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## 12 A team player pursuing its own dreams

### Rights-claim campaign of Chinese migrant spouses in the migrant movement before and after 2008

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#### Introduction

Since the early 2000s, citizenship legislation regulating marriage migration from China and South East Asia to Taiwan has become one of the most debated public policies in Taiwan (Friedman 2012, 2010; Liao 2009; Yang and Lee 2009; Kaneko 2009: 23; Tsai and Hsiao 2006: 5). From the Democratic Progressive Party (DPP) government of 2000–08 to that of the Kuomintang (KMT) after 2008, each ruling party left its mark on the shaping of the legislation that safeguards the eligibility of migrant spouses for citizenship rights (Cheng and Fell 2014: 17–21). While the legislation was evolving, the migrant movement was at the forefront, campaigning for reforming the restrictive and discriminatory legislation. The rights-claim movement of migrant spouses is spearheaded by the Alliance for Human Rights Legislation of Immigrants and Migrants (AHRLIM) (移民 / 住人權修法聯盟). Having the TransAsia Sisters Association, Taiwan (TASAT) (南洋台灣姊妹會), as its original and core member, AHRLIM is an umbrella alliance forged in 2003 and composed of a large number of social organizations advocating for the improvement of human rights of women, labour, migrant spouses and migrant workers (Hsia 2006a: 97, 2006b: 34–5, 2008: 188, 2009b). One founding member is the Marriage Association of Two Sides of China (MATSC) (中華兩岸婚姻協調促進會),<sup>1</sup> a self-help organization independently established by Chinese migrants and their Taiwanese spouses in 1998, which later received governmental recognition for their capacity of advocating for the well-being and rights of marriage migrants from the People's Republic of China (PRC) in Taiwan.

It has been well documented that the migrant movement under the leadership of AHRLIM achieved its goal of improving the legal treatment for South East Asian spouses during the second DPP presidency. Indeed, the Immigration Act was amended in November 2007 largely in accordance with the demands raised by the movement. The requirement of financial sufficiency for citizenship eligibility was dropped, the right to work was granted and the right to reside after the cessation of marriage was partially permitted (Hsia 2006a: 107, 2009b: 371;

AHRLIM 2013; Liao 2009: 398). After the KMT returned to power in 2008, AHRLIM continued to lobby on behalf of South East Asian spouses for the amendment of the Nationality Act and to mobilize the support for equalizing legal treatments for Chinese and foreign spouses.

Against the backdrop of the well-studied AHRLIM leadership during the DPP era, however, what has not been sufficiently examined is the strategic division of labour within the alliance, which may hold the key to deciphering contrasting interests within the migrant movement. From the outset of the alliance, it appears opaque as to how individual organizational members, such as MATSC, contributed to the overall formation of the campaign strategy, the mobilization of social support and their lobbying for legislative reform. As a result, the internal dynamics, which made the migrant movement in Taiwan different from other movements examined in this volume, remains unknown. Even MATSC's representation of the huge constituency of marriage migrants from the PRC, a close look at its position and contributions within the alliance will offer a key to understanding the internal dynamics of the migrant movement in Taiwan. In this light, this chapter aims at examining the campaign of AHRLIM after 2008 during the KMT administration, with a focus on the overlapped as well as divergent interests between MATSC and AHRLIM. This chapter will compare the changed political environment before and after 2008 and the strategies employed by the migrant movement as a response to the new political opportunities after 2008. Specifically, this chapter aims to answer the following questions: (1) how did the change of ruling party in 2008 contribute to the emergence of new political opportunities available to the migrant movement? (2) How did MATSC and AHRLIM negotiate with the changed political environment emerging after 2008? (3) What achievements have been attained by AHRLIM as a whole and MATSC in particular? Underlining MATSC's somewhat peculiar role and its strategies within the alliance, this chapter argues that the migrant movement in Taiwan should be understood not as a unified entity but as a conglomeration of sometimes conflicting interests.

### **Examining the migrant movement: political opportunity theory**

To grasp the complex negotiation between the state and the migrant movement, this chapter builds on the analytical concept of political opportunity. Political opportunity theory argues that social movements in general, and their values, strategies, alliances and actions in particular, are not only a consequence of a lack of representation in social and political contexts but also related to the operation and development of the political system where they emerge (Tarrow 1988: 428). Thus, social movements may shape, or be shaped, by the opportunities and constraints of the socio-political context in which they form and exist. Moreover, they may engage with politics by asking for inclusion of new issues and concerns in the political debate (Scott 1991: 24) and, in some cases, they may enter the political and institutional arena and directly negotiate with the state apparatus (Foweraker 1995: 62)

