrant workers to gather together and showcase their talents, and to promote a better understanding of their cultures and lives among Taiwanese people. Since Migration Music Festival has attracted much audience and it shares with AHRLIM the common goals of advocating Southeast Asian cultures and migrants rights, AHRLIM wished to reach out to the public interested Southeast Asian music and make them more aware of im/migrants issues. On October 2007, AHRLIM continues to collaborate with Migration Music Festival with the singing contest titled “Southeast Asia Sings!” (聆聽東南亞的聲音) In this second contest, the goal is to encourage participants from different nationalities to learn Southeast Asian songs.

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

Conclusion

Movement advocating for immigrants rights should be multi-sectoral, since immigration issues are comprehensive and related to various issues including gender, class, ethnicity, human rights, etc. The experience of AHRLIM shows how an alliance of organizations and individuals with different interests but with a common

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

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Sharing of Experiences on Advocacy and Coordinated Actions

Laramie Castillo

MIGRANTE International

I would like to thank you for inviting us in this conference and giving us the opportunity to share with you our experiences on advocacy and coordinated actions in addressing issues of all migrants.

Addressing the issue of immigration and border control vis-à-vis the issue of foreign brides came in most opportune time when the global crisis of monopoly capitalism continues to deepen. It has pushed the world capitalist powers to launch its wars of aggression against countries such as Iraq and Afghanistan.

The United States' imperialism threatens to launch its war of aggression in countries strongly in opposition to their dictates and its desperate intention to crash the resistance of peoples especially in countries where national democratic movements are strong. Taking the example, the Philippines allows the US troops to be involved in President Arroyo's attempt to crash the more than two-decade communist insurgency in the country through Balikatan exercises.

On the other hand, the neo liberal policies imposed on the developing countries have the posturing that they will be benefited through free market and free movement of natural persons. However, after 911, drastic changes in immigration, border control and refugee recognition and anti-terror laws occurred in countries who supported the US war of aggression including the Philippines. The changes are part of the measures to combat terrorism. The issue of migration has become an issue of security. Im/migrants, refugees and displaced persons are priority targets of terrorist tagging, are priority targets of crackdown, arrest, detention and deportation.

As the front runner of the anti-terror campaign, the United States has Patriot Act of 2001, Homeland Security Act of 2002, Comprehensive Reform Act on Immigration, Anti-Terror and Border Control. It is an offense to provide assistance to undocumented workers, regardless if s/he is a relative, or an NGO or churches that offer assistance. A 700-mile border fence is being constructed at the border between the United States and Mexico. They are now studying to construct another one between the United States and Canada.

In Japan, there is Partial Amendment on Immigration Control and Refugee Recognition Act and Finger Printing Law; the latter to be implemented by November

2007. According to Japan, the presence of at least 250,000 “illegal aliens” as they call them, has deteriorated public security. In addition, it drastically reduced the quota of entertainers from the Philippines from 80,000 to 8,000 annually, which according Japan government, addresses the issue of trafficking, being Japan as the recipient of trafficked persons and the Philippines as the source of trafficked persons. There were no alternatives offered to those affected. Instead, Filipino women continue to Japan as tourists and thus aggravate the problem of trafficking that Japan wishes to address to.

In Malaysia, an amendment to their Immigration Law extended its police power to 560,000 ‘relas’ (civilian volunteers) recruited by the government to arrest suspected undocumented migrants. It has resulted massive arrests, detention and deportation. There is a proposed Foreign Workers Bill which will be governed by Home Ministry in-charge of the country’s security. There are 1.3 million undocumented workers, second largest, are Filipinos numbering half million. With the amendments, since 2005, cases of human rights violations occurred.

In Singapore, the amended Immigration law grants power to their own citizens to scrutinize foreigners’ visa status and report it to proper authorities. They have armed Immigration officers to arrest suspected illegal aliens

Due to tougher immigration laws, migration “management” and the “war on terror”, im/migrants, refugees and displaced persons are always threatened by arrest, detention and deportation. Massive crackdown on undocumented workers, the displaced, refugees and asylum-seekers is taking place; and restriction on integration of migrants and reunification of families in host countries is also imposed.

Campaign and Advocacy at the Homefront and Overseas: Migrant’s Experience

NEOLIBERAL trends/patterns in migration reveal the intensifying exploitation and oppression of workers, migrants and nations amidst the insoluble crisis of world monopoly capitalism. This is aggravated by more than two decades of “neoliberalism” and the renewed trend towards war, chauvinism and fascism. At the same time, this facilitates the organizing and mobilization of workers, migrants and peoples. Hence, there is a resurgence of national, social and class struggles for freedom, democracy, equality, justice and peace. Peripheral and marginalized though they may be, relative to the formal economic, social and political processes, migrants are among the frontline workers of these struggles.

Please be reminded that the above-mentioned issues are not issues ONLY of the

undocumented, of refugees, displaced persons, but these are issues of all foreign-born citizens. Much more, these are not issues ONLY of foreign brides that we are discussing in this conference. More importantly, these are not issues ONLY of Filipinos. These are issues of peoples especially those living outside their countries of origin.

First and foremost, I would like to stress that the affected sectors – i.e. im/migrants, etc. should ALWAYS be at the forefront of their struggles. Non-government organizations, institutions, advocates and other individuals should be in the struggle as SUPPORT.

To effect change, we address the issues in two fronts: our government and the host government. For example, the Philippine government has no signed bilateral agreements in almost all of 192 countries. It continues to deploy Filipinos even in countries where there are on going wars such as Iraq, Lebanon and Afghanistan, with no existing protection mechanism, etc. They continue to deploy Filipinos even if a deployment ban has been imposed by them, for example, Jordan. A ban was imposed in 1991 but they continued to deploy until 1995.

On the other hand, we also confront host governments to push for policy changes. Host governments should afford migrants with equal protection before the law such as those of their locals.

Addressing these issues, take in many different forms and levels: EDUCATION is very vital. The first one to understand these issues are the migrants themselves. More importantly, the position to the issue should represent their voices. This should be done through forums, workshops, group discussions, film showing and cultural activities. EDUCATION should also involve families of migrants, and others in their respective countries of origin.

In our experience, one practical component is SETTING UP A FORMATION OR AN ALLIANCE as a machinery to any undertakings be it a campaign or lobbying, among others; in one level, with other migrant groups, for example in Hong Kong, the Filipinos and with im/migrants, etc. of different nationalities, the Asian Migrant Coordinating Body; expanding to human rights, women, church, advocates and other individuals.

It is also quite important that ADVOCACY should expand to concerned agencies and governments, in foreign countries through the consulates and embassies.

In doing so, we also take PARLIAMENTARY WORK as one of our arena of struggles, though this is secondary. We always bring the issue to the Halls of

Congress and Senate to bring our voices directly to the lawmakers, present our position in committee hearings and to individual lawmakers, ensure that policies are designed addressing the legitimate issues of im/migrants, etc. We hold forums in these venues and maximize the allies not only on policy support but also logistics.

One of the concrete examples, in 2004, Migrante International set up a sectoral party for overseas Filipinos and their families, the Migrante Sectoral Party. That was our first attempt to participate directly in the policy-making process that concerns us and our families. Though we failed to get a set, it gave us the opportunity to expand our base and to expand our alliance work in Congress for migrants' rights and welfare. Through the progressive partylist – Anakpawis (Worker-Peasant Party), our organization was able to push for the creation of the Committee on Overseas Workers Affairs in Congress.

Since then, Migrante became a permanent fixture in committee hearings tackling issues of migrants in aid of legislation in both Congress and Senate. During the Lebanon crisis, Migrante's representative was the resource person during the hearing at the Committee on Labor and Employment in the Senate, tackling the issues on repatriation of 34,447 overseas Filipinos mostly women and undocumented back to the Philippines and issue of Welfare Funds for the cost.

In the recent 2007 elections, we supported Gabriela Women's Party which won two seats in Congress. Gabriela Rep. Luzviminda Ilagan's office's priorities are migrants. We are now working on issues such as overseas Filipino workers (OFWs) on death row and Sentosa 27 ++ nurses in New York, US who are victims of illegal recruitment. We are also doing alliance building with other lawmakers which we think sympathetic to the plight of migrants.

At the international level, one aspect is to maximize the United Nations mechanism. For example, in Hong Kong, the issue of two-week rule and wage cut were brought to the United Nations Commission on Human Rights in 2003 with the Asia-Pacific Forum on Women, Law and Development, United Filipinos in Hong Kong and the Asian Migrant Coordinating Body. A meeting with the UN Special Rapporteur on the Human Rights of Migrants was arranged to discuss on the issue. The following year, the UN Special Rapporteur came to Malaysia for a consultation on issues of migrants, upon invitation by APWLD in coordination with Tenaganita. The venue was also maximized in lobbying international organizations of migrants, churches and other non-government organizations to support the issue.

The gains and victories that we attained in many our struggles were attributed to a strong movement of migrants and their families. What I mean to say that the key to a

success in struggles is ORGANIZE, ORGANIZE AND ORGANIZE.

There are already many struggles in our countries, in the receiving countries, big and small. There are already substantial gains and victories of our struggles. Migrant movements continue to gain strength, expanding in many countries.

The time is ripe to consolidate these gains, victories and strengths by establishing an International Migrant Alliance. This would, hopefully, widen our courses of action and make more effective results in our organizing and mobilization campaigns. As a result of the first International Migrant Conference in 2001 to the result of the Workshop Concern #16 on the Rights and Welfare of Im/migrants, Refugees and Displaced Persons during the Second International Assembly of the International League of Peoples' Struggles in 2004, the need for an International Migrant Alliance was identified, hence, the first founding assembly by May 2008.

This, we strongly lobby with the participants of this conference to support and be part of the first International Migrant Alliance. Migrants' groups including foreign brides groups are enjoined to participate, to establish networks in order to reach out more groups to become member of the alliance.

Thank you very much.#

與會組織介紹

Introduction of Participant Organizations

Awakening Foundation

婦女新知基金會

Our History

In 1982, a group of women who supported gender equity founded the Awakening Magazine to arouse women's self-awareness and to strive for women's rights. With much difficulty, the group published the magazine and organized various events like anti-sexual harassment activities and the advocacy of Equal Employment Law. After a few years, Awakening Magazine has gained a positive reputation and respect from the Taiwanese community. In hopes of mobilizing more women, the founders established the Awakening Foundation in October, 1987.

