Implications and Lessons from Taiwan: Revised Immigration Law for Marriage Migrants

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Abstract. The purpose of this study is to draw useful implications and lessons applicable to East Asian countries where marriage migrant is actively pursued by analyzing Taiwan’s immigration law revision process and main contents. The study has found that the revised Taiwanese immigration law newly defines the provisions on the right protection of marriage migrants along with those on the prohibition of marriage brokerage business for profit generation. To this end, its coalition among civil groups unfolded citizens’ campaigns for law amendment. Consequentially, the revised immigration law of Taiwan, regarded as the product of social agreement, has provided Taiwanese migrants, especially marriage migrant women, the opportunities of hope for new life and settle as a decent member of society. In this aspect, the amended immigration law of Taiwan has significant implications to its neighboring states where international marriage migration is active.

Keywords: Marriage Migrant, International Marriage Migrant, Immigration Law, Marriage Brokerage, Multiculturalism

1 Introduction
Taiwan has become a host country for mainstream migrants as its personnel exchange with Southeast Asian countries has expanded. As Taiwanese lower-income unmarried men in rural areas became unable to find spouses, commercial marriage brokers started introducing international marriage, drastically increasing the number of marriage migrants. The Taiwanese government, for the efficient immigration management of the rising number of foreign migrants, announced the Immigration and Migration Act in 1999. In 2003, it legalized the marriage brokerage business under the commercial code. On the other hand, due to the absence of law to manage the marriage brokerage business, relevant social problems appeared such as prostitution in the name of marriage. So, in 2003, the country included the marriage brokerage firms in the commercial code for regulation. The marriage brokerage business refers to the kind of business providing opportunity for marriage or introducing potential spouses in exchange for a fee [2].

As of 2012, the number of marriage migrants in Taiwan was estimated at about 400,000. Most of the foreign migrated spouses in the country were brides from other countries, and mainland China. According to statistics, excluding brides from mainland China, most of the foreign brides were from Vietnam, Indonesia, Thailand,
the Philippines, Cambodia, and so forth; the number reached about 140,000. Since then, about 92% of such foreign spouses were female, and they were easily regarded as marriage migrants under human trafficking laws and became the subject of discrimination and prejudice in Taiwanese society [1]. However, recently, discrimination against them has decreased and social acceptance has grown gradually. The reason is the revised immigration law of 2007. The revised law included multiple provisions to protect the human rights of marriage migrants in terms of their domestic stay, nationality, and so forth. Such a positive result in society has been won through a coalition of non-profit organizational human rights groups for female migrants [1][3].

This study seeks to come up with useful lessons and implications for neighboring countries by analyzing the main significance and substance of the 2007 revision of the immigration law of Taiwan, under the presumption that East Asian marriage migration host states are experiencing similar relevant social problems.

2 Taiwan’s International Marriage Migration Status

In the early 1990s, the Taiwanese government allowed foreign investment and labor inflows, pursuing close economic cooperation with China and other East Asian countries. Accordingly, international marriages between women in neighboring states and Taiwanese men started growing. In 2003, the number of international marriages reached the highest levels, as one in three couples were international couples [4]. According to the report on lifestyles of foreign spouses and mainland spouses released by Taiwanese Ministry of Interior Affairs, of the foreign spouses in the country, 57.8% were from mainland China and 42.2% were from foreign states such as Vietnam, Thailand, Indonesia, and so forth, respectively [5][6]. Approximately 92% of all foreign spouses were female. On the other hand, the husbands of such female foreign migrants tended to be older, low-income or mentally/physically challenged. Taiwanese society kept itself aloof from these Southeast Asian spouses marrying such socially vulnerable men. Even the Taiwanese male spouses came to think that they had bought a wife and frequently forced these women solely to give birth to a baby and work for family reproduction. Moreover, the rising number of foreign brides led to more fake marriages, prostitution in the name of marriage, domestic violence, child neglect, and other social problems; turning away Taiwanese society even further. Even the children of international couples became subject to the widespread social prejudice that they would be inferior, as their migrant parents were inferior. Even the vice minister for education, out of concern over an inferior society, made a remark to appeal for contraception for foreign brides. The social stigma regarding them being of ill quality was serious [1].

In the meantime, in 2003, the country legalized the marriage brokerage business and included the business in the business registration management system for transparent management. By April, 2004, a total of 104 brokers were successfully registered [2]. However, human rights and women’s organizations such as TransAsia Sisters Association Taiwan [8], the Awakening Foundation [9], and the Taiwan International Workers Association [10] continuously demanded that the state abandon
the brokerage business for profit generation, the main culprit for bride purchases and female body commercialization [4]. As a result of such efforts, the then Prime Minister Su Tseng-chang said the following: “marriage is originally a good thing and should not be commercialized.” The national government’s policy reversed quickly toward a ban on the marriage brokerage business. In 2006, Taiwanese Ministry of Economic Affairs announced a ban on the commercial marriage brokerage business, and legislated that no more new marriage brokers for profit would be established. In 2007, the commercial code was revised to abolish the commercial marriage brokerage business. In December, 2007, the revised immigration law was publicly announced, which included new provisions to prohibit commercial marriage brokerage, making any commercial marriage brokerage business illegal from 2008 in Taiwan.

