

Marriage Migrants' Human Rights Issues:
A Case Study In Mainland Spouses' Human Rights Plights and Rights Claims In Taiwan

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Introduction

The contemporary world is the migrant age. According to previous research, contemporary migration in Asia has two main trends. The first trend is intra-Asia migration. This phrase refers to population flows within Asian countries (De Haas et al., 2019; Piper & Lee, 2016). Before the 1980s, the main destinations for immigrants from Asia were Europe and North America. Since the 1980s, the increasing prosperity of some Asian areas (e.g., Taiwan, Singapore, South Korea) has attracted populations from less developed areas like China, the Philippines, Vietnam and so on (De Haas et al., 2019; Hsia, 2008). The second notable trend of migration in Asia is the feminization of migration (Piper, 2008). The term feminization is connected to the issues of gender and underlines “the difference between male and female migrants’ experiences” (Piper, 2008: 1287). Marriage migration is a form of feminized migration that refers to the phenomenon of “predominantly women travel long distances to get married to men” in cross-border migration (Yu, 2020: 976).

Cross-border marriage migration has become a global phenomenon in the 20th century. It usually happens that women from poorer countries migrate to other advanced countries by marrying local men (De Haas et al., 2019: 61). The expansion of marriage migration, particularly intra-Asia migrations, has captured scholars’ attention (Kim, 2010; Williams, 2010; Piper, 2016). Marriage migration is a broad topic that encompasses several social, political, economic, and cultural issues (e.g., political identities; national security; social integration; gender politics and so on). Kim (2010) points out a shift in the research emphasis on international marriage migrants. At first, scholars started to research marriage migrations by regarding the economic goals as the primary driver of cross-border marriage and underlining the purchase-and-sale

relationship between men and women (2010). Nevertheless, marriage migrants' self-decision awareness and rights claims are centred in the research from the postcolonial feminist perspective, which is more focused on marriage migrants' empowerment (2010). This is a significant shift that reconsiders the roles of marriage migrants in migration studies and provides more space to rethink how to protect and promote marriage migrants' rights.

Given the research shift in cross-border migration, this research paper underlines the human rights issues of Chinese marriage migrants in Taiwan. Taiwan is one of the key destinations in Asia that attracts numerous foreign marriage migrants from Southeast Asia and China (De Haas et al., 2019). This research on mainland China marriage migrants in Taiwan provides a case to discuss several sociological topics involving migration justice, human rights, and immigrant movement to further understand the global marriage migration issues.

Marriage Migrants in Taiwan: Human Rights Issues

Since the 1980s, Taiwan's government has relaxed travel restrictions under the trend of globalization, the decline of fertility and the shortage of labour. Thousands of immigrants, particularly marriage migrants, entered Taiwan from Southeast Asia and China (Wang, 2011: 174-177). According to the released statistics from The National Immigration Agency of the Ministry of the Interior, as of September 2022, Taiwan has had 574,852 marriage migrants since 1987 (Table.1). The number of female marriage migrants is 520,065 which accounts for around 90.4% of all marriage migrants in Taiwan. Among the female foreign spouses, around 61% are from mainland China, and approximately 28% are from Southeast Asia. Nowadays, female marriage immigrants have become a more and more considerable community in contemporary Taiwanese society (Tseng et al., 2014).

Table 1. The Number of Foreign Spouses and Mainland Spouses in Taiwan

The Number of Foreign Spouses and Mainland Spouses (including Hong Kong and Macau) in Taiwan¹		
From January 1987 to September 2022		
Foreign Spouses (Except for Mainland China, Hong Kong and Macau)		
Total	Male	Female
200,451	25,762	174,689
Mainland Spouses		
Total	Male	Female
353,814	20,074	333,740
Spouses from HK and Macau areas		
Total	Male	Female
20,587	8,951	11,636
Total		
574,852	54,787	520,065

Source: The National Immigration Agency of the Ministry of the Interior (October 17, 2022)

The human rights issue of marriage migrants is a significant unsolved issue in contemporary Taiwanese society. The term *Human rights* is one of the most invoked concepts in contemporary political sociology research (Turner, 1993; Sen, 2017). Human rights are “primarily ethical demands” and “relate to the significance of the freedoms” (Sen, 2017: 319). Historically, the notion of human rights has strong philosophic foundations (Freeman, 1994; Shestack, 1998). Since the ancient Greek and Roman periods, philosophers developed the theory

¹ In Taiwan, the term *foreign spouses* have twofold definitions. In a broad sense, foreign spouses is an umbrella term that refers to all non-Taiwanese citizens who marry Taiwanese citizens without emphasizing gender and origins. The narrow meaning of foreign spouses is more widespread in Taiwan which merely refers to the female marriage migrants from Southeast Asia. Relatively, Chinese marriage immigrants are regularly called *LuPei*, which means mainland spouses in Chinese, because *lu* means “continent” or “mainland” and *pei* means “spouse.” Because of the high proportion of women, *mainland spouses* also have a narrow meaning which generally refers to women from mainland China areas who marry Taiwanese men. In this research paper, I use the terms *foreign spouse* and *mainland spouse* in a narrow sense.

of natural law which they believe is higher than positive law. The theory of natural law emphasizes that individuals are conferred certain immutable rights on account of the nature of the human good (Shestack, 1998). In the seventeenth and eighteenth centuries, the natural rights theory, which is most closely related to modern human rights theory, emerged under the influence of the natural law theory (Shestack, 1998). The most representative scholar is John Locke (1632–1704) and his successors (Donnelly, 1982). In Locke’s opinion, the term human rights generally means natural rights, which implies “rights held simply by virtue of being a person” (Donnelly, 1982). In other words, natural rights theory assumes that all individuals are born with equal rights. In modern society, the human rights doctrine in the political, social and legal areas is basically on the ground of the natural rights theory. Under the process of globalization, the idea that individuals have rights equally has become the universal ideology in the world (Turner, 1993).

Drawing on the work of philosophers, legal workers and political scholars, sociologists attempt to interpret human rights from a sociological perspective. Sociologists frame human rights as “a set of protections and entitlements possessed by all members of the human community regardless of race, class, gender, sexual orientation, cultural background, national origin, or other forms of identity or social standing” (Frezzo, 2014: 25). Sociological human rights theory underlines the “social character of both protections and entitlements” (pp.25). In other words, sociologists focus not only on ontological and epistemological questions about human rights but also on understanding social issues associated with human rights violations. In the sociological context, marriage migrants face multiple human rights violations throughout the whole process of migration. In the existing literature, researchers investigate the dilemmas that

marriage migrants suffer and point out that female marriage migrants in Taiwan are vulnerable, victimized, and marginalized (Lu, 2005; Hsia, 2008; Chen, 2010; Tseng, 2016).