Our Mission Statement

To raise public awareness of women's issues, to fight for women's rights, and to improve the social conditions of all women

To raise feminist consciousness.

To mobilize women, to eliminate sexism, and to promote gender equity.

To carry on the women's movement and to end all forms of discrimination and oppression.

Our Work

Each year, we set a theme which corresponds to current women's issues.

Hold seminars, public hearings, and speeches to address women's issues and relevant topics

Provide direct aide, counseling, and information for individual women and other organizations

Hold lectures and seminars on women's issues for various communities, organizations, and schools.

Publish the monthly Awakening Newsletter .

Pushed for the Family Law reform and drafted the Equal Employment Bill.

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Graduate Institute for Social Transformation Studies
Shih Hsin University
世新大學社會發展所

The main goal of the Institute for Social Transformation Studies is to search for a comprehensive approach to governance through vigorous studies of Taiwan's social problems arisen out of the fast economic growth in the past decades. Hopefully, more holistic visions can emerge in the process of persistent questioning and investigation. Such visions need to be practiced at the grassroots, and the experience brought back to re-examine the theories, so that both theoretical knowledge and capacities to act can grow and prosper. These should be done principally in a manner of faculty-student collaboration in the Institute.

Unlike the growth theory of developmental economics, the Institute emphasizes balance in development in economy, society and culture through invigorating the initiatives of people. The main focus of studies and practices will be the following:

Super-state

In view of the importance of international agents, the institute pays attention to the various economic and non-economic international agreements and the work of communication system. The large amount of cases accumulated by UN agents after WWII will offer us as good experience to study.

Social Issues in Taiwan

Taiwan's many social problems, aboriginal people's development, ethnic relations, the feminist movement, environment and ecology, educational development, labor problems, and the social impact of religion are all within the scope of the Institute's curriculum.

Developmental fieldwork

The Institute believes that non-profit organizations and individual communities are prime movers in social development, and therefore encourages students to join at least one NGO or community organization to bring together theory and practice, obtain first-hand grassroots experience and share their observations with the organizations.

International teaching and training

International trends are also covered by the Institute's research and teaching. Discerning the effects of trade-related and non-trade-related international protocols on

local societies, and developing policies in response are major concerns of the Institute. To nurture a broader international perspective in students, the Institute has arranged academic cooperative relations with foreign educational institutions and grassroots organizations, and assists faculty and students in going abroad for further study and research.

At a time when demands for localism and internationalism coexist, social development needs to be even more far-sighted. Training professionals who are equally adept at research and real-world action is the mission that the Institute has set for itself.

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台灣社會研究國際中心

台灣社會研究國際中心是由台灣社會研究季刊社與世新大學合作設立之單位，為世新大學之校級中心。《台灣社會研究季刊》創刊將近二十年來，堅持學術論述須與社會現實緊密結合，而非學究的冥想，因此各期討論主題皆涉及台灣關鍵的社會現實與矛盾。本中心 主旨除持續出版《台灣社會研究季刊》及其相關叢書之外，並積極籌劃國際學術交流研討會及各種社會議題之公共論壇，持續結合學術與社會實踐，針對時事進行論述干預與實際行動。

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南洋台灣姊妹會

發展歷程

南洋台灣姊妹會正式成立於二〇〇三年十二月七日，其源起為一九九五年七月三十一日由高雄縣美濃愛鄉協進會所創設的「外籍新娘識字班」；這個班的名稱以括號標示，以突顯與挑戰台灣社會普遍存在的對新移民女性的偏見與歧視。

新移民女性絕非沒有能力，而是因為環境驟變，使得其頓失原有的語言、行為能力，彷彿「不識字」。因此，「美濃外籍新娘識字班」創設的目的，是以認識中文為媒介，促使新移民女性逐漸能自主發聲，並進而形成組織，為自身爭取權益。

在美濃的中文班逐步發展出一套較有系統的課程後，開始發展各式的志工師資培訓課程，並逐步與其他地方組織合作，發展各地南洋姊妹的培力基地。

經過多年中文班的培力過程，姊妹們意識到成立自主社團的重要性，於是開始積極投入籌備社團的工作。「南洋台灣姊妹會」終於在姊妹們的實際參與中，於二〇〇三年十二月七日在高雄市婦女館正式成立。理監事會的組成，依姊妹們討論出的章程規定，需有三分之二以上為南洋姊妹。

組織宗旨與工作方向

我們相信，所有的人都有潛力成為自助助人、創造歷史的主體，而組織的目的是提供各種管道和方法，讓主體能夠逐漸突破現實的限制，發光發熱。因此，本會創設之宗旨為協助南洋姊妹逐漸走出孤立，進而成為積極的社會參與者。

為達到創會宗旨，姊妹會的工作內容分為三大類：組織與培力、社會教育、法令政策倡議，而每類之間緊密相關，並且相互加強。

組織與培力

除了延續以培養姐妹自主發聲能力為精神的中文課程外，為增強姐妹在教育子女的自信，我們鼓勵姐妹們自行繪製故事書，以圖畫，搭配她們熟悉的語言，與孩子分享她們的故事。在各種課程中，藉著創造自在互動的對話空間，激勵新移民女性分享彼此經驗，逐漸建立自信，並培養互動合作的群體關係，進而更積極地投入公共事務。此外，姐妹會也培訓姐妹們成為東南亞語言文化、多元文化教育的講師。姊妹們在各地分享她們的移民經驗，以及開設課程教育台灣民眾她們的母國文化和語言，甚至講授多元文化的觀念。姐妹們一方面從「學習者」轉換為「教學者」的過程中更增自信，而些微的演講費用也能略為改善經濟狀況和家庭地位，同時姐妹們的分享與演講，也改變台灣社會對新移民女性的刻板印象和歧視，並為台灣注入

多元文化的活泉。

社會教育

為了扭轉社會對姊妹們的不友善態度，除了掌握各種機會安排姊妹們參與座談、演講、接受媒體訪問外，也加強與社區的互動，並鼓勵姊妹們從事文字和繪畫創作。二〇〇五年九月，我們將姊妹們這幾年來的文字和繪圖的創作集結成書，就以姊妹們的智慧之語《不要叫我外籍新娘》作為姊妹們第一本作品集的書名，讓更多台灣民眾「看」到姊妹們的心聲。

法令政策倡議

新移民女性面臨的議題，涉及許多法令政策，姊妹會積極串連相關組織，推動與姊妹們權益迫切相關的公共議題，並致力於法令和政策的改革。姊妹會與數個婦女、勞工、人權、移工、移民團體，於二〇〇三年十二月十二日成立「移民／住人權修法聯盟」，除了倡議移民人權外，也針對移民政策之最重要法源依據「入出國及移民法」，進行修法工作。

南洋姊妹們除了是新移民外，也是女性，而與台灣的女性一樣，她們面臨「母職」的壓力。在缺乏完整社會福利體系的台灣社會中，女性被迫在無公共資源下，承擔大部份的養育子女責任，而新移民女性由於缺乏社會支持網絡，再加上社會對於南洋姊妹「不會教育子女」的污名化下，承受更巨大的壓力。因此，姊妹會加入了「幼托公共化行動聯盟」，為推動幼托公共化的議題貢獻心力。

聯絡方式

中華民國南洋台灣妹會

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TransAsia Sisters Association, Taiwan

Origin:

TransAsia Sisters Association, Taiwan (TASAT), was formally established on December 7, 2003. Yet, the origin of TASAT dates back to the “Foreign Brides Chinese Literacy Program,” founded by Meinung People’s Association on July 31, 1995.

Immigrant women are by no means incompetent. Yet, the sudden change in environment as the result of marriage migration makes their previous learning in their mother tongues useless and consequently they appear illiterate. Therefore, the purpose of the “Meinung Foreign Brides Chinese Literacy Programs” was, via learning Chinese, to empower immigrant women to speak for themselves and form an organization to fight for their rights.

As the Chinese program developed a more systematic curriculum, it started to offer various training workshops for volunteer teachers and to work with other community organizations. At the same time it expanded to more locations around Taiwan for grassroots empowerment for immigrant women.

After several years of empowerment, the immigrant women realized the importance and necessity of establishing a formal organization. They then became actively involved in the preparation for the association. With the immigrant women’s efforts and active participation, TransAsia Sisters Association, Taiwan was finally established on December 7, 2003 at the Women’s Center in Kaohsiung. According to the by-laws of TASAT, which came out of the immigrant women’s discussions, at least two thirds of the board members should be immigrant women.

Objectives:

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

Work:

To achieve these goals, TASAT does three types of work, namely, grassroots organizing, public education and policy advocacy. These types of work are interconnected, reinforcing and complementing each other.

Organizing and Empowerment

In addition to continuing the “Chinese Literacy Program” which aims at helping immigrant women speak out independently, in order to build up their confidence in educating their children, we encourage immigrant women to create story books and share their lives with their children via pictures and their mother tongues.

In addition, TASAT has been training immigrant women to become teachers of Southeast Asian languages, cultures and multiculturalism. They share their experiences of migration all over Taiwan and teach Southeast Asian languages, cultures and multiculturalism to the Taiwanese. Having gone from learners to teachers, the immigrant women are much more confident than before. The income they receive from giving talks and teaching courses can also improve their economic situation and their status in the family. Their lectures and what they share also eliminate the stereotypes and discrimination they face in the host society. Their active involvement has truly made Taiwan a more multicultural place.

Public Education

To transform the unfriendly environment, TASAT seizes every opportunity to arrange for the immigrant women to communicate with the public and be interviewed by the media. TASAT also works on developing collaborative relationships between immigrant women and the host communities, and encourages the immigrant women to write and draw their stories. In September, 2005, we collected the immigrant women’s articles and paintings and published them in a book titled *Don’t Call Me Foreign Bride*. This is the first book of immigrant women’s work, and the title of the book expresses their feelings. The book also serves as a window through which Taiwanese people can “see” the feelings and opinions of the immigrant women.

Policy Advocacy

The immigrant women face many issues related to laws and regulations. TASAT thus actively links with other related organizations to advocate policy and legal reforms. TASAT works with organizations focusing on women, workers, human rights, migrants and immigrant issues. Together with several such organizations, TASAT formed the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM) on December 12, 2003. AHRLIM advocates migrants’ and immigrants’ human rights and submitted its own draft amendment to the Immigration Act to the Legislative Yuan.