Along this line, political opportunity theory sees social movements as a rational action undertaken by groups of citizens in opposition to institutional actors whose actions have an impact on the interest of citizens. The focus lies on the dynamic negotiation between the two sides (Carty 2011: 10–11). To further enhance the dynamism of this negotiation, McAdam and colleagues (1996) introduce two concepts of *mobilizing structures* and *framing processes* (McAdam *et al.* 1996: 2). Mobilizing structures refer to the strategies conceived by social groups allowing drawing resources from various avenues so as to advance social campaigns. These resources include knowledge, funding, organizational structure, media attention and political elites' support (Carty 2011: 9–10). Framing processes refer to the shared cognitive worldview in which social movements and state institutions mediate their different interpretations of existing ideology, norms and values. Within this process, not only do social movements identify new problems and develop their moral appeals; they also envisage their unique solutions, so that the link between *why* the movement is campaigned and *how* it evolves is synergic (Carty 2011: 12–14).

Built on political opportunity theory and the concepts of mobilizing structure and framing process, this chapter will shed light on the following two issues: (1) how the migrant movement in Taiwan shifted its strategy as a consequence of changed political opportunities after 2008; and (2) how interests of different migrant groups coexist within the movement as a consequence of the availability of new political opportunities.

### **A dichotomized view of the migrant movement: the known and the unknown**

Current literature on the migrant movement in Taiwan is problematically dominated by a dichotomy of inside-out and outside-in perspectives. The former is written by involved activists reporting how the alliance waged its campaign as an aligned movement negotiating with state structures (Liao 2009; Hsia 2006a, 2008, 2009a, 2010, 2013). The latter prioritizes the strategies developed by single group members to negotiate with state structures (Tseng *et al.* 2013; King 2011).

As activists who founded AHRLIM, Hsia (2006a, 2008, 2009a, 2010, 2013) and Liao (2009) take an *inside-out* perspective, chronicling the progress of the alliance and analysing its strategy. Prioritizing the perspective of migrant spouses from South East Asia as the main interest group and active members within the alliance, Hsia assesses their activism, particularly at the early stage, as being short of critical assets, such as networks, legal knowledge and language proficiency (Hsia 2010: 104). This evaluation seems to suggest that they cannot *independently* and *autonomously* found formal organizations. Nevertheless, arguing along the lines of the empowerment of the oppressed (Hsia 2006a), contentious collective politics (Hsia 2008), transversal politics (Hsia 2008), multiple citizenship (Hsia 2009a) and multiculturalism (Hsia 2013), Hsia asserts that, being empowered by their participation in the movement, migrant spouses have become 'historical subjects' capable of changing social relations. Despite the

significance of this scholarship for the understanding of the migrant movement in Taiwan, these insiders' accounts are nevertheless given from the stance of the 'privileged local activists' (Hsia 2010: 104) who anchored, orchestrated and choreographed the proceedings of the alliance.

It should also be pointed out that these studies draw heavily from the experiences of South East Asian spouses. Yet these experiences are not entirely identical with those of other migrant groups, such as marriage migrants from the PRC and labour migrants. In other words, this *inside-out* scholarship overlooks the fundamental heterogeneity of interests and identities within the movement. Thus, these studies do not fully inform how other crucial group members, such as MATSC, operated inside and outside the movement. The stressed sisterhood among migrants and the celebrated comradeship among group members induced by consensus-seeking gloss over divergent or even conflicting interests among member organizations. These deficiencies flatten the complex heterogeneity, constituted by gender and ethnicity, within the alliance and, as a result, dismiss the critical diversity of interests that derive from the heterogeneity within the movement.

Parallel to this scholarship, there is a separate strand of studies on the campaign mobilized by marriage migrants from the PRC in cooperation with their Taiwanese partners. In this light, Chao's *inside-out* accounts provide valuable biographical insights into individual migrants' motivations of participation in the campaign and their interpretations of the impact of the nationalistic 'Love Taiwan' discourse on their personal life (Chao 2006). Yet, viewed from the theory of political opportunity, Chao's anthropological observations do not illuminate how the collective actions of migrant spouses from the PRC and their Taiwanese partners are possible in the first place. They also do not attend to how PRC marriage migrants' campaign fitted into the broad migrant movement spearheaded by AHRLIM.