Firstly, marriage migrations encounter institutional discrimination and exclusions in Taiwan's immigrant legal system and public policies. Wang (2011) explored the historical development of Taiwan's immigrant policy since 1949 and summarized three key characteristics of these policies: (a) the patriarchal *jus sanguinis* principle which emphasizes the "right of blood" (i.e., male descendants of Taiwanese men). It is a crucial way to image nationality in a patriarchal nation-state; (b) the population quality principle which means the preference for high-skilled labour with a higher educational background; and (c) the national security principle which treats immigrants as potential criminals who may undermine the sovereignty of Taiwan. Therefore, it is not easy for marriage migrants from Southeast Asia and China to get permission for entry and long-term residency in Taiwan since they are considered 'low-quality' women without high skills from less-developed areas (Hsia, 2008; Wang, 2011).

Secondly, commercialized cross-border marriage makes female marriage migrants more vulnerable and engenders more gender-based violence and crimes. The commodification of marriage is one of the most significant characteristics of cross-border marriage in Taiwan (Tseng 1997; Lu 2005; Hsia 2008). In Tseng's (1997; 2000) research, she points out a new trend of immigrants in a globalizing economic system: people's migration tends to be shaped by business activities and the mobility of capital. For example, more and more transnational migration activities rely on commercial organizations such as immigrant counselling firms, which increasingly makes transnational migration commercialized. Cross-border marriage between Taiwanese men and foreign women is also influenced by international marriage agencies with commercial matchmaking and marriage brokerage operation (Lu, 2005). For marriage brokerage

corporations, the biggest motivation to match marriage is the considerable profit. If matchmaking is successful, the Taiwanese grooms have to pay the broker a high remuneration from around US\$10,000 to 15,000 (Hisa, 2008). This form of commercially arranged marriage migration is critiqued by many scholars as women trafficking and as a mail-order bride phenomenon (Lloyd, 1999; Kojima, 2001; Lu, 2005). In the industry chain of transnational marriage, foreign brides are more easily treated as sexual commodities and become the most fragile groups who may suffer from domestic violence, forced prostitution, forced labour and so forth.

Thirdly, the interaction among various factors of gender, race, class, and nationality makes marriage migrants' integration more arduous. Considering the social-cultural, economic and identity integration, marriage migrants, particularly mainland spouses and foreign spouses confront greater challenges.

(a) Gender Discrimination and Cultural Stereotypes

According to Hsia (2008), there are two primary kinds of stereotypes for female marriage spouses. Hsia (2008) claims that there is a popular narrative structure in Taiwan to image female marriage spouses called the "double-bind structure" (pp. 132). Marriage migrants are regarded under this double-bind rhetorical structure as either "passive victims as sexual commodities" or "materialist blood-suckers disguised by their beauty" (pp. 131). In the first kind of discourse, marriage migrants are described as naive and ignorant women without subjectivity and autonomy then they are more possible to be controlled. Nevertheless, the second discourse shapes marriage migrants as evil, greedy and immoral women who are harmful to Taiwanese men and Taiwanese society. These two opposing images reinforce together the discriminated construction of marriage migrants' identities as the "inferior other" (pp. 132). In these discourses about identity, marriage migrants have close relations with illegal activities such as transnational human

trafficking, prostitution, and fraud. Thus, the increasingly large group of marriage migrants is framed as a social problem.

(b) Racial and Class Prejudice

In Taiwan, race, class and nationality work closely to pose greater challenges for marriage migrants, particularly mainland spouses and foreign spouses (Tsai, 2011; Tseng, 2016). Given the culture of hypergamy (i.e., men marry lower-class women), rural and less-educated Taiwanese men, who constitute the largest part of the local marriage market, are at a disadvantage and have to seek brides overseas (Lan, 2008: 840). Hence, their target market is frequently in mainland China and Southeast Asia. However, the ideology of internationalization and modernization in Taiwan is rooted in the “Western-centric logic of a global racial hierarchy” (Lan, 2008: 844; Tseng, 2016: 215). Thus, there is a paradox that numerous mainland China and Southeast Asia women marry Taiwanese men, yet the society also exhibits apprehension, worry, and animosity toward them. Tsai (2011) conducted quantitative research to investigate Taiwanese responses toward marriage migrants. Corresponding to quantitative results, Tsai argues that three principal rights of marriage migrants are limited: rights to work, access to public health insurance, and full citizenship (pp. 243). Concerning the origins of marriage migrants, women from China were mostly excluded and opposed due to the Taiwanese nationalism related to Taiwan’s sovereignty, followed by women with origins in Southeast Asia (e.g., Vietnam, the Philippines, Cambodia etc.). On the contrary, Taiwanese attitudes toward female spouses from other advanced countries such as Japan, Europe and the U.S. are less hostile. The distinct attitudes towards women from the First World and the Third World indicate a racialized and classed hierarchy existing in Taiwanese society. Chinese and Southeast Asian women are categorized as ‘low-quality’ women and the inferior other due to their skin color,

class, education, work and nationality and so on. For example, anxiety about the quality of the next generations mixed by Taiwanese men and Southeast Asian women has widespread in Taiwan for the reasons of “poor genes” (Lan, 2008: 843). Discrimination and prejudice based on race and class harm the rights of mainland spouses and foreign spouses.

Mainland Spouses in Taiwan: Unique Historical and Political Contexts

Given the history of the Chinese Civil War, Taiwan and mainland China have had a contested relationship for several decades. In the first half of the 20th century, while Taiwan was still ruled as a colony by Japan, the Chinese Civil War erupted between the Kuomintang (KMT, also called the Chinese Nationalist Party) and the Chinese Communist Party (CCP). It lasted from 1927 to 1949 and ended with the victory of Mao’s leading CCP. The new modern state founded in 1949 in mainland China was called the People’s Republic of China (PRC). Meanwhile, the Kuomintang and its government of the Republic of China (ROC) took over the administration of Taiwan after Japanese war defeat in 1945. Since 1949, however, the ROC effectively governed only Taiwan and a handful of other small islands, while still claiming to be the government of all of China. In the next decades, mainland China and Taiwan had continuous military conflicts concentrated on the islands offshore of Fujian that finished in 1979 with the issuance of *the Message to Compatriots in Taiwan* from the PRC government. Nevertheless, the relationship between the two regimes was still tense. Taiwan experienced strict martial law (1949-1987) which restrained all public or individual cross-strait activities involving commercial trade, visiting, studying, and working. Chiang Ching-Kou’s government announced the end of martial law on July 15, 1987. Then the cross-strait activities including cross-strait marriage gradually resumed and were recognized by the PRC and ROC.