Immigrant women are both immigrants and women. Like other Taiwanese women, they face the pressure of “mothering.” In a society which does not provide comprehensive social welfare, women are forced to shoulder most of the parenting responsibilities without public resources. Immigrant women suffer even more than Taiwanese women because they do not have a support network in the host society and they have been stigmatized as not being capable of educating children. Therefore, TASAT has also joined the “Alliance for Public Childcare.”

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Taiwan

移民／移住人權修法聯盟

標榜人權立國的台灣政府，對於移民人權卻是長期漠視。在全球跨國資本流動快速的今天，台灣社會加入了一群或因工作或因婚姻而移居台灣的新移民，根據政府統計，外籍與大陸配偶人數約為 30 萬人，合法登記的移駐勞工亦約為 30 萬人。移民/移駐人口不是這一、二年突然湧現的，因為，當我們回溯台灣的歷史，其實閩南人的祖先，正是一批批漂洋過海，來台打拼的「羅漢腳」。只是今天，一個主要由移民組成的台灣社會，是以怎樣的眼光在看待新一代的移民？

「外籍配偶普查開跑 查緝淫窟」、「新台灣之子 新邊緣人」外籍與大陸配偶及其家人不是被媒體塑造成為錢圖謀不軌的「外籍新娘」，就是製造社會亂象的問題家庭。而政府粗糙的執行措施卻是將外籍與大陸配偶預設成罪犯，所以，目前政府規劃的內政部移民署編制的 75% 是警察；而大張旗鼓的生活適應普查過程，漏洞百出、缺乏誠意的調查方式，卻只成為各地方政府在媒體上突顯「假結婚」狀況嚴重的最佳數據；侵犯隱私、傷害人權的面談內容，竟然成為政府炫耀政績的宣傳品。向來以人權立國自居的台灣，落實到政府政策與社會輿論上，卻是污名化與仇視的刺激。

為了爭取移民／移駐人民應有的權利，關注外籍配偶與工作者權益議題的非營利組織，以及長期關注此議題的學者、律師籌組「移民／移住人權修法聯盟」，希望藉由提出對政府移民政策的建議與修法方針，促進社會大眾理解對話、消除偏見歧視，俾使移民／移駐者享有作為臺灣一份子的權利。

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<http://tw.myblog.yahoo.com/migrants2006/>

沒錢沒身份行動聯盟

<http://blog.pixnet.net/nomoneynoid>

組織緣起

由移民／移住人權修法團體擴大串連而成的行動聯盟，成員包括：移民／住人權修法監督聯盟、大武山文教基金會、女性勞動者權益促進會、中華兩岸婚姻協調促進會、日日春關懷互助協會、司法改革基金會、台北市婦女新知協會、台灣人權促進會、台灣促進和平基金會、台灣國際家庭互助協會、台灣國際勞工協會、台灣婦女展業協會、台中市外籍配偶輔導協會、伊甸社會福利基金會、同志諮詢熱線、希望職工中心、兩岸家庭關懷協會、宜蘭蘭馨婦幼中心、性別平等教育協會、東吳大學張佛泉人權研究中心、法律扶助基金會、社區大學全國促進會、社團法人台灣外僑關懷協會、社團法人屏東縣瓊麻園城鄉文教發展協會、青年移盟、南洋台灣姊妹會、屏東縣屏南區社區大學、恆春區外籍及大陸配偶家庭服務中心、思加樂國際善工協會、海口人社區經營協會、高雄市基督教家庭服務協會、高雄市婦女新知協會、高雄縣故事媽媽協會、婦女救援基金會、婦女新知基金會、勞動人權協會、殘障聯盟。

組織目標

推動廢除移民法和國籍法中有關外籍配偶歸化我國籍時的不合理財力證明要求。

Asia Pacific Mission for Migrants (APMM)

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

Mission & Vision

We are now working towards helping build a movement of migrants of different nationalities in the Asia Pacific and Middle East (APME). We envision this as organized into a strong migrant movement, actively defending their rights, advancing solidarity with people's movements in the countries where they are working and linking up with their peoples movements in their home countries.

Movement building is both a goal and a strategy to achieve APMM objectives for the strengthening of overseas migrants' capabilities. Migrant movement building underlines APMM's fivefold program strategies which are:

Advocacy and Campaigns for the defense and protection of migrant workers rights;
Migrant Organizing and Linkaging to strengthen the solidarity movement of migrants;
Women's program to orient and organize women migrants;
Mission and Network building for the enhancement of migrant workers upliftment and well-being;
Education and Research for advocacy, information sharing/networking and resource development.

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Asia Pacific Mission for Migrants (APMM)

c/o Kowloon Union Church

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GABRIELA

GABRIELA Network (GABNet) is a Philippine-US women's solidarity organization, which addresses issues affecting women and children of the Philippines, but which have their root causes in decisions made in the United States. GABNet is an all-volunteer organization of women with chapters in Chicago, Irvine, Los Angeles, New York/New Jersey, Seattle, San Francisco Bay Area, and Washington, DC.

GABRIELA is an acronym standing for **General Assembly Binding women for Reform, Integrity, Equality, Leadership, and Action**. It also commemorates *Gabriela Silang*, known as one of the first and fiercest women generals in the Philippines who led the longest series of successful revolts against 18th Century Spanish colonizers.

The organization was formed in 1989 by a group of concerned women who met in Chicago. At that time, the people of the Philippines were protesting the continued presence of US military bases in Clark (Air Force) and Subic Bay (Navy). **GABNet** decided to work in solidarity with **GABRIELA Philippines**--that country's oldest and largest national multi-sectoral alliance of more than 200 women's organizations, which were at the forefront of the US bases issues--in order to galvanize a US forum for their concerns.

Since our inception we have focused our efforts on organizing, educating, networking, and advocating around the trafficking of Filipinas through the "mail order bride" industry (now known as international matchmaking services), prostitution generated by militarization and tourism, and forced labor migration .

GABNet operates a national speakers' bureau, which offers lecturers and discussants who lead in-depth discussions and multi-media presentations on these issues, and also publishes the bimonthly newsletter, *kaWomanan*.

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Immigrant Women's Speakout Association (IWSA)

Speakout Vision

To support migrant and refugee women in NSW to achieve their aspirations for economic, political, social, cultural and sexual equality.

Immigrant Women's Speakout Association of NSW ("Speakout") is the peak body in NSW advocating on behalf of migrant and refugee women of non-English Speaking background since 1985.

In addition to our policy, representation and lobbying role, we

- provide direct services to migrant and refugee women in the areas of domestic violence and employment;
- undertake community education;
- provide training for Government, community and private sector organisations
- undertake research focussing on the needs of migrant and refugee women, and
- manage community development and community cultural development

We produce a biannually newsletter, which is distributed to our membership and other relevant bodies.

Objectives

- To identify key issues and areas of concern of immigrant and refugee women;
- To provide information and referral services to Culturally And Linguistically Diverse (CALD) women;
- To resource and support emerging CALD women's groups in urban, regional and rural areas;
- To advocate and lobby on issues affecting CALD women.
- To promote employment, education and training opportunities for CALD women.
- To monitor and evaluate access and equity in the provision of services.
- To assist in development of policies that are responsive to the diverse needs of CALD women.
- To undertake and develop community-based research, act on outcomes and recommendations relevant to CALD women

We welcome feedback about Speakout, contact us on:

women@speakout.org.au

Asia Pacific Women Forum on Law and Development (APWLD)

The Beginnings of APWLD

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

Participants in these dialogues recognised that gaining the capacity to mobilise populations to understand the social, economic and political dimensions of women's oppression and take collective action for change required a clear focus and strong organisation. In December 1986, women-delegates from across Asia met in Tagaytay, Philippines to discuss the most pressing socio-legal issues facing women and to explore possible areas of collaborative action. The outcome of this meeting was the formation of APWLD, the first regional response to the challenges of Nairobi.

In 1986, women lawyers and other activists in the region formally launched APWLD and set up a secretariat in Kuala Lumpur, Malaysia. The Secretariat relocated to Chiangmai, Thailand in October 1997.

Objectives

To enable women in the region to use law as an instrument of change for the empowerment of women in their struggle for justice, peace, equality and development.

To promote basic concepts of human rights in the region as enshrined in the Universal Declaration of Human Rights, the UN Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discriminations Against Women (CEDAW) and other relevant international human rights instruments.

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Justice and Peace Commission of the Hong Kong Catholic Diocese

Origin

In 1965, in the proclamation of Vatican Council II: Pastoral Constitution on the Church in the Modern World, it was emphasized that a large proportion of the world's population is still struggling in hardship caused by disaster and poverty. To promote world justice and a Christian concern and brotherly love for the poor and afflicted, it was urged that a world organization be set up to assist in the development of the poorer nations. It is most timely that such a world body be formed. (Section 90) Two years later, Pope Paul VI officially proclaimed the institution of the Pontifical Commission for Justice and Peace. In 1977, the Justice and Peace Commission of Hong Kong Catholic Diocese was officially established.

Objectives

1. To foster a fuller understanding and greater recognition of the basic equity between all human beings.
2. To stimulate the observance, protection and promotion of the rights of the human person in the light of the Gospel and the teachings of the Church.
3. To translate the social teachings of the Church to actions that aim at the development of all human beings for the glorification of God.
4. To implement such teachings for the improvement of the quality of life of human beings.
5. To promote the sense of justice and peace in the Diocese in accordance with such teachings.
6. To collaborate with people of other traditions and beliefs for the promotion of social justice in every aspect of human life.
7. To make recommendations to the Bishop on matters related to justice and peace.

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Tenaganita Malaysia

About us

We are ordinary people who desire the best for our country, our humanity, our world and our future. We stand up for migrant rights, human rights – individuals and communities whenever and wherever equality, fairness, justice and the truth are denied them.

Our mission

Migrant rights are human rights. We want to promote a culture where human rights are embraced, valued and protected.

Tenaganita's mission is to undertake research, advocacy and action to prevent, solve and address grave abuses that happen to migrants and refugees.

To do this, we mobilise people, carry out campaigns, conduct research, we advocate and raise money for our work.

Our vision

No one should be thought of as apart, and outside the rights that this or any country gives its citizens. We see a world, a country and a people who work for a society that cares and upholds the Universal Declaration of Human Rights.