Taking an *outside-in* perspective, and treating PRC migrant spouses' campaign as contentious politics, Tseng and colleagues (2013) analyse the political environment where MATSC campaigns were waged. By scrutinizing the legislation, they demonstrate that the legislation inaugurated by the KMT and DPP was a reflection of the fluctuating Taiwan–China relations. Under this overarching political setting, they elaborate other parameters which also affected the advance of the campaign, including anti-China nationalistic sentiment, the gender bias of women's groups towards marriage migration and the legal restrictions on the political rights of PRC migrant spouses. Although acknowledging that PRC marriage migrants and their foreign counterparts encountered a socio-political environment that is not entirely identical, the authors do not delve into how the two groups diverged in terms of their interests, agenda setting and strategies. Thus, they give an impression that the PRC marriage migrants' right-claim campaign was an independent and isolated incident. They also overlook the essential role played by Taiwanese spouses in the campaign and the complex power relation between husband and wife, which also shapes the overall outcomes of the movement.

A juxtaposition of these two strands of literature shows that their strength is also their weakness. The *inside-out* accounts focus on AHRLIM and value the universal sisterhood among migrant spouses but fall short of revealing the internal heterogeneity of interests within the alliance. The *outside-in* perspective focuses on PRC marriage migrants' campaign and sheds light on opportunities and constraints arising from the socio-political environment, but it is insensitive to the support rendered by civil society as epitomized by the success of AHRLIM. Moreover, none of these studies examine transnational factors that are beyond the national level and, as a result, fail to challenge the inclination, common to the literature on social movements in Taiwan, that treats domestic politics as the dominant contributing factor for the evolution of migrant movement in Taiwan.

Seeing the migrant movement as an alliance of divergent interests and intrinsically transnational, this chapter aims at addressing the disjointedness embedded in the literature reviewed above. This chapter regards the migrant movement in Taiwan as a flexible alignment in which component groups act at times as in a united front and at other times pursue their own agenda when the environment is ripe for changes favourable to a specific group. In this vein, AHRLIM is not only a collective actor that makes claims on behalf of all organizational members and the mass of migrants, but it is also a heterogeneous entity composed of different identities and interests derived from nationality, ethnicity and gender. While this chapter explores how the migrant movement led by AHRLIM took advantage of the new political opportunities rendered by the change of ruling party in 2008, it will also highlight how MATSC sprang into action in the new socio-political environment and pushed through their own agenda.

To enable the *outside-in* and *inside-out* perspectives, this chapter utilizes two sets of primary source materials. First, the *Official Gazette of the Legislative Yuan* was employed as an archival resource to understand the political dynamics between the movement and their collaboration with legislators. Recording the interaction between government officials and legislators at the deliberation meetings discussing migration legislation, the *Gazette* also renders insights to the attitudes and mentality of political actors that reflect the overall social discourses surrounding migrant spouses. Second, in-depth interviews with MATSC board members and observations of its closed-door activities and public events between November 2010 and October 2011 were utilized so as to understand the operation of the organization. Finally, this chapter also benefits from more recent interviews with an academic activist and a number of KMT politicians conducted in May and July 2013.

The following section will examine the socio-political environment that shaped the actions of AHRLIM, as well as those of MATSC. Under the shared but different forms of discrimination, AHRLIM and MATSC developed different strategies of collective negotiation within the socio-political environment. Before the formation of AHRLIM, South East Asian spouses were mainly represented by TASAT, whereas PRC spouses were largely represented by MATSC. The different process and mobilization strategies of TASAT and

MATSC are crucial to understand the divergent interests housed within AHRLIM.

### **MATSC: a hard-earned recognition**

The years under the DPP presidency corresponded to a rising rate of marriage migration, in particular migration from the PRC (MoI 2013). Migrant spouses from South East Asia and China found themselves in a discriminatory and exclusionary social-political environment, yet they were imposed on by different patterns of discrimination (Chen and Yu 2005; Tsai 2011). Despite the celebratory publicity of embracing multicultural values, the DPP government inaugurated the requirement of Chinese language proficiency for citizenship eligibility for South East Asian spouses, who were regarded as inferior ethnic others and incapable mothers (Cheng I. 2013; Cheng and Fell 2014). Their questioned motherhood, symbolized by their inability to use the Chinese language, was seen as deteriorating the *quality* of the host nation and, as such, was considered to be a threat (NSC 2006: 61; Hsia 2007a). In contrast, PRC marriage migrants are particularly politicized. They were seen as an ‘*enemy within*’, owing to the concern of their indoctrination of communist values, which are alien to the way of life of Taiwan (Cheng 2014). As their political loyalty was questioned, they, as a political force, were feared for their potential to compromise Taiwan’s de facto independence vis-à-vis China (Lu 2008: 171; Yang and Lee 2009: 75).