Currently, the PRC (in Mainland China) and the ROC (in Taiwan) are two political

entities that have independent legislative, law enforcement and administrative agencies separately even though the ongoing controversy over Taiwan's sovereignty remains a significant unsolved political and social issue. The term *Taiwan* and *Mainland* are assigned different political meanings by two opposing regimes (PRC and ROC) who both believe they have political legitimacy. The People's Republic of China treats *Taiwan* as one of the provinces included in the territory of the PRC. The term *Mainland* is understood as the other provinces of the PRC except for Taiwan, Hongkong and Macau from the PRC government (State Council of the People's Republic of China, 1993). On the contrary, the Republic of China treats *Taiwan* as a territory under the effective control of the ROC government while the *Mainland* is the territory of ROC outside the Taiwan area (Republic of China, 1992).

The Act Governing Relations between the People of the Taiwan Area and the Mainland Area (also called the *Cross-Strait Act*, hereinafter referred to as the *Cross-Strait Act*) was passed by the Legislative Yuan of Taiwan in July 1992 and has been implemented since August 1992. This act provides a legal framework to regulate the cross-strait relationship between Taiwan and mainland China. It includes administrative, civil and criminal regulations about cross-strait immigration, marriage, education, work and other matters. Two special regulations stemmed from this Act to manage the entry and residency of mainland people into Taiwan: *Regulations concerning Permits of People of the Mainland Area Entering the Taiwan Area* and *Regulations concerning Permits of Long-term or Permanent Residence of People of the Mainland Area Dependent on Relatives in Taiwan Area*.² The National Immigration Agency of the Ministry of the Interior is responsible for the implementation of these regulations.

These regulations are the legal grounds for mainland spouses to enter and immigrate to

² In Chinese: 大陸地區人民進入臺灣地區許可辦法; 大陸地區人民在臺灣地區依親居留長期居留或定居許可辦法

Taiwan. According to the act and regulations, the administrative process of immigration to Taiwan for mainland spouses is prolonged and complicated (See Chart 1.). Mainland spouses have four primary residency statuses in Taiwan: family reunion, spouse residency, long-term residency and permanent residency. Before entering Taiwan, mainland spouses have to first register a marriage with Taiwanese men in the place where the spouses' household registration is. Then mainland spouses are permitted to apply for a family reunion to enter Taiwan. Passing the interview from the National Immigration Agency, mainland spouses are authorized to apply for spouse residency. In addition, mainland spouses have to meet other requirements such as length of residence time to change their residency status into long-term residency and permanent residency. Only by acquiring the permit of permanent residency, can mainland spouses have Republic of China national identification cards and passports which represent the status of ROC citizens.

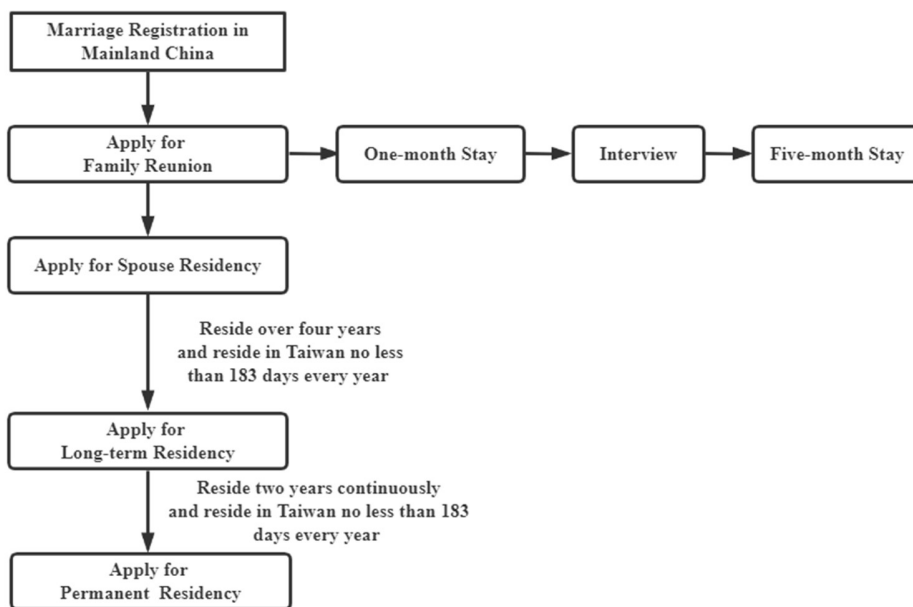


Chart 1. The process of immigration to Taiwan for mainland spouses (2009 - Present)

As the most significant marriage migrant group in Taiwan, mainland spouses also encounter rights violations, and one of the dominant drivers is Taiwanese nationalism. Nationalism in Taiwan manifests in various forms, including Taiwanese nationalism, Chinese nationalism, and Indigenous nationalisms.³ The issue of nationalism in Taiwan is closely tied to the concerns of distinct ethnic groups. There are four primary ethnic groups in Taiwan: Hoklo, Hakka, Indigenous people and Waishengren. Taiwanese nationalism is rooted in the Taiwan-centered identity and seeks the independence and localization of Taiwan (Wu, 2016: 692-693). One current of Taiwanese nationalism is Hoklo chauvinism which is built on the emphasis on the Hoklo-centered culture and identities. For example, Hoklo chauvinists often regard the Hoklo language and historical experiences as the orthodox language and history of Taiwan, which elicit criticism from other ethnic groups, such as the Hakka and Indigenous groups (Wang, 2002:24). Despite this, civic Taiwanese nationalism focuses more on a Taiwanese identity that encompasses all Taiwanese people, rather than emphasizing divisions between ethnic groups. In contrast, Chinese nationalism strives for the unity of people who self-identify as national Chinese (Hughes, 2013:7). In the discourse of Chinese nationalism, China is not defined as the PRC or ROC both of which are modern nation-states, but rather as “a sense of cultural unity and historical continuity” (Wong, 2001:178). Nevertheless, both Taiwanese and Chinese nationalisms are linked to political issues of independence or unification with mainland China, which makes Chinese nationalism as opposition to Taiwanese nationalism.

In this paper, I underline the influences of Taiwanese nationalism ideologies on mainland spouses’ issues. Modern Taiwanese nationalism was formed during the period under Japanese rule (1895-1945) and was affected by the decolonization ideology to resist colonists and pursue

³ Indigenous nationalism is tied to the issues of Indigenous people in Taiwan.

independence (Wu, 2016). Since 1945, Taiwan has been governed by the KMT government since the end of WWII. In the postwar era, Taiwanese nationalism developed more complicated meanings. Firstly, many mainland war refugees fled to Taiwan with KMT government because of the defeat in the Chinese Civil War. Owing to the domination of the high pressure of KMT, the tension between local Taiwanese and *Waishengren* widened and deepened, especially after the violent conflicts of 1947. The anti-KMT and anti-Mainlander sentiment also has emerged since the late 1940s (Tsai, 2011). Then, the thriving democratization waves in Taiwan since the late 1970s ended the one-party rule era of KMT. Taiwanese nationalism transformed from an anti-colonial movement to the pursuit of independent sovereignty and state institutions (Wu, 2016). The consequent Taiwanese nationalism underlines the locality of Taiwan and people's loyalty to Taiwan in this context rather than emphasizing the distinctiveness between different ethnic groups. In this sense, it could provide a path to a transformation from ethnic nationalism to civic nationalism, which underscores liberal values and equal citizenship for every individual (Wong, 2001: 200). In the context of civic nationalism, mainland spouses can be included as equal citizens in contemporary Taiwanese society.