The center for reproductive and family health

(RaFH)

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

RaFH works in fields relating to reproductive health, population, gender, family and environment with the main objectives of:

- To contribute to national programs such as: hunger eradication and poverty reduction, primary health care, reproductive health and right, safe motherhood, family planning, HIV/AIDS prevention, gender equality, women's and child's rights.
- To improve the quality of family life for the poor and the disadvantaged group of women and children and enhance the relationship between wife, husband and children
- To Improve the quality of health care services at district and commune health levels and update knowledge and technology for healthworkers on reproductive health and right, HIV/AIDS prevention, safe motherhood, gender equality, especially in remote, mountainous and ethnic minorities.
- Behaviour change for local authorities, mass organization, health workers and the whole community on reproductive health care, HIV/AIDS prevention.

Center for Japanese Filipino Families
(CJFF)

About Us

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

Objectives

1. To empower and develop the capacity of Filipina mothers and their Japanese-Filipino youth and children to defend and protect their rights, including an increased capacity to uplift their own well being.
2. To raise the awareness of members of Japanese-Filipino families in their integration to the Japanese society and solidarity with fellow foreign migrants, NGO's, and among Japanese people.
3. To advocate for Japanese-Filipino families as a minority group in Japanese society and supporting it's participation to the development of multicultural society of Japan.
4. To raise the awareness of Japanese public on the issue of multicultural society through education, research and publications.

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MIGRANTE International
(International Alliance of Filipino Migrant Organizations)

The migration of Filipinos abroad is a product of extreme poverty and joblessness in the country that is brought about the decrepit social system perpetuated by US neocolonialism. The deepening economic crisis in the Philippines has simultaneously aggravated the migration of Filipinos abroad to gargantuan proportion. More than 2,000 migrant Filipinos leave the country each day and approximately one-third of these are composed of unskilled workers. They can be found in 182 countries worldwide.

Filipinos are driven abroad since the government cannot provide them work. This is not surprising since the Philippine economy is backward, agrarian, and without basic industries. Hence, it cannot generate enough employment for Filipinos. Millions of workers are being thrown out of their regular jobs as foreign and domestic capitalists resort to contractualization and downsizing so as to maintain and generate more profits. Thus, Filipinolippines, indeed, is a rich source of cheap labor by developed countries.

Migrant Filipinos contribute a lot to the economy through their remittances. From 1990 to 1995, remittances of migrant Filipinos were registered at US\$14.543 billion. In 1999 alone, it registered a high of US\$6.9 billion. The government recognizes this contribution. In fact, they are hailed as "new economic heroes."

Migrant Filipinos are an exploited lot. The Philippine government extracts exorbitant fees from them as requisite to their deployment abroad. Government rakes in millions daily in the processing of their papers alone. These include payments for passports, NBI and medical clearances, administrative fees, forced contributions and a litany of other expenses.

The abuses and exploitation they experience in their place of work are prevalent. These range from contract violations, rape, sexual harassment, mysterious deaths, among others. Yearly, hundreds of thousand of Filipinos are reported to have suffered various forms of abuse and exploitation in the hands of their employers. Women migrant workers in particular are most vulnerable to abuses and maltreatment. They are subjected to sexual and physical abuses, as in the case of domestic helpers, while many become victims of white slavery.

Nothing can pronounce the exploitation and abuses committed against migrant Filipinos than those inflicted to Flor Contemplacion and Sarah Balabagan. Their cases opened the eyes of the entire Filipino people and the international community on the hapless plight of migrant Filipinos.

The anguish and ordeal of migrant Filipinos continue. The conditions that confront them necessitate the continued organizing, education and mobilization work among their ranks in their struggle for their rights and welfare, and for genuine freedom and democracy.

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Filipino Women's Organization in Quebec

(PINAY)

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

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

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

Primary Objectives of PINAY

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

Mission for Migrant Workers

(MFMW)

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

The Mission is the product of a concerted church commitment and response to the growing problems of migrants, predominantly domestic helpers in Hong Kong. The Mission was established through the coordination of the National Council of Churches in the Philippines (NCCP) and some formations in Hong Kong then, namely, the Resource Centre for Philippine Concerns, the Holy Carpenter Church (Anglican) and an Ad Hoc Committee of religious and lay persons from the Catholic and Protestant Churches in Hong Kong. It focuses its efforts on Crisis Intervention And Prevention Through Migrant Empowerment (CIPME).

The Mission understands the phenomenon of the "migrant in crisis" not only by the rise of human rights violations, physical and sexual abuse, and unfair labor laws and practices but also by the sheer vulnerability and potential distress that comes with the very nature of being a migrant worker. Once migrant workers are forced to leave their families because of unemployment and poverty, they are already in a state of need. Once they are employed in 3D - "dirty, difficult and dangerous" - jobs, the potential for crisis situations is ever present. And with the apparent neglect of governments of sending countries and the insensitivity of host governments, the "constant state of crisis" of the migrant becomes magnified.

Crisis intervention addresses the immediate and urgent needs of the "migrant in crisis". It arises from the Christian spirit of love, charity, mercy and hope like that of the Good Samaritan of old. But beyond direct assistance to the needy, the Mission is committed to strategically lessen the vulnerability of the migrant worker. Thus, crisis prevention is also an imperative.

In the work of crisis management, the Mission believes in the centrality of migrant empowerment. We are committed to "help migrant workers to help themselves". We are convinced of the strength, vibrancy and capability of the migrant workers and their movement. Through their own awareness-raising, organizational building and positive action, emergencies would be addressed, crisis situations would be abated and abuses checked. In this, our support to them is unconditional.

Thus our services are migrant-centered and empowerment-oriented. Through CIPME programs, the Mission hopes to fulfill its mission and vision: "We dream of a society where families are not torn apart by the need to survive. We dream of, and will actively work for, a homeland where all can live decently and with dignity."

St. John's Cathedral, 4-8 Garden Road, Central, Hong Kong

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http://www.migrants.net/_index.htm

Thai Regional Alliance in Hong Kong (TRA)

Background

TRA was established in 2001 during the proposed wage cut for Foreign Domestic Helper (FDH). The Thais organization and individuals together with the Asian Migrant Coordination Body (AMCB) an alliance with different migrant organizations in Hong Kong from Thailand, Nepal, Philippines, Srilankan and Indonesia are in solidarity against the issue. The unity and solidarity has forced the Hong Kong government to freeze the minimum Allow Able Wage of FDH. As the result, the Thai people believes in the spirit of solidarity and the need for the establishment of an effective organization was felt and thus Thai Regional Alliance Association was born. It is registered under the Societies Ordinance.

Objective

- To enhance the community spirit and promoted friendship.
- To strengthen the Thai migrant groups in Hong Kong into and alliance.
- To protect and promote the rights and welfare of migrants.
- To provide the social and cultural educational aspects.
- To forge links with the NGO group to address issues confronting migrant workers in Hong Kong To forge solidarity with migrants of other Nationality.

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附件

Appendices

附件 1

移民在臺灣大事紀

| 時間 | 事件 |
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| 1994 年 | 政府開放「外籍配偶」返台定居，不再以短期居留的形式留在臺灣生活。 |
| 1995 年 07 月 30 日 | 「美濃愛鄉協進會」基於人道及社會關懷，與龍肚國小共同開設「外籍新娘識字班」，為台灣首創以「外籍配偶」之需求為主的課程。 |
| 1998 年 06 月 21 日 | 台北市政府社會局委託新事社會服務中心在天主教聖家堂舉辦「菲傭 外籍新娘--台北關心妳」的活動，邀請法律專家與學者以英語座談方式增強外籍家務工作者認識身份權，工作權及婚姻關係中的權利。 |
| 1999 年 | 衛生署將未領取身份證的外籍配偶納入到健保系統。 |
| 1999 年 12 月 28 日 | 內政部公佈「外籍配偶生活適應輔導實施計畫」，規劃辦理外籍配偶生活適應及語文訓練，提升其在臺生活適應能力，使能順利融入臺灣生活環境。 |
| 2000 年 05 月 | 外交部取消外籍配偶來台滿十一個月得申請「居留簽證」的規定，改為可直接向駐外單位申請居留簽證。 |
| 2000 年 05 月 02 日 | 新事社會服務中心與朱惠良、范巽綠立委在立法院舉行「正視外籍新娘問題」記者會，由「外籍新娘」、夏曉鶻教授及韋薇修女爭取外籍配偶的工作權、財產權及子女監護權等，呼籲勿把外籍配偶當作次等國民。 |
| 2000 年 06 月 26 日 | 陸委會將來台探親的規定改為來台團聚，符合團聚條件的大陸配偶，在台停留時間從原定的三個月放寬為半年。 |
| 2000 年 07 月 01 日 | 立委張蔡美在立院召開「大陸配偶在台居留期間工作許可問題公聽會」，會中勞委會與陸委會同意給大陸配偶工作權。 |
| 2000 年 09 月 29 日 | 泰緬地區的華裔難民權益促進會利用內政部修訂「入出國及移民法施行細則」前，提出 3 點訴求，即要求將所謂的居留期限由 7 年改為 3 年的規定，追溯既往，即自入境之日起算，縮短時間。希望內政部放寬規定，讓泰北難民持居留證也能在台工作，並准予辦理結婚登記，讓他們的孩子有戶籍。 |