In this hostile socio-political environment, both communities were confronted by restrictive legislation adopted by the DPP government intending to slow down the approval of their citizenship applications. For all migrant spouses, an entry clearance interview was introduced in 2003 in order to deter human trafficking under the disguise of marriage. However, South East Asian spouses and PRC spouses are regulated by different laws for their citizenship eligibility. The former are under the Immigration Act and Nationality Act, whereas the latter are under the Act Governing Relations between Peoples of the Taiwan and the Mainland Area (henceforth the Cross-Strait Act) (Cheng and Fell 2014: 17–21). In the past, South East Asian spouses faced a high financial requirement for citizenship eligibility and they lost the right to reside after the cessation of their marriage. As for migrants from the PRC, they were entirely dependent on their Taiwanese spouses’ sponsorship for their residency. There was a limitation on their right to own property, they could not work until after six-year residency and their incomes were heavily taxed. The defining difference of the legal treatment between the two categories is the required length of residency for citizenship eligibility. For foreign spouses, it was no less than four years, in addition to the renunciation of their original nationality. For PRC spouses, it was no less than eight years, after the DPP government failed to prolong it to 11 years in 2002–03 (Tseng *et al.* 2013). Furthermore, they were denied the right to assemble and to found or join social organizations (Tseng *et al.* 2013; Chao 2006). Before 2008, the restrictions on South East Asian spouses were the top priority on the reform agenda of migrant movement (Hsia 2009b: 371; Liao 2009: 398).



The different treatments as outlined above highlight the fact that PRC and South East Asian spouses were situated in a similar *as well as* different socio-political environment. As a wife-mother, both were seen as inferior ethnic others and a threat to the host nation. On the other hand, the hostility towards the migrants from the PRC and from South East Asian countries was differently constituted. PRC migrants were politicized by the antagonism across the Taiwan Strait and the anxiety of protecting Taiwan's challenged sovereignty, whereas the South East Asians were pathologized as having the potential for the deterioration of Taiwan's prosperity. The shared experiences of encountering hostility paved a common ground for their collaboration within AHRLIM. Yet, the different substance of the hostility foretold their distinctive interests and strategies.

From the mid-1990s, various migrant spouse organizations started to emerge in civil society. Facing the DPP's conservative attitude towards social movements (Ho 2005: 411–13), these dispersed organizations formed AHRLIM, an inclusive organization flexible enough to house various organizations focusing on migrants' well-being. It was during the first DPP presidency that confrontation at a national level between the government and the alliance kicked off. Founded by Taiwanese activists in the name of the migrant community for pursuing the reform of immigration legislation, AHRLIM proved to have a stronger impact than individual organizations and amplified the empathy of a still relatively fragmented civil society for the well-being of labour and marriage migrants in Taiwan. Thus, it is argued that the founding of AHRLIM symbolized the burgeoning of the migrant movement in Taiwan (Hsia 2008: 194).

Yet, long before AHRLIM was conceived, MATSC had already established its presence in the civil society of Taiwan, since December 1998 when social movements had gradually become a 'permanent, routine and legitimate feature' in the newly democratized society of Taiwan (Chang 2004; Ho 2010: 10). Unlike their South East Asian counterparts, who faced a language barrier and, as a result, who relied on local activists' anchoring in the rights-claim movement, MATSC's campaign was relatively autonomous and independent of guidance from influential academics. However, a peculiarity of MATSC is that the organization was nominally founded by Taiwanese spouses and families because, as explained above, of the legal deprivation of the right of PRC marriage migrants to form or join social organizations.

The cooperation between husbands and wives in creating and developing their campaign is a defining characteristic distinguishing MATSC from other organizations within AHRLIM. This spousal cooperation contributed to its distinctive strategies and values, which were different from those of TASAT, an advocacy organization for South East Asian spouses. First of all, the spousal cooperation of MATSC highlighted its endogenous agency as the organization was not set up by Taiwanese activists. Both Chinese and Taiwanese spouses held the ownership of their social campaign and directly participated in the negotiation with the state. PRC spouses particularly regarded themselves as insiders of the host society, given the perceived cultural proximity between Taiwan and China. In contrast, TASAT was founded by Taiwanese activists in the name of