However, with the burgeoning of Taiwanese nationalism, the hostility towards 'the Other' also grew along with the stronger "sense of insider-ness" in the mid-1990s (Chang, 2015: 5). *The Other* often refers to the mainland Chinese including mainland spouses considering the contiguous political tensions and debates between ROC and PRC. According to surveys conducted by the Election Study Center, NCCU (2023), the data on Chinese identity shows a general decline from 1992 to 2022, while Taiwanese identity is increasing.⁴ Taiwanese nationalism is currently linked to the discourse of anti-imperialism with strong anti-

⁴ *Changes in the Taiwanese/Chinese Identity of Taiwanese (1992-2022)*. This survey is available from: <https://esc.nccu.edu.tw/PageDoc/Detail?fid=7800&id=6961>. [Accessed on Mar 27, 2023]

China/mainland attitudes aimed at preventing annexation by China (Wu, 2016). In other words, the PRC is an apparent outsider and potential invader in the context of contemporary Taiwanese nationalism. Consequently, mainland spouses are more prone to being excluded by Taiwanese nationalism from becoming “Taiwanese” because of their origins. More barriers are set for mainland spouses to enter, live, and work in Taiwan. For instance, mainland spouses face more arduous administrative procedures to immigrate to Taiwan than other foreign spouses (Friedman, 2010).

In addition to Taiwanese nationalism, the patriarchy in Taiwanese society worsens the issues of mainland spouses’ rights violations. As women and brides, mainland spouses suffer sexual and gender discrimination and oppression from the patriarchal system (Wang, 2011; Yang and Lee, 2009). Moreover, national power and hierarchical patriarchy violate mainland spouses’ human rights in collusion in some instances (Yang & Lee, 2009; Chen, 2010). For example, mainland spouses are subject to the derogatory stereotypes that they are sexually promiscuous women in pursuit of Taiwanese men’s wealth (Friedman, 2010). Thus, mainland spouses are required to participate in strict interviews organized by officials to illustrate that their marriage is a real one rather than a phony one involved in the exchange of money or sex trade (Chen, 2010). State bureaucracy interacts with sexual politics (e.g., social stigma about women’s sex practice; women’s subordination in marriage) to control the border and safeguard the sovereignty of a patriarchal state. Therefore, considering the “bride” is a distinct gender role, it is crucial to draw on the feminist human rights discourse to underline gender-based concerns in this paper.

Along with the blooming of feminist movements, scholars have attempted to research human rights from feminist and gender equality perspectives (Binion, 1995; Parisi, 2010; Bunch, 2018). From the feminist lens, traditional human rights with an emphasis on inherent and

universal rights are deficient in the reflection on prolonged women/men division and inequality in the patriarchal society (Parisi, 2010; Bunch, 2018). Feminists critique the traditional human rights discourse formulated on unequal gender hierarchies and argue for a new feminist lens to promote women's rights in the framework of human rights.

There are two major feminist criticisms of the relationship between women's rights and human rights. On the one hand, some feminists attempt to add women's rights into the framework of human rights, namely, highlighting women's gender roles identities and experiences in the discourses of human rights (Bunch, 2018; Charlesworth 2018). Feminist scholars point out that the traditional human rights theory is based on the androcentric construction (Parisi, 2010). Since the dominant figures of the world are male, women face the problem of visibility (Bunch, 2018). Traditional human rights theory neglects women's oppressed positions and conditions in the patriarchal structures that are common all over the world. Even if human rights thoughts have become the consensus in the modern international world, women's rights were not recognized as a component of human rights for a long time. For example, although the majority of victims of gender-based discrimination and violence (e.g., sexual assault, domestic violence, forced marriage and so on) are women, women's rights are seldom framed in human rights discussion. It being the fact that women's rights are seen as special issues given the wrong thoughts that the violation of minorities (e.g., women groups) is a universal social problem (Bunch, 2018). Therefore, it is tough for women to argue for their women's rights in the framework of male-centred human rights.

On the other hand, feminists also critique the tendency of sameness in the discourse of modern human rights (Binion, 1995; Parisi, 2010). Modern human rights theory perpetuates the core idea of natural rights theory and insists that all individuals share equal rights when they are

born. Nevertheless, the rights are not fixed, and immutable while being constructed in different eras and areas constantly (Parisi, 2010). “Gender role” is one of the major variables during the construction of the meanings of rights. Men are the dominant policymakers and lawmakers and they have the power to explain and define human rights. Therefore, women’s experiences of rights are excluded in this framework of human rights. The emphasis on the sameness of human rights claims is not constructive to developing women’s rights claims and promoting women’s rights because of the disparities between men’s and women’s power and experiences.

Therefore, feminists argue for a new approach to understanding and practicing human rights by “moving women from the margins to the center” (Bunch, 2018). In other words, human rights from the feminist perspective demand an emphasis on women’s identity and living experiences. Centring women’s roles and experiences is not a semantics matter, namely, “women’s rights are human rights or not”, but an urgent practical issue which should be considered by many researchers, policymakers, activists and other stakeholders (Bunch, 2018). In this research paper, I will draw on the feminist critiques of human rights theory to investigate the situation of mainland spouses’ human rights by underling their women’s roles and other gender-related matters.

Marriage Migrants’ Rights Claims and Immigrant Movements in Taiwan

Marriage migrants’ predicaments have been noticed by many scholars in the aforementioned research. Nevertheless, some scholars also point out that we are supposed to be cautious about the sympathetic attitudes that possibly problematize marriage migrants (Wang & Bélanger, 2008; Hsia, 2010). The attitudes of ‘Taiwanese saviour’ intensify the discourse of “the Other” which could further stigmatize and discriminate against these women. Therefore, we should add a new critical lens, namely highlighting the subjectivity and resistance of marriage

migrants in the research on marriage migrants. Making human rights claims is an appropriate starting point. Human rights issues are not only theoretical and abstract but also practical and urgent (Freeman, 1994: 491). Making rights claims is one of the appropriate bridges to fill the gap between human rights activism and theory. In contemporary society, masses of social, political, economic and cultural conflicts occur with violations of the human rights of different individuals and groups. “Contests over rights as claims” have become a “major feature of modern social life” (Turner, 1993: 490). Making human rights claims is the practice of ending violence, injustice and misery related to various social factors (e.g., race, class, gender, cultural background and so on) (Zivi, 2011). Rights claiming is a social and political practice to pursue reformation or transformation built on the modern human rights theory.