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| 2000 年 10 月 20 日 | 桃園爆發外籍新娘嫁到台灣被丈夫施暴而行乞的社會事件。 |
| 2000 年 10 月 23 日 | 罕見疾病基金會執行長曾敏傑表示，台灣未持有健保卡及身分證的大陸及外籍新娘人數不少，一旦患有罕見疾病，將不能享有罕見疾病法的保障。 |
| 2001 年 07 月 14 日 | 據東森新聞報導，每個月越籍配偶的仲介結婚案，超過一千對，越籍配偶在台灣婚姻仲介業中變成需求最多的一群。 |
| 2001 年 08 月 28 日 | 北市爆發警察擄妓勒贖案，大台北地區有一成員包括警察的不法集團，強行擄走來台賣淫的大陸妹後，要求被害人或業者交付贖款，否則將把全案移送法辦。 |
| 2002 年 04 月 22 日 | 立法院審查通過入出國移民法修正案放寬永久居留權限制，其中有關外籍在台人士的永久居留權的條件也有所放寬，凡對台灣有特殊貢獻或為國家所需高科技人才或「來台曾合法居住 20 年以上，其中有 10 年每年居住超過 183 日者」等新規定可不受在台居留期間限制。 |
| 2002 年 05 月 21 日 | 新事社會服務中心與「美濃外籍新娘識字班」(南洋台灣姊妹會前身)及邱創進立委等在立法院舉辦「許外籍新娘一個合法保障的勞動權益公聽會」，倡議修改就業服務法第 48 條及第 51 條，爭取「外籍新娘」不需要身份證就可以工作，同時，不需要向中央機關申請工作證。 |
| 2002 年 06 月 | 勞委會於 6 月底公告，持有居留證的大陸配偶，日後不用申請工作證，即可於居留期間在台灣找工作，但是「就業服務法」卻獨漏東南亞外籍配偶。 |
| 2002 年 08 月 12 日 | 勞委會為方便外籍配偶在台工作限制，未來在台已取得居留證的外籍配偶，在台工作如未事先申請工作許可證將無須受罰，預計有 6 萬名外籍配偶受惠；勞委會也研擬於當年 1 月份就業服務法修法後被罰鍰部分予以退費。 |
| 2002 年 11 月 19 日 | 陸委會主委蔡英文表示，「大陸配偶」的居留權與取得身份證年限，涉及政府移民政策的一體性，年限不可能再調整，考慮已在台灣居留多年的「大陸配偶」權益，會另行考量新舊制銜接的問題。「大陸配偶」在現行制度，約需 8 年取得身份證，新制卻需要 11 年。 |

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| 2003 年 01 月 30 日 | 立委秦慧珠與中華民國早產兒基金會聯合舉辦公聽會。秦慧珠表示，「外籍配偶」來台的情形日益頻繁，外籍新娘因為文化與語言隔閡、生活習慣困難、容易緊張或未定期產檢等因素，生下早產兒的機率相當高。政府應儘速建立懷孕通報系統，並對要求外籍配偶再作一次健康檢查，以保障「外籍配偶」孕育健康的下一代。 |
| 2003 年 03 月 13 日 | 由婦女新知基金會推動的外籍配偶正名運動展開，由來自東南亞的「外籍」與「大陸配偶」票選她們最喜愛的名稱，「新移民女性」獲得最高票，並藉此呼籲不再使用「外籍新娘」或是「大陸新娘」等象徵外來者的符號來稱呼外籍配偶。 |
| 2003 年 03 月 20 日 | 行政院指定內政部為婚姻媒合業主管機關。 |
| 2003 年 04 月 11 日 | 經濟部將婚姻媒合業納入商業法令管理，分為營利與非營利。 |
| 2003 年 05 月 | 就業服務法修定，有居留證之外籍配偶不需申請工作證就可以工作作證。 |
| 2003 年 06 月 09 日 | 民進黨立委湯火聖、蘇治芬等人上午在立法院表示，「外籍配偶」因成長環境與社經背景的不同，難以融入台灣社會，只能在外籍人士圈子活動，因此衍生許多社會問題。要求政府能檢討移民政策，建立嚴謹的移民審查制度。 |
| 2003 年 08 月 27 日 | 發生「蛇頭推人落海事件」。中國女偷渡客慘遭蛇頭推落海，6 死 20 獲救。此事件引發行政院針對移民問題，研議成立移民署的專司管理。 |
| 2003 年 09 月 | 內政部戶政司開始每三個月召開一次跨部會、跨縣市的「外籍與大陸配偶照顧輔導措施」會議，負責統籌協調各部會與地方縣市外籍與大陸配偶相關事務。 |
| 2003 年 09 月 20 日 | 中華兩岸婚姻協調促進會不滿「大陸配偶」身分取得延長，下午發動近 3 千人上街陳情。 |
| 2003 年 09 月 30 日 | 針對大陸配偶假結婚真賣淫的問題，高市議員趙天麟表示，中央今年九月起實施「大陸配偶」入關面談以來，就發現許多牛頭不對馬嘴的答話，九月一日至九月十六日止面談的三百四十人中，就發現有一百八十人供述不實，疑為假結婚的比率頗高。他要求市府民政局及警察局在查察戶口及臨檢時，針對假結婚來台進行違法行為的「大陸配偶」及「外籍配」偶進行加強查察，以保障合法婚姻移民者的福利。 |

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| 2003 年 10 月 08 日 | 台灣 21 世紀婦女協會、台北市社區婦女協會、台灣女人連線等六婦女團體上午偕同段宜康在立法院召開「大陸配偶草案，台灣女人有話要說」記者會。要求保障大陸配偶合作工作權但限制參政權、中國配偶配額制度化、制訂移民法解決台灣移民問題等。 |
| 2003 年 10 月 10 日 | 「台灣地區與大陸地區人民關係條例」修正草案通過。在最具爭議的大陸配偶身分問題上，最後依朝野協商結論，將大陸配偶取得身分的年限由行政院版的十一年改回八年；但這八年的算法，由原來的探親二年、團聚二年、居留四年，改為團聚二年、依親居留四年、長期居留兩年。同時採取配額制，即內政部得訂定依親居留、長期居留及定居之數額和類別，報請行政院核定後公告之。 |
| 2003 年 10 月 15 日 | 行政院擬定「移民署組織條例」草案，移民署負責入出國境的控管與查緝，並將探討「內政部入出國及移民署組織條例」草案，未來將對偷渡犯或人蛇集團問題作適當處理，同時加強移民輔導，以保障民眾合法權利。 |
| 2003 年 10 月 16 日 | 內政部進行「外籍與大陸配偶生活狀況調查」，此為全面性的普查，調查期間為 2003/10/17-2003/11/7。 |
| 2003 年 10 月 29 日 | 公佈實施修正後的兩岸人民關係條例，大陸配偶取得身分時間維持八年，由原來的探親二年、團聚二年、居留四年，改為團聚二年、依親居留四年、長期居留兩年。同時採取配額制，即內政部得訂定依親居留、長期居留及定居之數額和類別，報請行政院核定後公告之。 |
| 2003 年 12 月 | 行政院提出「入出國及移民法」修正草案，其內容主要為配合移民署成立後面談查察機制之增修。 |
| 2003 年 12 月 01 日 | 警政署今起全面實施「大陸配偶」面談，從國境線上全面把關實施面談，加強境內的複式面談及查察。 |
| 2003 年 12 月 07 日 | 南洋台灣姊妹會成立，為臺灣第一個由外籍配偶所共同組成的人民團體。 |
| 2003 年 12 月 12 日 | 移民／移住人權修法聯盟成立，由婦女新知基金會、台灣人權促進會、南洋台灣姐妹會、新事社會服務中心、外籍新娘成長協會、女性勞動者權益促進會發起，針對行政院移民三法的缺陷法令，為移民爭取法令權益及保障。 |
| 2003 年 12 月 16 日 | 移民／移住人權修法聯盟參加內政部移民人權座談會。 |
| 2003 年 12 月 21 日 | 移民／移住人權修法聯盟連署書開始連署。 |

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| 2003 年 12 月 24 日 | 「移民/移住人權修法聯盟」舉辦「移民署等於警備總部復活?!」記者會。 |
| 2003 年 12 月 31 日 | 「移民/移住人權修法聯盟」舉辦「暫停立法，公開討論—我們要一個保障人權的移民署」記者會，會中邀集各黨派立委連署「移民/移住公約」，內容包括暫停「移民署組織條例」的立法，回歸公共討論等，獲得國民親三黨及無黨聯盟代表的支持。 |
| 2004 年 02 月 18 日 | 移盟召開「外國人心酸血淚，移民法枉顧人權」記者會，訴求有三：1. 針對外籍工作者，尤其是女性家庭監護工，檢討修正相關法令，確實保障其人身安全與工作權利；2. 要求設立針對保障外國人人權之專職機構，確保申訴管道暢通，並建立監督機制；3. 重新檢視行政院版入出國及移民法草案，以保障人權為基礎進行再修訂。 |
| 2004 年 02 月 24 日 | 中華兩岸婚姻協調促進會召開記者會表示，大陸配偶面談制度實施 3 個月，出現口試題目過於私密、口試人員觀念先入為主等情況。大陸配偶入境台灣時，會被問到「你內褲穿什麼顏色?」、「一個晚上跟先生做幾次」等涉及個人隱私的問題，讓這些被迫面對的大陸配偶既尷尬且生氣。 |
| 2004 年 03 月 05 日 | 移盟赴政院抗議，要求撤銷中國配偶設籍財力證明規定。根據行政院核定的新修正的「大陸地區人民在台定居或居留許可辦法」中規定，大陸配偶申請來台定居，需有 500 萬以上的動產或不動產證明，或每月收入達基本工資的 2 倍以上 31680 元。然而政策實施後，民間反彈聲浪不斷，內政部四日緊急重新修訂相關辦法，撤銷 500 萬門檻限制，增訂也可提出 24 倍(約 38 萬)的存款證明，也可提出定居申請。不過這項新修訂的辦法，移民團體仍不滿意，要求行政院撤回或取消相關財力證明規定。 |
| 2004 年 03 月 29 日 | 立法院法制委員會審議移民署草案相關法案，移盟遊說。法制委員會上午進行內政部組織法的討論，下午因無委員出席而流會，使得政院版移民署組織條例仍未開始審查。 |
| 2004 年 04 月 16 日至 2004 年 04 月 18 日 | 移盟草擬聯盟版移民署組織條例。 |
| 2004 年 04 月 19 日至 2004 年 04 月 23 日 | 移盟尋求立委連署提案將聯盟版移民署組織條例付委。 |
| 2004 年 05 月 17 日 | 移盟參與勞委會移工議題座談會。 |
| 2004 年 05 月 18 日 | 內政部移民署組織條例和移民法座談會。 |