South East Asian migrants, whose foreign cultural inheritance singled them out as *the other* in the Taiwanese society. AHRLIM, having its roots in TASAT, holds similar principles. Thus, the empowerment of migrant spouses was assisted by the advocacy of Taiwanese activists. Second, the spousal cooperation within MATSC meant that the blame on patriarchy as the root cause of the issues of marriage migration was spared by MATSC's campaign publicity. After all, the spousal working partnership was critical to the operation of its social campaign. In contrast, TASAT's stance was informed by a feminist critique on patriarchy. The critique argues that the difficulties encountered by migrant spouses in their daily life is rooted in marriage itself, the unequal power relations between wife and husband within the family and the consequential legislation that reinforces the unequal power relations. Thus, some academic activists called for 'liberat[ing] immigrant women from marriages' (Cheng S.-y. 2013: 17), an appeal that never featured in MATSC's campaign publicity. Instead of blaming marriage, MATSC pointed their criticism at the state, whose discriminatory legislation has impacts on both husbands and wives. As the President of MATSC, a Taiwanese husband, explained, 'If your wife is discriminated, you are also discriminated' (interview, 28 July 2011, Taipei). Third, the spousal cooperation also fed into MATSC's issue-framing strategy, which characterized their petition as one for maintaining an undisrupted family life for husbands and wives and parents and children, rather than for migrant spouses only (Tseng *et al.* 2013: 209). With this essential difference explained, the next section will analyse AHRLIM's strategies prior to 2008, which prioritized the interests of South East Asian marriage migrants over those of PRC migrants.

### **Before 2008: pale in the background**

After the DPP assumed power in 2000, human rights became a key element of the party's construction of Taiwan's self-identity. This construction was epitomized by the slogan of 'Nationhood of Human Rights' and the establishment of the National Human Rights Commission. This self-identity was given a boost after Taiwan ratified the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights and voluntarily made them applicable in the domestic laws.

Thus, when the DPP was in power, human right discourses proved a useful resource for framing the issue of migrant rights and mobilizing political support from legislators. As a matter of fact, before the discourse of human rights earned wide political currency in the 2000s, framing the rights of migrant spouses as universal human rights was already commonly employed as a campaign strategy. Not only was it those foreign spouses who petitioned legislators who evoked this concept (LY 1998a: 303), but KMT and DPP legislators also appealed to human rights when sponsoring initiatives changing legislation. They sometimes cited relevant international law-making so as to enhance the credibility of their appeal (LY 1998b: 828, 843; LY 1999: 414). As shown in the deliberation of the draft bill of the Immigration Act in 1998 and 1999, the passing of the law itself was

taken by legislators as a signifier of how the Taiwanese state treated foreign nationals and how it would implement constitutionally protected human rights. The promulgation and implementation were further considered in relation to whether Taiwan could be seen as being civilized, progressive, democratic and under the rule of law (LY 1998a: 297; LY 1998b: 828; LY 1999: 229). These records illuminate that, in addition to being a human rights issue, the legal treatment for immigrants was also conceptualized as that of reinforcing self-identity and the grooming of self-image, a reoccurring theme that the movement utilized in their campaign in the last decade (LY 2005: 121–4).

Thus, similarly to the strategies undertaken by other social movements in the second half of the 1990s (Ho 2010), in 2005 AHRLIM lobbied for support within the Legislative Yuan and obtained bipartisan endorsement of 60 legislators for their bill amending the Immigration Act. AHRLIM's amendment bill was guided by the synergy between activism and professionalism. That is, inside the alliance, legal experts' professionalism was directed by first-hand knowledge of real cases and identification of potential problems provided by grass-roots organizations (Liao 2009: 401–3). Externally, staging public protests, organizing public consultation meetings and hosting press conferences were the most effective means to raise public awareness and showcasing the agency of the movement (Hsia 2006b: 22–3). Its campaign included the mobilization of large-scale protests resisting the financial requirement for PRC migrants' citizenship eligibility in March 2004, denouncing the vice education minister's comment on the alleged high fertility of immigrant spouses in July 2004, criticizing the Naturalisation Test in July 2005 and opposing the high threshold for foreign spouses' financial sufficiency in September 2007 (Hsia 2006b: 31–2, 2009b: 371).

The DPP's authorship of the human rights discourse seemed hypocritical given that the party was taken accountable for promulgating and implementing hostile legislation towards migrant spouses. Thus, appealing to self-identity and highlighting the gap between rhetoric and reality became AHRLIM's effective strategy to lobby the support of DPP and TSU legislators (Hsia 2013: 142–6). A largely unnoticed external input that strengthened the opportunity to build on the human rights discourse was the pressure from the US government. In 2003, Taiwan was accused by the US government of turning a blind eye to marriage migration being abused by smugglers for sex and labour exploitation. Taiwan's claim to champion human rights protection was at stake, and the state, as well as the people of Taiwan, was taken to be accountable for the violation of human rights of migrant spouses. The sense of urgency of addressing the US criticism was shared by the executive and legislative branches across the board. Thus, the external US pressure opened a new window of opportunity for the movement to win bipartisan support for amending the legislation (Cheng and Momesso, forthcoming).