Social movements play a significant role in the “socio-historical development of human rights” (Stammers, 1999: 984). As collective social and political activities, social movements are dependent on shared interests, claims and strategies (Osaghae, 2008). Human rights are a fundamental part of social movements because the members of collective groups believe they should enjoy some specific rights which are violated. Hence, social movements are essentially anti-status quo and challenge the current structure of power (Stammers, 1999; Osaghar, 2008). Making rights claims in social movements is the most common means to demand more legitimated rights.

In Taiwan, the blooming social movements, particularly the human rights movements, provide spaces for marriage migrants to fight for their rights. As one category of human rights movements, the immigrant movement on a large scale has emerged since the 2000s in Taiwan to promote inclusive and adaptive regulations, pursue multiple citizenships and nurture a multicultural society (Hsia, 2009). Hsia (2008) regards the foundation of the *Alliance for Human*

Rights Legislation for Immigrants and Migrants (AHRLIM) in 2003 as the start of the new immigrant movement in Taiwan.⁵ As an umbrella advocacy group, AHRLIM is composed of various immigrants, women, marriage migrants, and labour advocacy organizations that argued to revise the legal provisions to protect immigrants including marriage migrants' human rights. *TransAsia Sisters Association, Taiwan* (TASAT) and the *Marriage Association of Two Sides of China* (MATSC) are the two core members.⁶ The TASAT aims to promote the well-being and human rights of Southeast Asian foreign brides and the MATSC predominantly serves mainland spouses. Under the leadership of AHRLIM, marriage migrants have achieved some goals (Momesso & Cheng, 2017). For example, in 2007, the *Immigrant Act* was amended including dropping the requirement of financial sufficiency for applications for the family reunion, waiving the required quota of foreign spouses' applications for spouse residency, and adding anti-domestic violence provisions.⁷ In terms of mainland spouses, the amendment also made some progress. For example, in 2009, the ROC state relaxed the legal restrictions for mainland spouses to work in Taiwan.

Indubitably, the immigrant movements for marriage migrants have made some advancements since the 2000s in Taiwan (Hsia, 2008; Hsia, 2009; Tseng et al., 2014; Momesso & Cheng, 2017). However, the current literature on the migrant movement in Taiwan “draws heavily from the experiences of South East Asian spouses” (Momesso & Cheng, 2017: 221) which are dissimilar to mainland spouses. It is imperative to realize the distinction between the two-core marriage migrant groups in Taiwan, mainland spouses and foreign spouses. They share similar predicaments but have distinct cultural, ethnic and national backgrounds. Therefore, in

⁵ In Chinese: 移民/住人權修法聯盟

⁶ In Chinese: 南洋台灣姊妹會; 中華兩岸婚姻協調促進會

⁷ *Immigrant Act* is the basic legal regulation for foreign spouses (except for mainland spouses) to enter, reside and work in Taiwan.

this research paper, I concentrate on the mainland spouses' human rights plights and their claims based on the distinctive political and sociocultural situations.

In this research paper, the qualitative content analysis method is employed to answer the two main questions that this paper aims to address. The research is divided into two sections, each focusing on one question. The first section explores the status quo of mainland spouses' human rights by examining the specific human rights violations that they have encountered. To do this, I review official legal documents, news reports, and YouTube videos that document the lived experiences of mainland spouses. The second section of the research project investigates the current rights claims of mainland spouses and how they make these claims. I collect data on both remaining issues and new claims made during the pandemic.

To collect data for the research, I read and analyze legal documents from the government, reports and news articles from various organizations and associations that advocate for the human rights of immigrants, women, and labour. Supplementary materials such as video scripts and texts from YouTube accounts of mainland spouses are also used to provide a more individual perspective. All the data are originally in Chinese and are translated by me. The goal of this research paper is to shed light on the complex issues surrounding mainland spouses' human rights in Taiwan and contribute to the ongoing discussion on cross-border marriage migration. Through the use of content analysis, I hope to provide a deeper understanding of the experiences of mainland spouses regarding rights violations and rights claims.

Chapter 1

Restrained Human Rights of Mainland Spouses

*Fifty Percent of Political Views,
Fifty Percent of Human Rights.*

—— Alliance for Human Rights Legislation of Immigrants and Migrants in a press conference (2009)

In July 2009, the Legislative Yuan of Taiwan amended the articles (articles 17, 18, 57, 67) in *the Cross-Strait Act* concerning the rights of mainland spouses. This amendment had four focal points tied to mainland spouses:

a) Rights to access residency. The amendments allowed mainland spouses to apply for a residency permit after they enter Taiwan legally rather than waiting two years. The time for mainland spouses to obtain Taiwanese citizenship was also adjusted from eight years to six years.

b) Rights to work: The amendments allowed mainland spouses to work legally without administrative licenses after obtaining their residency permits.

c) Rights of succession: The amendments abolished the restriction for amounts of inherited property for mainland spouses and allowed mainland spouses with long-term residency permits to inherit real estate.

d) Rights to due process: add requirements to hold audit committees prior to the deportation of mainland spouses.

These amendments are a great advancement for mainland spouses' rights protection since the enactment of this Act in 1992. Nevertheless, discrimination against mainland spouses in the legal system and society continues to this day. AHRLIM (2009), who advocates for amendments to promote immigrants' and migrants' human rights, argued in a press conference (the epigraph

above) that mainland spouses merely own fifty percent of human rights even if some discriminatory legal provisions were amended. Mainland spouses still suffer from hostility, exclusion and restrained human rights in today's Taiwanese society.

In this chapter, I examine the status of mainland spouses' human rights by reviewing the legal documents and studying real-life cases. My analysis involves two parts. The first section discusses mainland spouses' citizenship rights on the basis of an exhaustive analysis of the legal provisions. Then, I further interpret mainland spouses' human rights from a feminist perspective by underlining their predicament connected with their gender roles (i.e., roles of women). I understand the grounds for the violation of mainland spouses' human rights from two dimensions, namely Taiwanese nationalism and patriarchy, in consideration of the twofold identities of mainland spouses, as mainland Chinese and as women.

Under the Shadows of Nationalism: Mainland Spouses as Second-Class Citizens

Citizenship rights are in close connection with human rights. They share historical roots in liberal individualism (Nash, 2009). Taiwan began experiencing liberal democratization as early as the 1960s even under the KMT's authoritarian rule. During this phase, Taiwanese intellectuals attempted to promote Western liberal individualism and democratism to voice their discontent (Hsiao, 2018: 25). In the 1980s, numerous collective movements for political liberty and democracy emerged to pursue social reform (pp.26). Since the 1990s, with the end of the KMT's dictatorship, ROC has undergone a political and constitutional democratic transformation, gradually becoming a civic society (Wang, 2012; Hsiao, 2018).