3 Propelling the Process and the Main Content of the Taiwanese Revised Immigration Law

The revised immigration law in 2007 is characterized as having reinforced the human rights protections for international marriage migrants. The law’s amendment came to guarantee diverse benefits for female migrants, especially thanks to Taiwanese women’s organizations and the minority human rights groups that formed a coalition to make strong demands of the government [1][3]. In Taiwan, these civil rights groups used to act individually, but in December 2003 they launched the AHRLIM (Alliance for Human Rights Legislation for Immigrants and Migrants), a civil rights group for human rights improvements for migrant women and immigrants. The AHRLIM strongly opposed the planned immigration law revision for the National Immigration Agency established under preparation by the then Executive Yuan, finding that it included discriminatory provisions and would serve as the legal ground to deport migrants and immigrants under the pretense of threats to the national security and infringement of a public good. For several years thereafter, the AHRLIM built a human rights improvement draft for itself; hosted a series of advisory meetings involving groups, lawyers, experts, scholars and migrant women; and unfolded signature campaigns on a continuous basis. Even under the Alliance’s leadership, a large-scale sit-down demonstration was staged on September 9, 2007, with several million Southeast Asian female migrants and mainland Chinese female migrants to demand legal citizenship introductions, attracting social support and general attention [1]. After all, thanks to the coalition’s lobby for parliament members, government officials, legal experts, and so forth as well as civil campaigns, the revised immigration law guaranteed the human rights of migrants on a large-scale that were legislated in Parliament on December 30, 2007 [1].
4 The Main Lessons and Implications

4.1 Coalition and cooperation of Taiwanese human rights groups for marriage migrant-friendly immigration act revision

The main player of the latest immigration law amendment in Taiwan was AHRLIM, the non-profit coalition (alliance) of women’s groups and human rights organizations. The Alliance was established by joining women’s and human rights organizations in 2003 under the lead of the Awakening Foundation. AHRLIM found that the most urgent need regarding migrants’ rights was for relevant groups and experts to join forces. Since its embankment, AHRLIM has set up a draft amendment for itself based on experts’ advice, and for several years it continuously told the media about the anti-human rights problems of the originally-planned immigration law revision pursued by the national government. The Alliance also lobbied for government officials while empowering and structuring social influence from marriage migrants by encouraging them to make their voices heard [1][3]. This example has a major effect on minorities and civil rights groups in East Asia, as the pure civil organizations’ ceaseless campaigns successfully resulted in legal benefits for the human rights of migrant women.

4.2 Incorporation of anti-discrimination provision and domestic violence prevention provision

The revised immigrant law newly established a provision banning any discrimination based on gender, race, skin color, social class, and place of birth as well as the provision allowing marriage immigrants to temporarily stay in Taiwan upon divorce due to domestic violence instead of immediate deportation. In addition, in the event of violating the provisions of anti-discrimination and domestic violence prevention, the amendment fines the violator. These provisions are significant in stipulating the legal protection of the human rights of minority members who have been under social contempt, and indifference due to language and cultural differences. In other words, they are more *ex ante* control instruments than *ex post* regulations by adding the legal provisions of prohibition and punishment while permitting temporary stays in Taiwan of marriage migrants who fail to obtain citizenship, demonstrating the government’s will to protect human rights.

4.3 Exclusive international marriage brokerage by non-profit organizations

The most remarkable new provision is Article 58, the prohibition on the commercial marriage brokerage business. The provision can be presented as a desirable option or as an alternative to countries with full-blown commercial international marriage brokerage businesses. However, in Taiwan, there were many pros and cons regarding the marriage brokerage business as well. One social science professor published an article on the marriage brokerage business, and a women’s group posted an answer to
it, sparking controversy [4]. Those who opposed the ban on the brokerage business claimed that the state should not intervene in personal lives and restrict diverse options for marriage. On the other hand, those who agreed to the ban, or most human rights groups, tended not to blindly oppose the commercial brokerage business but rather, they criticized the behavior of damaging human dignity by treating female bodies as a commodity for sale or abuse, and thus they demanded the brokerage business’ abolishment. After all, Article 58 of the amendment reflected the opinions of diverse people in society to ban any profit generation by international marriage brokerage or requests or agreements of the commission. The 2008 international marriage brokerage prohibition closed the doors of about 400 brokerages, and now 41 non-profit brokers are active [4].

5 Conclusion

Taiwan’s immigration law revision was possible because of the wide-reaching discussions and participation of members of each walk of the society. In other words, the immigration law amendment is the outcome of the hard work led by civil groups representing migrants to meet and persuade government officials, parliamentary members and experts for several years to win their understanding and negotiation. Therefore, the main human right protection provisions in the amendment are based on social agreement. For this reason, it seems to have added the momentum for multicultural society integration. Especially by allowing solely the non-profit organizations to run a marriage brokerage business, the Taiwanese amendment eradicated any potential behavior of selling and buying, advertising and discriminating humans like a product. In this sense the amendment holds major implications.

References