Similar to the overlooked US pressure, there is no attention paid to the contribution of transnational and regional networks to the enhancement of the advocacy of the movement. The Asian Pacific Mission for Migrants (APMM) and the Action Network for Marriage Migrants' Rights and Empowerment (AMM♀RE)

(of which TASAT is a member) offered the indigenous movement opportunities of exchange, discussion and connection across borders. APMM is now included as one of AHRLIM's group members, together with the Migrant International-Taiwan Chapter. The flow of information from APMM and AMM♀RE with regard to national policies, migrants' living conditions and related actions provided significant insights to practitioners and activists in Taiwan, who built on these examples and developed their own agenda and strategies (Cheng and Momesso, forthcoming).

Since 2003, AHRLIM has attempted to bridge the gap between PRC spouses and South East Asian spouses by emphasizing the shared interests and suggesting how the two groups could benefit from each other's support. According to an academic activist who was deeply involved in the movement, the fact that PRC spouses do not have a language barrier and had experiences in organizing collective actions could prove useful for South East Asian spouses who were inexperienced in this regard. However, considering the complexity of citizenship legislation and avoiding to be overstretched by fighting on two fronts, AHRLIM prioritized the reform of the Immigration Act and Nationality Act and set aside the reform of the Cross-Strait Act as a later task (interviews, 9 June 2011 and 15 July 2013, Taipei). AHRLIM's success in reforming the two laws constituted a precedent with which to push for the reform of the Cross-Strait Act (Hsia 2009b: 379). In other words, although MATSC was one of the founding members of AHRLIM since 2003, only in the last years of the DPP government could MATSC reap the benefit of its membership of this alliance. This lower priority suggests that during the DPP era, in spite of AHRLIM's activism, MATSC did not feature significantly in AHRLIM's campaign. The prioritization and the division of labour were not advantageous for MATSC to further its pursuits.

On top of the internal disadvantage, the external socio-political environment was not beneficial for MATSC either. Although the human rights discourses seemed useful for framing the issue for South East Asian spouses, when it was applied to the Chinese, its universality failed to cross the rigidity of identity politics. Instead, hyped nationalistic sentiments during the DPP's first presidency proved obstructive for MATSC. As mentioned above, with the collaboration of the TSU legislators, the DPP government attempted to prolong the qualifying residency for citizenship eligibility of PRC spouses to 11 years. This motion was tabled in overwhelming nationalistic sentiments which liberally accused PRC spouses of being disloyal to Taiwan (Tseng *et al.* 2013: 215). Thus, while under the DPP most social movements gained access to participate in the decision-making process of the state and obtained official recognition as the legitimate representatives of their constituencies (Ho 2010: 408–11), the channels to gain face-to-face negotiation with the government were denied to MATSC. This was largely because the DPP government saw their actions as interference with the domestic politics of Taiwan and a transgression of the permitted purpose of their entry to Taiwan (Tseng *et al.* 2013: 214). Related to the volatile nationalistic sentiments were Taiwan–China relations, which also confined the advancement of the collective actions of PRC spouses. As pointed out by a KMT legislator,

the support of the blue camp for PRC spouses was externally checked by Taiwan–China relations. When the relationship went sour, none of the pan-blue parties could afford to sanction an all-out campaign for helping PRC migrants (interview, 10 July 2013, Taipei).

Thus, while AHRLIM was making its demands heard by the state and society, MATSC found itself entrapped in a hostile environment during the DPP era. The political opportunity created by the human rights discourse was unavailable to them. Moreover, their communication with the general public was impaired by the fanfare of the nationalistic discourse. Their non-confrontational actions, such as petitioning at government officials (often used during the KMT era) and seeking legislators' support, had not yielded any fruit. A MATSC board member recalled that, at that point, the organization had realized that they had no other options but resorting to more assertive and confrontational actions so as to pile pressure on the DPP government (interview, 8 October 2011, Taipei). In other words, MATSC found itself contemplating a more effective mobilizing structure whereby their issue-framing strategy could be utilized. Assisted by the Taiwan New Immigrants Labour Rights Organization (臺灣新移民勞動權益促進會) in terms of knowledge and resources, in November 2002 MATSC organized a large-scale protest in front of the Legislative Yuan against the proposed prolongation of the required residency for citizenship eligibility and asked for the recognition of PRC university degrees. The fact that the protest was joined by migrant mothers and their children drove home the message that marriage migration was a matter of family well-being rather than the one of bogus marriages for illegal employment or prostitution, as postulated by the DPP government. The escalated confrontation between MATSC and the DPP government reached a peak in 2003, when PRC spouses who joined demonstrations were threatened with expulsion (Tseng *et al.* 2013: 214). In September, nearly 3,000 PRC migrants and their supporters marched through Taipei and protested against the DPP's initiative of extending the required residency from eight to 11 years. As it turned out, this initiative was blocked in the Legislative Yuan in 2003. In the DPP's later years, before it was succeeded by the KMT in 2008, other improvements were put in place, such as granting the right to work, recognizing PRC university degrees and granting the right to reside in Taiwan in cases of the death of Taiwanese spouses. As a consequence of these successful actions, MATSC, as an advocacy organization, became more visible and assertive and it won the trust, among organizations advocating the well-being of PRC spouses, as their major representative (Tseng *et al.* 2013: 215).