Citizenship rights could be divided into three parts: civic, political, and social (Marshall, 1950). Civic rights refer to individual freedom which includes the freedom of speech and thoughts, the right to own property and the right to justice. Political rights imply someone's right

to participate in political life and social rights are the rights to live as civilized beings to share the social heritage and social services (Marshall, 1950: 30). Citizenship rights are one of the crucial components of human rights. Nevertheless, there are distinctions to be made between human rights and citizenship rights (Nash, 2009). The former is the universal and inherent “rights of humans” in most contexts while citizenship rights are more associated with the identity which emphasizes citizens’ belonging to the community based on shared values, memories and purposes (Nash, 2009). Philosopher Hannah Arendt (1950) points out the paradox of universal human rights. The modern states were established on the basis of national sovereignty. Under the nation-state system, the universal rights of humans are challenged by national power beyond the individuals. In the context of Taiwan, some liberals also treat nationalism as a threat because it prioritizes specific collective rights over individual rights (Wang, 2012: 94). Arendt argues that human rights are not independent beyond the political community. In other words, stateless humans do not have the right to have human rights (pp.298). Thus, in Arendt’s opinion, the way to obtain human rights is to be a citizen.

The paramount principle of Taiwan’s immigration laws and policies is to protect Taiwan’s national security and sovereignty. The affirmation of belonging and loyalty of migrants plays a crucial role in immigration and migration governance. Given Arendt’s argument about human rights and the political opposition between mainland China and Taiwan, it is essential to analyze mainland spouses’ human rights in the context of Taiwanese nationalism and national sovereignty discourse. I examine the status of mainland spouses’ citizenship rights by reviewing Taiwan’s immigrant and migrant governance policies. Cross-border marriage is a highly bureaucratized process (Sheu, 2013). Mainland spouses have to complete complicated administrative procedures for entering, residing and acquiring citizenship in Taiwan. During this

prolonged process, they may suffer from unfair treatment. Even if when they become Taiwanese citizens, they only have restrained citizenship rights because of discrimination and social neglect. In much nationalist discourse, mainland spouses are portrayed as second-class citizens in Taiwan.

Cumbersome and Prolonged Administrative Procedures to Obtain Citizenship

In Taiwan, the path to citizenship for mainland spouses is particularly cumbersome, with numerous bureaucratic hurdles and prolonged waiting times. From attending interviews to waiting for processing times, the entire process takes more than six years to complete (Chart 1.).

Interviews

If mainland spouses need to enter or reside in Taiwan, they are required to complete a port-of-entry interview with immigration officers in the *Cross-strait Act*:

Any of the people of the Mainland Area who apply to enter into the Taiwan Area for family reunion, residency, or permanent residency shall be interviewed, fingerprinted, and registered for record; where it fails to be interviewed or fingerprinted, no permission shall be granted to its application for family reunion, residency, or permanent residency. (Article 10-1)

In 2004, *Regulations concerning Permits of People of the Mainland Area Entering the Taiwan Area* was enacted in accordance with the provisions of Article 10-1 in the *Cross-strait Act*. Two principal purposes of these Regulations are: a) to regulate the interview process to avoid fake marriages and other illegal activities such as prostitution and human trafficking; b) to maintain national security and social stability. The responsibility of immigrant officials is to weed out questionable interviewees by reviewing their behaviours and verbal answers (Friedman, 2010). According to the National Immigration Agency (2022), from 2012 to 2021, the average pass rate of interviews is 88.49%.

Interview questions could focus on personal interactions between mainland spouses and Taiwanese husbands. The setting of questions aims to dig into more details about mainland spouses' daily lives to verify the authenticity of marriages. If mainland spouses cannot answer the questions quickly and confidently, they could be suspected of being in a sham marriage and face the risk of being deported. For example, YouTuber Dajingzi was asked a question by the immigration officer, "how many times did your husband visit your home"?⁸ She could not remember the exact number because it has been numerous times. Because of her uncertain answers, she was asked more questions in a bad manner. Dajingzi also pointed out that her husband did not believe that she was treated rudely. Her interview lasted for around 20 minutes while her husband's interview only lasted around four minutes. What's more, the interview may also violate mainland spouses' personal privacy. Dajingzi also described a situation in which the officer demanded to see the photos on her phone. This is a common practice during the interview process. Some mainland spouses were asked the details about their sexual lives to prove their marriage is real. Usually, in order to obtain permission to enter and reside in Taiwan, they do not have adequate rights to refuse the request from officers.

Mainland spouses are not the only groups demanded to participate in the interview. The Ministry of Foreign Affairs of ROC also adopts overseas interview policies for people who plan to marry Taiwanese citizens.⁹ However, the regulations for overseas interviews merely work when people come from the specified 21 countries.¹⁰ These countries are mostly undeveloped

⁸ In Chinese: 大静子. YouTube video available from: <https://www.youtube.com/watch?v=7-BiYTJlkSk>. [Accessed on Feb 10, 2023]

⁹ Reference Regulations: *The Ministry of Foreign Affairs and its embassies in Taiwan handle applications for marriage between foreigners and Chinese nationals* (外交部及駐外館處辦理外國人與我國國民結婚申請來臺面談作業要點). Available from: <https://www.boca.gov.tw/cp-212-4295-61dd5-1.html> [Accessed on Feb 10, 2023]

¹⁰ These 21 countries are: Indonesia, Philippines, Vietnam, Thailand, Cambodia, Sri Lanka, India, Myanmar, Nigeria, Mongolia, Kazakhstan, Belarus, Ukraine, Uzbekistan, Pakistan, Nepal, Bhutan, Bangladesh, Senegal, Ghana, Cameroon

countries in the global south, including Indonesia, Philippines, Vietnam, Thailand, and Cambodia which are the emigrant countries with the highest amount of foreign spouses immigrating to Taiwan (other than mainland spouses). Similar to interviews for mainland spouses, overseas interviews for foreign spouses from specified countries set a series of barriers to cross-border marriage. Nonetheless, marriage migrants from other countries such as the United States and Japan are not required to complete interviews before entering into Taiwan to reside.

The differentiated policies reveal policymakers' and the public's anxieties for mainland spouses. Firstly, mainland spouses are seen as "low-equality" and "second-class" people, potential troublemakers who could disrupt the inherent social order in Taiwan. In addition, owing to the ideological opposition and political tensions between the two regimes, RPC and ROC, the immigrant interview is the first step for ROC state to guarantee national security in border control practices (Friedman, 2010: 168-169). For example, immigrant bureaucracies will also vet surreptitiously mainland spouses' political attitudes during the interview to try to prevent the arrival of spies from the opposing regime.