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| 2004 年 06 月 | 內政部公佈「外籍與大陸配偶生活狀況調查」報告，內容顯示外籍與大陸配偶之生育率等未超過國人一般生育率。 |
| 2004 年 06 月 05 日 | 移盟和台灣社會研究季刊舉辦外國人健檢議題座談會。 |
| 2004 年 06 月 10 日 | 雲林縣發生越籍配偶段氏日玲被棄置一案，媒體大肆報導，點出目前對於外籍配偶所遭遇的問題，政府仍無法有效的解決。 |
| 2004 年 06 月 16 日 | 經建會提出報告：每 3.1 對新人就有 1 對是外籍或大陸配偶，92 年度婚姻移入人口已逾移民總人口的半數，且其中幾乎都是大陸港澳地區配偶，每 3.1 對結婚登記者，就有 1 對是與外籍或大陸港澳地區人士結婚，出生嬰兒中每 7.5 個出生嬰兒中，就有 1 個是外籍或大陸港澳母親所生；且由於跨國及兩岸婚姻多半是口耳相傳，在區域分佈上有聚集於某些特定鄉鎮村落的現象。 |
| 2004 年 07 月 12 日 | 教育部常務次長周燦德上週在全國教育局長會議中公開呼籲在場 25 縣市教育局長，勸導縣市境內的外籍和大陸新娘「不要生那麼多」的言論引起強烈的不滿，移民/移住人權修法聯盟召開「饒了外籍／大陸配偶和她們的家庭吧！」記者會並前往教育部遞交抗議書。 |
| 2004 年 08 月 | 行政院長游錫堃於高雄視察外籍配偶生活狀況時，指示成立【外籍配偶照顧輔導基金】，提出十年每年三億，共三十億的行政預算。預計於 2005 年 3 月開始運作。 |
| 2004 年 10 月 20 日至 2004 年 10 月 27 日 | 移盟舉辦北中南三區四場次「誰是台灣人?移民法令總體檢公聽會」。 |
| 2004 年 11 月 02 日 | 「外籍配偶」阿蓮遭夫家遺棄，原本面臨 12 月 1 日被遣送回國的命運，在立委簡肇棟和其他親友的建議下，靠用刑事官司名義讓她延期居留在台灣，繼續照顧兒子。 |
| 2004 年 11 月 14 日 | 馬英九在台北文化獎頒獎時推崇移民成就台北文化。馬英九表示，台北市是各種文化匯集所在，因此在台北市可以感受到多樣性的族群文化，更由於各種外來文化相互包容、欣賞、尊重，展現出台北特殊的文化魅力與精神。 |
| 2004 年 11 月 17 日 | 行政院院會通過「外籍配偶入籍應通過語文與常識考試」但後來立法院未審議通過。 |

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| 2004 年 11 月 26 日 | 台聯立委陳建銘舉出各國的移民制度，強調開放敵國移民的國家只有台灣一個，建議修法，改發台灣綠卡。不給身分證，也不給投票權，只開放健保駕照銀行開戶等其他權利。 |
| 2004 年 12 月 20 日 | 內政部全面取締大陸新娘的婚姻仲介廣告，但未擴及到對於東南亞地區婚姻仲介廣告的執行取締。 |
| 2004 年 12 月 28 日 | 南洋台灣姊妹會召開記者會，理事阮氏延紅公開控訴獨家報導罔顧媒體專業之惡劣行徑，要求獨家報導限期道歉。2004 年 12 月份的《獨家報導》雜誌，刊出一篇名為「優質越南佳麗盡在台灣」的報導，但其實是為一家國際婚姻仲介公司所作的行銷廣告，該文內容杜撰化名「小鳳」的外籍配偶，在台灣遭受各種可憐際遇，而雜誌所刊載的「小鳳」照片，卻是當時擔任「南洋台灣姊妹會」理事的阮延紅小姐參加某次公共議題活動時的照片。 |
| 2005 年 01 月 | 行政院成立外籍配偶照顧輔導基金管理委員會。 |
| 2005 年 02 月 03 日 | 行政院主計處指出至 93 年底止，我國外籍與大陸配偶人數約達 33.8 萬人，其中外籍配偶(含歸化取得我國國籍者)占 36.1%，大陸及港澳地區配偶占 63.9%。持有效外僑居留證之外籍配偶達 9 萬 5 千餘人(不含已取得我國國籍者)，較 92 年底增加 10.5%；其中男性以泰國籍占 34.1%居首，女性則以越南籍占 69.8%最多。去年平均每 100 對就有 23 對是異國聯姻。 |
| 2005 年 02 月 26 日 | 台北市政府成立「新移民會館」，提供新移民女性日常活動之公共空間。 |
| 2005 年 03 月 | 移盟提出移盟版入出國及移民法修正草案，送入立法院提案。 |
| 2005 年 03 月 06 日 | 外籍配偶報考國中小學力鑑定。今天在桃園有一場國中小學學力檢定考試，來自越南和緬甸的外籍配偶表示，即使來到台灣，還是要拼拼看這裡的國中學歷，一方面讓自己有個目標，另一方面也為了孩子，希望和孩子一起努力學習。 |
| 2005 年 03 月 06 日 | 婦女團體推動修法，包括婦女新知基金會、女性學會、南洋台灣姊妹會及高雄原住民婦女成長協會等團體，主張民法第 1059 條應修正為：「子女之姓氏，由父母約定從父姓、母姓或父母之姓。未約定或約定不成者，於辦理出生登記時，由主管機關以抽籤定之」，並增列：「已成年子女，如有正當理由者，得變更其姓氏，以 1 次為限」。至於「姓名條例」亦應規定「原住民和外籍人士可以羅馬拼音直接登記為本名」，以打破現行法令中的「漢人父權中心主義」。 |
| 2005 年 03 月 10 日 | 衛生署決議補助大陸及外籍配偶結紮及裝置子宮內避孕器費 |

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| | 用，入境頭四個月，尚未加入健保的外籍及大陸配偶的產檢醫療費用也同樣給予補助。 |
| 2005 年 03 月 09 日 | 台北市立聯合醫院總院長張珩在衛生局長任內推動的「外籍新娘門診」(後改名為「新移民志工走動式服務」)，原計畫去年底擴及全市市立醫院辦理，台北市議員李文英指出，目前除婦幼院區提供越語口譯服務外，其餘醫院都付之闕如，質疑這項政策已經跳票。 |
| 2005 年 03 月 16 日 | 越南政府認為台灣男人組相親團到越南招親，就像是販賣人口，將取締罰款，是第一個針對臺灣婚姻仲介活動的採取反制措施的國家。 |
| 2005 年 03 月 21 日 | 教育部次長范巽綠於金門表示，將修正國籍法，規定外籍配偶歸化須通過「國中程度」認證考試。 |
| 2005 年 03 月 23 日 | 教育部的統計資料顯示外籍配偶子女入學人數快速增加，要求國中小學老師要研發認識東南亞文化教材，為多元文化融合做好功課。 |
| 2005 年 04 月 07 日 | 台北市民政局擴大舉辦「新移民母國語言研習班」，民政局表示，統計資料顯示設籍在北市的外籍配偶到 2 月底為止，共有 2455 人，其中越南籍就有 1451 人，占了將近 6 成；其次是印尼的 403 人和泰國的 211 人，因此研習班以這 3 個國籍的語言為主。 |
| 2005 年 04 月 08 日 | 衛生署國民健康局今年特別修訂越南、印尼、泰國、菲律賓、柬埔寨等 5 種語文版的「育兒保健手冊」，讓外籍新娘學習如何當好媽媽。 |
| 2005 年 04 月 18 日 | 高雄市政府對外籍新娘仲介廣告下令即報即拆，工務局違建大隊兵分三路今天展開拆除行動，一度遭受業者強烈抗議，在優勢警力戒備下，一共完成拆除二十七件不良外籍新娘廣告。 |
| 2005 年 04 月 24 日 | 南投縣鹿谷、竹山等茶鄉，隨著農村人口老化，早年的採茶姑娘逐漸變為「採茶阿嬤」；這幾年，農村外籍配偶越來越多，不少人也投入採茶行列。大湖農會推廣股長黃兆洪說，現在年輕人力遲遲不肯回鄉，技術傳承就要中斷，現在有年輕得力的外籍配偶彌補不足，對轉型為休閒產業的台灣農業，貢獻不小。 |
| 2005 年 04 月 30 日 | 台中縣新聞局與有線電視合作，衛星轉播越南節目。縣長黃仲生表示，台中縣外籍人士以越南人最多，越籍配偶 3500 多人，勞工有 6100 多人，播放越南節目只是起步，未來還要轉播泰國、印尼節目，也希望雇主、台灣配偶多收看。 |

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| 2005 年 06 月 16 日 | 伊甸基金會在服務越南配偶經驗發現，把小孩帶回越南娘家扶養的案例愈來愈多，並表示，這些持中華民國護照、在越南生活的孩子，無法在當地就讀公立學校，不但未來恐成為文盲，也是兩國法律灰色地帶的邊緣人。因此伊甸計畫在越南同塔省及同奈省設立十所「華語幼兒學園」，提供一百五十名、三至六歲的台灣囡仔就讀。然而針對此計畫，移民團體和學者質疑：擔心台灣之子流落湄公河畔變文盲的焦慮，轉變成「在當地設立華文幼稚園」的想法，這是「大台灣意識」的思維。 |
| 2005 年 07 月 06 日 | 移民／住人權修法聯盟至行政院前要求暫緩國籍法入籍考試規定，抗議任意提高取得身份證的門檻，來自高屏的新移民女性和家人，包遊覽車於凌晨北上參與陳情。 |
| 2005 年 08 月 06 日 | 台中縣府首度印製英語、越南語、泰語及印尼語等 4 種版本文宣，介紹外籍配偶福利服務資源，讓這些新台灣人了解各種戶政、教育、就業、衛生保健、社會福利，更妥善利用。 |
| 2005 年 08 月 24 日 | 高雄縣政府以外籍配偶熟悉的家鄉文字發行六種文字版本的「外籍配偶就業輔導手冊」，手冊發表會昨天在縣府大禮堂舉行，發行對象以縣內 2 萬 2000 多名外籍配偶為主。 |
| 2005 年 09 月 15 日 | 全台第一本由「外籍配偶」以中文書寫的創作集《不要叫我外籍新娘》今天發表，由社區大學全國促進會與左岸文化合作出版，由長期致力於新移民女性服務的南洋姊妹會顧問夏曉鶻主編，記錄南洋姊妹們一路走來的心聲。知名導演侯孝賢一直對新移民女性的問題相當關注，他表示日後將以影像記錄這群人的努力。 |
| 2005 年 10 月 21 日 | 越南國家人口、家庭暨兒童委員會考察團到基隆參訪。 |
| 2005 年 11 月 15 日 | 內政部公告國籍歸化測試題庫，歸化測試從明年元月起實施，每年分一、四、七、十一月舉辦四次，每次測試收費五百元；題庫共分政府組織、國旗、參政權、財稅金融、日常生活等廿四大類。根據內政部規定，測試合格標準，一般歸化者總分需超過七十分，特殊歸化者（如我國國民的配偶或養子女）需超過六十分，年滿六十五歲的老人五十分就算及格。若申請歸化者曾在國內公私立學校就讀一年以上，或參加國內各政府機關所開設供外籍人士的課程，達到一定時數，得予以認定具有「我國基本語言能力及國民權利義務基 |