### **After 2008: winning recognition**

The KMT presidency after 2008 was marked as a dim period for social movements to the extent that whether social movements were able to continue was questioned (Ho 2010: 16). Nevertheless, for the migrant movement, and in particular for MATSC, the opposite was true. As a matter of fact, MATSC saw new opportunities opening up after the KMT returned to power. The new political

environment was underlined by the KMT's growing interest in safeguarding the votes of PRC spouses, as mentioned by a KMT legislator who was involved in the migrant movement (interview, 15 July 2013, Taipei). According to the above-cited academic activist, the ultimate source of such support came from the president himself, who, during the election campaign, made the equalization of legal treatment between PRC and South East Asian spouses a personal commitment. It was not only a presidential promise, but also in the interests of some KMT legislators. For instance, the above-cited KMT legislator explained that supporting Chinese spouses for legal reform in the Legislative Yuan was in tandem with winning their votes in the constituency. Given that his constituency was home to a large number of PRC spouses and their mainlander veteran husbands, he had to prevent candidates of the People First Party (PFP) and the New Party (NP) from eroding his support base among mainlander (*waishengren*) voters. This was because the other two parties had a free hand to advocate even more favourable treatment for marriage migrants from the PRC when the KMT was inclined for a slower change to the legislation. This competition was fiercer under the single non-transferable vote in the multi-member district system (SNTV-MMD), as small parties with an extreme policy stood a good chance of winning seats (see Göbel 2012 for a discussion of the impact of the change in voting system). Yet, once the SNTV-MMD system was replaced by a majority system, the threat from small parties was abated (interview, 10 July 2013).

In such favourable environment, face-to-face negotiation between MATSC and the government was made possible. Members of MATSC noticed that their interactions with government officials improved significantly and more intensive interactions in turn led to a stronger support of government officials. As there was a more constructive attitude towards each other, public confrontation was spared and replaced by closed-door meetings either at the governmental premises or in MATSC office. For instance, in 2011, ahead of the general election of 2012, MATSC organized a couple of rallies calling on the two main parties to respond to the appeals of PRC spouses. The DPP did not respond to their call. In contrast, as a member of the MATSC board revealed, the KMT government received the protesters in a closed-door meeting with the vice chairman of the Mainland Affairs Council (MAC), where a promise of equalizing the qualifying length of residency for citizenship eligibility was made (interview, 8 October 2011, Taipei). Also, later on, exchanges of views on the phone and mutual visits between MATSC and the state apparatus (including personnel of the MAC and the National Immigration Agency) became normal practice. At long last, MATSC, along with the Chinese Association for Relief and Ensuing Service (CARES) (中華救助總會), an organization providing services to PRC spouses, became one of the major communication channels between the state and PRC spouses. In this new political atmosphere, MATSC committed itself to coming to the aid of PRC spouses. It regarded AHRLIM's expertise in law-making and its previous success in pushing reform as a 'yardstick' to reform the Cross-Strait Act. The above-mentioned activist explained that their collaboration on the draft bill of amending the Cross-Strait Act drew from the legal expertise of AHRLIM



and the grass-roots feedback of MATSC, which was gained from its rich experiences of a 10-year campaign (interview, 9 June 2011, Taipei). The collaboration notwithstanding, joint actions between the two remained limited after 2009. One MATSC board member attributed the lack of deeper and continuing cooperation to their divergent interests derived from the dual legal track system (interview, 2 March 2011, Taipei). AHRLIM continued to appeal to the human rights discourses and mobilize legislators' support for its campaign on reforming the Nationality Act. In April 2013, AHRLIM presented its draft bill to the Legislative Yuan and its goals were the legal acceptance of dual nationality, granting migrant spouses the right to serve public office with immediate effect after acquiring citizenship, and applying the regulations for foreign spouses' naturalization to foreign widows or divorcees (AHRLIM 2013; Cheng S.-Y. 2013).