Citizenship take-up

As part of immigrant governance policies, nationality and naturalization policies are "important gauges of how society accepts or rejects foreigners and long-term residents" (Janoski, 2010: 4). Naturalization is a mechanism that grants citizenship to immigrants. It is closely associated with the granting of civic and political rights such as suffrage rights. Different immigrant-receiving countries have various naturalization policies, either loose or strict. Because ROC law does not consider the mainland to be a sovereign state, there are different legal regimes for mainland spouses and foreign spouses. ROC state enacts certain policies specifically for

mainland spouses, namely, mainland spouses are not required to comply with the *Nationality Act* to naturalize and acquire nationality like other foreign spouses. All provisions about naturalization for mainland spouses are from the *Cross-strait Act*, whereas all others for foreign spouses are regulated by a separate *Nationality Act*.

In terms of the pursuit of citizenship, the principal obstacle for mainland spouses is the length of residency. As mentioned in the Introduction, after passing the port-of-entry interview and entering into Taiwan, mainland spouses are allowed to apply for spouse residency, long-term residency and permanent residency. It is a step-by-step procedure for the transition from immigrants to citizens. Only by meeting the requirement about the length of residence, can mainland spouses obtain permanent residency permits. Once mainland spouses acquire the permanent residency permit, they are allowed to apply for household registration, national ID cards and the passport of ROC, which indicates they are granted the identities of citizens of the ROC. A household registration institution (*hukou* system) is a particular administrative form for population governance and social control in Taiwan (Chan, 2010). All households are registered in the locale where they reside. The registered household (*Hukou*) is a significant ground to gain National Identification Cards, one crucial document that represents one's Taiwanese citizens' identity, from the household registration authorities. Household registration in Taiwan includes the following registrations:

1. Registrations of personal status: Birth Registration; Registration of Parentage; Adoption and Adoption Termination Registration; Marriage and Divorce Registration; Registration of legal Guardianship; Assistance Registration; Registration of exercising responsibility of the rights and obligations for minor children; Registration of Death and Presumption of Death; Registration of Indigenous status and tribe group
2. Initial Household Registrations
3. Registrations of Movement: Moving-out Registration; Moving-in Registration; Address Alteration Registration
4. Household Separation (Combination) Registration
5. Birth Place Registration

6. Registration according to other laws (Article 4, *Household Registration Act*)

In addition, since China also applies the household registration institution, there are distinct administrative requirements for mainland spouses after obtaining citizenship. Namely, it is mandatory to cancel household registration in mainland China after they obtain Taiwanese household registration, national ID cards and passports. There are relevant provisions in the *Cross-strait Act*:

The people of the Taiwan Area may not have household registrations in the Mainland Area or hold passports issued by the Mainland Area [...] any person who has a household registration in the Mainland Area or holds a passport issued by the Mainland Area in violation of the provisions of the preceding paragraph shall be deprived of its status as the people of the Taiwan Area and its rights of election, recall, initiative, referendum, serving military service or public offices, and any other rights derived from its household registration in the Taiwan Area (Article 9-1).

Before the amendment of the *Cross-strait Act* in 2009, mainland spouses needed to reside in Taiwan for at least eight years to acquire a permanent residency permit. After the amendment, the length of residency was shortened to six years. Nevertheless, this regulation is still critiqued by mainland spouses' rights advocacy groups. Based on the *Nationality Act*, foreign spouses merely need four years for naturalization while mainland spouses need six years. Thus, further shortening the length of residency to gain citizenship is still the foremost rights claim of mainland spouses.

Limited and Graduated Citizenship Rights

Even if mainland spouses attain Taiwanese citizenship after the aforementioned complicated procedures successfully, they still experience restrained citizenship rights. Friedman named mainland spouses who already gained citizenship as “probationary citizens” (Friedman 2010: 8) due to the fact that their full citizenship rights are still denied by the law and society.

The first crucial issue is mainland spouses' rights to work. Until 2009, mainland spouses were not permitted to work unless they resided for more than two years with spousal residency permits, which means they were forced to be jobless. Without income, they had to be financially dependent on other family members. This requirement thus engendered more female poverty issues. After 2009, mainland spouses accessed the rights to work once they obtained resident rights. However, before obtaining the spouse residency, they are still not enabled to work, which may last half a year after they enter Taiwan. Moreover, they may encounter discrimination from the Taiwanese public in their careers because of hostility and stereotypes against them. Mainland spouses may be perceived as outsiders who make job markets more competitive. For example, mainland spouses were called threats who would "snatch Taiwanese nanny's job" (Zhong, 2009). Another limitation for rights of work reflects in the "access to civil service employment" (Friedman, 2010). There is an Article in the *Cross-strait Act*:

Except otherwise provided for in any other law, any of the people of the Mainland Area permitted to enter into the Taiwan Area may not register itself as candidate for any public office, serve in the government, educational institutions or state enterprises, or organize any political party unless it (sic) has had a household registration in the Taiwan Area for at least ten years (Article 21).

Article 21 is rooted in the principle that national security and interests trump individual rights. This is actually common in any country accepting immigrants. However, Friedman argues that the length of the ban is questionable, "for it suggests that citizenship alone is insufficient to qualify former Chinese citizens for any level of government service in Taiwan" (Friedman 2010: 80).

The second focal point about incomplete citizenship rights is the right to family reunification. Some mainland spouses had children before their current marriage. After mainland spouses gain citizenship, one of their claims is to sponsor their relatives, particularly their birth

children, to reside in Taiwan. Friedman (2010) calls it “chain immigration” (pp.83). Nonetheless, Taiwanese immigration policies are rooted in the patriarchal *jus sanguinis* principle which underlines the male descendants of Taiwanese men (Wang, 2011). Thus, Taiwanese bureaucracies enact some restrictions including “quotas and post citizenship residency restriction” for mainland spouses’ children in their previous marriage (Wang, 2011: 84).

Contemporary mainstream Taiwanese nationalism emphasizes distinct Taiwanese identities and the exclusion of Chinese identities. It is embedded in the anti-communist party and anti-China/mainland sentiment structure based on China’s civil war (Wu, 2004). Thus, a social classification of Taiwanese society is formed to confirm the hierarchical order which distinguishes the Taiwanese people and mainland people. Even if Mainland spouses share similar “racial, ethnic, and linguistic features with most Taiwanese citizens,” they are still not recognized as Taiwanese citizens by Taiwanese society for political motivations (Friedman, 2010: 74; Sheu, 2013). Firstly, in the *Cross-strait Act*, *people of the Taiwan area* refer to “the people who have household registrations in Taiwan” and *people of the Mainland area* refers to “the people who have household registrations in the Mainland Area” (Executive Yuan, 1992). Therefore, mainland spouses are not Taiwanese in the Taiwanese legal system until they obtain household registration. During the protracted immigrant process, mainland spouses encounter strict administrative procedures such as interviews and longer waiting periods for citizenship. Their citizenship rights are also at risk of violation. For example, Mainland spouses do not share the same work rights and inheritance rights as Taiwanese for a long time. Secondly, even though mainland spouses meet all requirements to become Taiwanese citizens in the legal sense, they are still excluded by the Taiwanese public on account of their background originating from mainland China. ROC state and the public still image mainland spouses as communist infiltrators

or spies working for PRC. As a mainland spouse *Anxious Housewife Lia* (2022) put it on a YouTube video, “born in China is an original sin for mainland spouses.”¹¹ Mainland spouses’ origins provide justification for the ROC state and the public to deny their full citizenship rights. In short, under the shadow of Taiwanese nationalism and the ideology of the Cold War, mainland spouses are second-class citizens in Taiwan and merely share limited and graduated citizenship rights.