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| | <p>本常識」，則無須再參加歸化測試。</p> <p>但是公告的題庫中，題目難易懸殊，部分試題冷門艱澀，引起外界關注；像是「年滿幾歲才能飼養寵物」、「寵物出生幾個月內飼主應辦理寵物登記」、「消費者保護專線電話是幾號」、「房屋租賃超過幾年以上就必須以字據訂立契約」、「哪些稅收屬於地方稅」等一般國人都回答不出的問題，被批評為刁難申請歸化者。</p> |
| 2005 年 12 月 01 日 | <p>衛生署桃園醫院首座國際病房，由衛生署長侯勝茂、外交部次長高英茂共同剪綵啟用，為這項台灣醫療院所走向國際醫療合作創舉背書。國際病房的裝潢頗有南洋風味，雇用東南亞外籍配偶擔任病患服務員，協助醫護翻譯，目前有越南、印尼、泰國及英文 4 種文字。</p> |
| 2006 年 02 月 28 日 | <p>教育部社教司表示，去年教育部就將「發展新移民文化計畫」列入施政主軸之一，希望縣市政府整合成人教育、家庭教育等，協助外籍配偶學習語文、適應本地家庭生活、加強親職教育等。</p> |
| 2006 年 03 月 15 日 | <p>行政院長蘇貞昌在院會聽取內政部有關「外籍配偶照顧輔導措施執行成效報告」，指示內政部，研議將「外籍配偶」一詞正名，改一個好名稱，找出一個可表達台灣善意且外籍配偶可以接受的新名稱。</p> |
| 2006 年 03 月 17 日 | <p>台鐵由台東開往高雄的 96 次莒光號列車，因鐵軌遭人破壞，晚間 9 時 46 分在枋山—內獅間出事，兩節車廂出軌、三節車廂落翻落 10 公尺高駁坎，造成一死二傷悲劇。死者是台鐵員工李雙全眷屬，22 歲的越南新娘陳氏紅琛；巧合的是她去年 6 月 21 日自強號翻車也遇上，僅受輕傷。檢方展開蒐證調查。</p> |
| 2006 年 03 月 23 日 | <p>偵辦南迴鐵路案專案小組清查南迴鐵路三起重大破壞意外，被列為清查對象的李雙全，三次都有帶太太在列車上。屏東地檢署主任檢察官莊榮松上午說，在這三起案件中，李雙全與他的太太陳氏紅琛都各投保二千萬元旅遊平安險。李雙全來自越南的第二任妻子，六年前在家中遭毒蛇咬死，事後他獲三百多萬的保險理賠。今清晨李雙全在家附近被發現自縊身亡。</p> |

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| <p>2006 年 03 月 31 日</p> | <p>台聯立法院黨團上午聽取內政部官員報告國內出生率問題，立委廖本煙語出驚人表示，美軍在越戰時期大量使用化學藥劑，導致越南婦女生下很多畸形兒，政府應進行研究，了解台灣的越南新娘有無「餘毒」？此話一出引發許多民間團體與學者撻伐。關懷外籍配偶的東海大學社會系副教授趙彥寧及婦女新知基金會秘書長曾昭媛，氣憤的說：「(廖本煙)根本是個種族主義者，叫他回去多讀書」，不要亂談一些沒有醫學、實證根據的歪理。目前擔任外籍配偶成長關懷協會理事長黃乃輝表示，下週二要舉行記者會要求廖本煙道歉，如果不道歉，他將串連其他婦女團體，包圍立法院抗議。台灣促進和平文教基金會執行長簡錫堃也表示，廖本煙的話「是對外籍配偶很嚴重的偏見與歧視」，他要嚴厲譴責。</p> |
| <p>2006 年 4 月 01 日</p> | <p>公開質疑越南新娘可能帶有越戰化學藥劑「餘毒」的台聯立委廖本煙，在民間團體強烈撻伐之後出面道歉；但他還是強調應修法，要求外籍新娘提出健康、良民及財力等三項證明，因為「孩子健康，國力才會強壯」。廖本煙在記者會還表示，「外籍新娘的生育力非常強，生出來的孩子特別多」。記者會結束時，他還對在場的女記者說，「我不知道在座的女記者，是不是都(把孩子)留給別人生？」他強調，自己很努力，「我生五個，才有資格講話。」</p> |
| <p>2006 年 04 月 04 日</p> | <p>一群外籍配偶走上街頭，高聲吶喊「歧視越南姊妹，嚴懲廖本煙！」抗議廖本煙的偏頗言論。南洋台灣姊妹會、婦女新知基金會及外籍配偶關懷成長協會等團體，也在立法院舉行記者會，不少越南配偶推著娃娃車、帶著小孩一起出席。記者會結束後，一群人手持標語，到台聯黨部要求黨中央懲處廖本煙。</p> |
| <p>2006 年 04 月 20 日</p> | <p>為解決異國婚姻淪為人口買賣問題，多位民進黨立委要求修正「入出國及移民法」，嚴格管制異國婚姻媒合業。此外，內政部邀集相關機關、專家學者、民間團體及外籍配偶，舉行「外籍配偶正名座談會」，研商外籍配偶的名稱，最後考量「外籍配偶」並無歧視意涵，且已成官方名詞，決定繼續沿用。至於社會上使用的「新移民」、「新住民」、「台灣媳婦」等詞，內政部表示尊重。</p> |
| <p>2006 年 04 月 30 日</p> | <p>台聯黨在雲林縣成立「新台灣媳婦服務處」，並結合婦女界成立「幸福姊妹聯盟」。</p> |

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| 2006 年 05 月 16 日 | 2004 年 12 月份的《獨家報導》雜誌，冒用南洋台灣姊妹會理事阮延紅之照片做不實報導。《獨家報導》在阮小姐和南洋台灣姊妹會於 2004 年 12 月 28 日公開抗議後，仍堅持不願道歉，只消極的表示以後會作「正面報導」，因此阮延紅在南洋台灣姊妹會及其他人權團體的支持下，對《獨家報導》提出告訴。經過 14 個月的訴訟程序後，《獨家報導》終於賠償了新台幣 10 萬元並刊登道歉啟示。 |
| 2006 年 05 月 24 日 | 外籍新娘的保險問題，隨著李雙全兩任越南妻子死因離奇而備受關注。根壽險業者調查結果，有別於外界刻板印象認為外籍新娘普遍沒有投保，這些台灣新住民投保的件數不在少數，惟保額不高，終身壽險以 50 萬元居多，若投保意外險大多在兩、三百萬元之譜。 |
| 2006 年 07 月 10 日 | 美國國務院最近公布 2006 年人口販運報告，將台灣降為第二級「觀察名單」。婦援會執行長高小帆表示，美方報告指出台灣有多項人權問題，例如東南亞和大陸婦女因強制性勞動和性剝削，被販運或以假結婚方式來台；外籍配偶的招募管制不良，結果成為販運女童和婦女進入性交易市場的主要管道。 |
| 2006 年 07 月 29 日 | 喧騰多時的南迴鐵路惡客搞軌案，屏東地檢署昨天偵結，將李泰安依殺人、公共危險等罪嫌起訴，並求處死刑。檢方指出，李泰安、李雙全兄弟為鉅額保險金，事先為李雙佳越南妻子陳氏紅琛投保鉅額人壽及旅遊平安險，再誘使陳氏紅琛由李雙全陪同搭乘火車。 |
| 2006 年 08 月 30 日 | 教育部將推出「東南亞文化教材」，要求學校排入課程，讓本土孩子也能了解異國文化。 |
| 2006 年 10 月 | 移盟與大大樹合作「移民／移工歌唱比賽」，在 2006 年音樂節納入「聆聽東南亞的聲音」，由台灣人與東南亞新移民共同參與。此次由移盟所主辦的歌唱比賽，主張讓參賽者唱母國的歌謠，並且希望東南亞籍的朋友邀請他們在台灣的家屬、朋友、同事一起演唱，讓台灣人試著學習新移民的母語，尊重新移民／移工使用母語的權利，並體會重新學習語言的過程與困難。 |

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| 2006 年 11 月 05 日 | <p>一群在台北縣三重市蘆荻社區大學，與另一群在高雄縣鳳山中崙社區上中文班的東南亞姊妹，在台灣志工的協助之下，於三重成立「台灣國際家庭互助協會」；共計一二四名會員，國籍包括越南、印尼、柬埔寨、泰國、菲律賓及台灣老公及家屬等。協會總幹事張育華表示，雖一南一北，但仍希望共同作有益於國際家庭的事。成員希望自主發聲讓社會不要再歧視他們之外，更希望能彼此互助。</p> |
| 2006 年 11 月 16 日 | <p>台北科技大學委託金車基金會調查新移民子女教育及生活問題。調查指出，外籍配偶母國文化被歧視，阻礙族群融和。多數外籍配偶的子女，都希望媽媽的中文能說得更好，也希望媽媽能多陪孩子讀書；多數新移民家庭也鼓勵媽媽學中文。相較之下，新移民家庭對於外籍配偶的母國文化，就不那麼重視。多數孩子喜歡吃媽媽煮的家鄉菜，也很想說媽媽的母語，但只約 32% 的東南亞配偶子女，能用母語和媽媽溝通；只約 18% 新移民家庭喜歡孩子學母語。</p> |
| 2006 年 12 月 11 日 | <p>立院內政委員會審查移民法修正草案，通過放寬外籍配偶的居留限制許可。未來若因依親對象死亡；遭配偶身體或精神虐待取得保護令；離婚後取得在台設籍的未成年子女監護權；因居留許可被廢止而遭強制出國，但對已設籍子女造成極重大難以回復的損害者，皆不需廢止居留許可，外籍配偶都可以繼續留在台灣。</p> |
| 2006 年 12 月 11 日 | <p>全國首支以外籍配偶組成的風鈴草志工隊，在苗栗縣外籍配偶家庭服務中心揭牌成立。</p> |
| 2007 年 01 月 02 日 | <p>內政部入出國及移民署上午正式成立，行政院長蘇貞昌應邀揭牌。一大早場外就聚集百餘名大陸新娘和家屬，高聲抗議相關單位歧視他們的人權，「黑心面談」更損人尊嚴，不時呼口號及由大陸新娘現身，痛陳自己遭受的不平遭遇。群眾由中華兩岸婚姻協調促進會鍾錦明帶頭，並在現場演出行動劇，表演這些大陸新娘申請依親居留，要經過體無完膚、分隔兩地、奮力一搏、最後仍遍體鱗傷等痛苦過程。</p> |