As a result of AHRLIM and MATSC's campaigns, the long-awaited reform of the Cross-Strait Act was finally achieved in August 2009. The marriage brokering industry was outlawed. For both PRC and foreign spouses, the financial requirement was dropped. For PRC spouses, the right to reside after the cessation of marriage was granted, but for foreign spouses this was premised on their gaining the custody of their children. As for PRC spouses, they were permitted to work as soon as they entered Taiwan, a right that had already been granted to their South East Asian counterparts by the previous DPP government. The most fought for reform – equalizing the qualifying period of residency for PRC and foreign spouses – was not realized, however. It was not until November 2012 that the appeal for equalization was finally accepted by the KMT government, who included this amendment in the draft bill to be passed by the Legislative Yuan (Cheng and Fell 2014: 91). Yet, as of January 2016, marriage migrants from the PRC are still required to reach six years of residency before they become eligible for citizenship (Tseng *et al.* 2013). Thus, the president's commitment notwithstanding, inside the government an agreement on the equalization was hard to reach.

## **Conclusion**

This chapter showed that the migrant movement in Taiwan has not been the result of a linear process, nor can it be interpreted solely as a united and concerted effort for all migrants. Centred on the differentiated rights of PRC and South East Asian spouses derived from the dual legal track, this chapter compared the development of AHRLIM, as an umbrella alliance, and MATSC, as a component organization within the alliance, so as to highlight the internal heterogeneity of the migrant movement in Taiwan as well as its distinctive opportunities and constraints derived from the change in the ruling party.

The parallel existence of, and loose working relationship between AHRLIM and MATSC manifested in different histories, development paths and outcomes of the members within the movement. Self-regarded as insiders within the Taiwanese society, PRC spouses, with the indispensable help of their Taiwanese partners, were able to exercise their agency against the unfavourable structures

embodied by the nationalistic politics and the national security discourse. In contrast, being *the other* in the Taiwanese society, the empowerment of South East Asian spouses was assisted by the guardianship of local activists. By exploring this difference, this chapter drew a dynamic picture closer to the reality rather than adding on the empathy and universal sisterhood celebrated by established literature. Our findings underlined that heterogeneity within the movement is the strength as well as the weakness of the campaign.

Bringing together both *outside-in* and *inside-out* perspectives, this chapter identified two fundamental parameters of the evolution of migrant movement. An *outside-in* perspective was beneficial to trace how the migrant movement continuously reconfigured its agenda according to the changed political opportunities and the divergent interests of its member organizations. In this regard, this chapter highlighted previously unnoticed external influences during the DPP era from the US, as well as transnational and regional networks. As a whole, these factors contributed to framing the movement into the human rights discourse, enhancing support from the legislative and executive branches and mobilizing transnational and regional resources. After 2008, the KMT government held a more accommodative attitude towards spouses from the PRC and subsequently developed a closer working relationship with MATSC. Consequently, the broader alliance adjusted to these changed political opportunities.

An *inside-out* perspective was essential to look at the internal divide as a consequence to the unequal legal status between PRC spouses and their South East Asian counterparts. The mutual constitution of the two parameters was evident in how AHRLIM and MATSC set their agendas in accordance with the availability of political opportunities before and after 2008. Thus, a dynamics of change and continuity was depicted in the sense that the migrant movement constantly adjusted its strategy while its internal divide remained. The utility of an inside-out perspective is also found in illuminating the divide within the movement. Although AHRLIM attempted to bridge the differences between various migrant groups, its prioritization nevertheless reinforced this division. Under the DPP administration, being denied by the chance of tapping into the resources derived from the human rights discourses, MATSC was set aside as a second priority within AHRLIM. As a result, it was left with no options but undertaking more confrontational presentation of their views to the government and the general public. After 2008, while AHRLIM worked closely to reform the Cross-Strait Act, MATSC continued its campaign on a relatively independent basis even when the KMT was in power.

To conclude, our analysis showed that political opportunities did make a difference to how the migrant movement adjusted its strategies so as to advance its causes. Yet, along with political opportunity, mobilizing structure and the framing process, the impact of the internal heterogeneity cannot be overlooked so as to fully understand the development of the rights-claim movement of migrant spouses.



## Note

1 In addition to TASAT and MATSC, the other group founding members were the Awakening Foundation (婦女新知), the Association for the Development and Care of Foreign Spouses (外籍配偶成長關懷協會), the Taiwan International Family Association (台灣國際家庭互助協會), the Taiwan Migrants' Forum (台灣外勞行動), the New Immigrants Labour Rights Association (新移民勞動權益促進會), the Female Labour Rights Association (女性勞動者權益促進會), the Labour Rights Association (勞動人權協會), the Taiwan Association for Human Rights (台灣人權促進會), the Rerum Novarum Center (新事勞工服務中心) and a few other organizations (Hsia 2009b: 369; Hsia 2007b).

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