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| <p>2007 年 01 月 02 日</p> | <p>台灣出現最大規模人球案！國人迎娶柬埔寨妻子，但因東國政府和中國建交，不准當地女子嫁到台灣並放棄國籍，仲介卻偽造證件、大賺黑心錢。外交部直到一年多前才判定證實均為假造，但已造成兩千五百人只能居留、無法入籍，新娘等成老娘，還是只能當「外人」。</p> |
| <p>2007 年 01 月 03 日</p> | <p>立院內政委員會完成「入出國及移民法修正草案」初審，運用生物特徵辨識科技蒐集個人辨識資料、赴外籍配偶或收養人住所查察前十五分鐘須通知受查察人、移民署人員配帶武器或戒具時機等相關條文，保留至院會協商。國民黨立法院黨團痛斥才掛牌的移民署，對大陸人士、大陸配偶來台進行生物特徵辨識系統查驗，漠視人權。新上任的移民署長吳振吉為了大陸配偶面談題庫問題，遭立委接連逼問「喜歡哪種做愛姿勢」、「每天做愛幾次」，吳振吉一再澄清「那是對人蛇集團的題庫」，強調面談室有錄音、錄影，若有侵犯閨房私密的問題，會重懲面談官員。</p> |
| <p>2007 年 01 月 23 日</p> | <p>移民／移住人權修法聯盟選在 123 自由日，抗議移民署主張的《入出國及移民法》修正案。移盟在移民署的大門口演出行動劇，不滿查察員的權限之大，除了規定通知訪查 15 分鐘後，外籍配偶夫婦未出現，就視同假結婚，執行勤務時，還可以攜帶槍砲彈藥。移盟痛批，這簡直就是將新移民當成罪犯。移盟也在今天提出三個訴求，第一，應在移民署設置「移民移住權利保障申訴委員會」；第二，要在一個月內，設置 24 小時多語服務的申訴諮詢專線，而不是用現在的家暴專線充數；第三，移民署層級太低，應該要在行政院下設置「移民政策委員會」，並由行政院長親自主持會議，各部會才能橫向協調。</p> |
| <p>2007 年 02 月 02 日</p> | <p>衛生署疾病管制局及移民署研議未來大陸配偶來台團聚健檢相關規定，須先提健康證明，確定沒有結核、愛滋及癩病等法定傳染病，才能入境。由於法源基礎不一樣，目前大陸配偶適用的是台灣與大陸地區人民關係條例，跟其他外籍配偶不一樣，來台灣團聚的大陸配偶，最長可停留兩年，不必提出任何健康證明。疾管局表示，目前與移民署已達成共識，待修法、公告後實施。</p> |

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| 2007 年 02 月 04 日 | 移民署敲定自今年七月一日起，將現行紙卡「外僑居留證」，全面換發為 I C 防偽晶片卡，並且將納入個人基本資料以及臉部特徵（相片）、指紋，日後將擴及大陸配偶居留證。 |
| 2007 年 03 月 03 日 | 四十位嫁來台灣的柬埔寨新娘，在移民／住人權修法聯盟、南洋台灣姊妹會、外籍配偶成長關懷協會陪同下，在立法院舉行記者會，控訴外交部未考量國際政治因素，蓄意刁難，使她們可能成為國際人球。 |
| 2007 年 03 月 29 日 | 為解決柬埔寨籍配偶提不出喪失原國籍證明，以致無法申請歸化的情況，內政部宣布目前已合法來台居留的柬籍配偶，若無法提出合法之喪失原國籍證明者，准予引用國籍法第九條但書規定，免提喪失原國籍證明即可取得我國國籍。 |
| 2007 年 05 月 15 日 | 近來台北縣奈籍配偶出現居留權因當初申請歸化的無國籍證明有問題而遭撤銷有十幾件，移民署表示，這些個案的發生背景、處分法條不見得相同，非常複雜，需視個案逐一釐清，再全盤研議。台灣人權促進會副秘書長吳佳珮指出，外籍配偶須先拋棄原國籍才能申請歸化，很容易發生外籍配偶成為無國籍人球或滯台「黑戶」，若能改成類似日本同意外籍配偶先完成歸化，再拋棄原國籍，較符合人權、人道考量。 |
| 2007 年 05 月 19 日 | 一百多位高雄市旗津、小港、前鎮區的印尼婚姻移民女性，在高雄市新移民家庭服務中心成立「印尼好姐妹支持聯誼會」。他們希望透過支持聯誼會，可以讓印尼移民之間彼此分享兆照顧，也可以幫助剛到台灣的最新移民盡早適應生活。 |
| 2007 年 05 月 21 日 | 立法院衛環委員會審查「後天免疫缺乏症候群（愛滋病）防治條例」修正草案，初審通過廢除罹病外籍配偶須強制出境的規定。 |
| 2007 年 05 月 24 日 | 移民／住人權修法聯盟與新移民家庭代表近三十人，上午到行政院抗議移民署愚弄新移民及其家庭，陳情移民署長吳振吉不適任並要求撤換，由移民署主任秘書何榮村代表接受陳情書，陳情人士表示，近日若未獲正面回應，將籌辦更大規模的抗議或遊行。 |
| 2007 年 05 月 25 日 | 九年前嫁到台東的印尼新娘阿雅（化名），一年半前被丈夫傳染愛滋病，台東縣政府廢止阿雅的外僑居留證、命令限期出境，阿雅夫婦不服處分，向內政部訴願。今天的訴願會推翻過去對此類案件都駁回訴願的法令見解，裁定撤銷原處分，創下先例。 |

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| 2007 年 06 月 07 日 | 「新移民」已成為台灣社會必須正視的新課題，公視針對此議題，今年將製播「別再叫我外籍新娘」、「移民天堂」、「娘惹滋味」與「海邊的人」4 部戲。 |
| 2007 年 07 月 26 日 | 國內外籍配偶的比重有逐年增加的趨勢，也衍生出不少勞保給付相關問題。官員指出，如果受益人是大陸地區人士，只要檢送入出境許可相關文件或委託書，即使人不在台灣，還是可以領到勞保死亡給付。 |
| 2007 年 07 月 09 日 | 由移民／住人權修法聯盟成員團體發起組成的「沒錢沒身分行動聯盟」，發起反對「移民法與國籍法對於婚姻移民之財力限制」連署書。 |
| 2007 年 08 月 05 日 | 台北市立圖書館將成立多元文化資料中心，為東南亞新移民打造專屬閱讀空間，提供泰國、越南、緬甸、印度、印尼、菲律賓、馬來西亞、韓國等 8 種共 8000 冊原文書籍，這也是國內最具規模的「新移民圖書館」。 |
| 2007 年 08 月 08 日 | 「沒錢沒身分行動聯盟」在立法院開記者會要求行政部門儘快修改申請身份證所需的財力限制。他們演出行動劇要爸爸向阿扁總統借錢，給媽媽辦身分。 |
| 2007 年 8 月 26 日 | 移民／移住人權修法聯盟、大大樹音樂圖像召開記者會，宣佈第二屆「聆聽東南亞的聲音歌唱比賽」報名開始，記者會中侯孝賢導演特別出席表示支持，並由知名歌手代言本屆歌唱比賽。 |
| 2007 年 08 月 28 日 | 8 月 21 日，內政部於自由時報買下半版廣告，為移民政策中的財力證明大肆宣傳，廣告中指出「如果外籍配偶要歸化我國國籍，家庭卻連兩份最低基本工資都欠缺，生活勢必陷入困境，成為台灣社會救助的對象」，並列舉美、韓、日等國對外籍配偶申請歸化國籍的財力規定，藉此聲稱財力證明是為了「保障外籍配偶最低生活條件，舉世皆然」。由 20 個以上的民間團體所組成的「沒錢沒身分」行動聯盟至內政部前開記者會表示，內政部此舉是公然說謊，並一一地指出內政部在廣告中的錯，對婚姻移民要求財力證明，絕非「舉世皆然」，而是「舉世不然」。「沒錢盟」要求內政部在一星期後澄清廣告的不實內容、公開辯論、並刪除財力證明相關規定，否則 9 月 9 日時將發動更大規模的陳情。 |
| 2007 年 09 月 05 日 | 台北市社會局針對新移民、特殊境遇婦女及一般女性推出就 |

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| | <p>創業育成方案，提供各類創業知識，協助打造未來的職場女強人。基督教女青會則協助學員成立互助團體，並以網路商店取代實體店舖，將風險降低。近期還將推出「格子網路實體商店」，供女性學員在開放空間展出個人作品，學習與消費者面對面的銷售技巧。</p> |
| 2007 年 09 月 09 日 | <p>上千名外籍與大陸配偶，以「九月九 我們還要等多久」為遊行主題，上街抗議「國籍法」的財力證明刁難新移民家庭，這是台灣首次大規模新移民女性走上街頭爭取權益，高高屏並動員七台遊覽車北上參與。號召活動的「沒錢沒身份行動聯盟」表示，若政府在中秋節前沒有刪除財力證明規定，將發動更大的抗爭。</p> |
| 2007 年 09 月 17 日 | <p>陸委會研擬開放大陸配偶在依親居留階段即可取得工作權，預估有二萬多人立即受惠，往後每年則增加四千八百人投入職場。內政部官員表示，放寬大陸配偶工作權政策分為三個方案。方案一是大陸配偶在依親居留期間，即可申請工作許可，初次同時有二萬個家庭受惠，往後每年增加四千八百人投入職場；因為此案符合兩岸婚姻家庭期待，勞委會傾向採行此案。方案二是在依親居留階段，育有親生子女為工作許可條件，初次同時有九千個家庭受惠，往後每年增加二千二百人投入職場；方案三是在依親居留階段，婚姻較具穩定性則給予工作權，初次同時約八千個家庭受惠，往後每年增加四千八百人投入職場。</p> |