Under the Shadows of Patriarchy: Expectations for Ideal Brides

Since the 1990s, Taiwan has faced considerable challenges in population governance, involving the aging population, an imbalance in gender ratio, deferment of marriage and childbearing, and a lower fertility rate. Taiwan has experienced an ongoing fertility crisis since the late 1980s. In 1984, the fertility replacement rate in Taiwan declined to under 2.1 children per woman which is the standard ratio to balance the rate of birth and death.¹² Sustainable population growth is an essential indicator of social development. The population crisis drives ROC state and demographers to adjust population policies to increase the total fertility rate. The migrant fertility rate is typically higher than the native-born rate (Chen, 2008: 336). Thus, ROC state attempted to encourage marital immigration since the 1990s. In the patriarchal state’s population governance discourse, non-economic marital migration is a strategy to increase population (i.e., a form of social resources in a state) and allegiance to the state’s social and economic development (Ministry of the Interior, 2008). During the immigration process, Taiwanese society embedded mainland spouses into a patriarchal structure and expects them to

¹¹ In Chinese: 焦慮主婦 Lia. YouTube video available from: <https://www.youtube.com/watch?v=aK81nTdMtlY> [Accessed on Feb 10, 2023]

¹² Fertility replacement rate refers to a ratio represents a relative balance between births and deaths in a country or a certain region. According to the UN, the standard fertility replacement rate is 2.1 children per woman.

act as ideal wives, mothers and daughters-in-law in traditional heterosexual families. For example, mainland spouses are expected to undertake reproductive responsibilities which are “the gendered duties enforced by the patriarchal family and state” (Lan, 2019: 322). Given the statism-orientated and pro-patriarchy ideologies, mainland spouses’ gender-based human rights (i.e., women’s rights) are hard to assert and frequently violated.

Gender-based Violence

The most common gender-based violence in marriage and family fields is domestic violence. According to the *Taiwanese Women's Intimate Violence Survey Project* from 2020 to 2021, the lifetime prevalence of intimate partner violence for women aged 18 to 74 in Taiwan is 19.62% (Ministry of Health and Welfare, 2021).¹³ Among the non-local victims of violence, mainland spouses experienced the highest rate of violence accounting for 36.1% (n=256). ROC state enacted *Domestic Violence Prevention Act* in 1998 to prevent women from domestic violence, which is also applicable to mainland spouses.¹⁴ However, as immigrants, mainland spouses encounter more challenges to protect themselves without jeopardizing their immigration statuses in Taiwan. The *Regulations concerning Permits of Long-term or Permanent Residence of People of the Mainland Area Dependent on Relatives in Taiwan Area* has regulations related to domestic violence:

People of the Mainland area who apply for Spouse Residency under one of the following circumstances shall not be granted permission [...] 1. The reason for applying for residency in dependency has disappeared. However, the permission for Spouses Residency is not revoked or annulled under any of the following circumstances: [...] 1.4 Divorced by court judgment due to domestic violence, and have minor biological children with Taiwanese household registration (Article 14.2)

¹³ Project in Chinese: 臺灣婦女遭受親密關係暴力統計調查計畫. Available from: <https://dep.mohw.gov.tw/DOPS/cp-1147-64194-105.html>. [Accessed on Feb 12, 2023]

¹⁴ In Chinese: 家庭暴力防治法

The identical regulation (Article 26.2) is also applicable for the application for long-term residency but not for permanent residency application. This regulation is strict for mainland spouses who are under the threat of violence, which neglects the plight of mainland spouses without children and those who fail to obtain a divorce due to domestic violence. On the one hand, Taiwanese husbands are the only sponsor for mainland spouses' immigration; on the other hand, there is less space in the judicial and social support system to rescue mainland spouses from violent marriages. Thus, many mainland spouses are forced to tolerate their husband's violence to seek Taiwanese citizenship. Many mainland spouses living under the violence are anonymous and invisible.

Stigmas Against Mainland Spouses

Mainland spouses are treated as members of a special group who need more management and surveillance by Taiwanese bureaucrats for the reasons of national security and social stability. The principal concern of the Taiwanese government and society is the authenticity of cross-border marital relations. "Fake marriage, real prostitution" has become a widely circulated negative stereotype for mainland spouses in the last decades (Chen, 2015). Mainland spouses are seen as potential prostitutes. Thus, since 2003, Taiwan has tightened border control through port-of-entry interviews to "prevent Chinese women from exploiting transnational marriage for transnational prostitution" (Chen, 2015: 497). There are several rigid regulations for combating fake marriages between mainland spouses and Taiwanese in the Taiwanese legal system, for instance:

People of the Mainland area who are under any of the following circumstances will not be allowed to apply for entry into Taiwan: [...] 4. There are no positive facts to prove that the marriage is real (Article 14 in *Regulations concerning Permits of People of the Mainland Area Entering the Taiwan Area*).

For mainland spouses who have been permitted to spouses residency, long-term residency or permanent residency, if there are sufficient facts to believe that they have conspired to form a fake marriage, their spouses residency, long-term residency, permanent residency permit and household registration must be revoked. They must be deported (Article 17.7 in the *Cross-strait Act*).

The regulations about interviewing and boycotting fake marriages were initially merely enacted for mainland spouses. Only the bureaucracy has the power to verify whether a marriage relationship is genuine. To complete the authentication, officers “monitor the intimate life of cross-border couples.” They do this not only in the port-of-entry interview but also by conducting visits to families to inquire about mainland spouses’ daily lives (Lan, 2019: 319). Under this circumstance, cross-strait marriages do not simply represent intimate relationships and interactions in the private sphere, but potential security threats.

The expectations for mainland spouses from Taiwanese society are associated with Confucianism, a dominant social ideology that influences East Asian society considerably. It is a conservative ideology that ties closely with “strong families, strong traditions, and strong social and political discipline” and “strong patriarchal overtones” (Greenhalgh, 1994: 768). This moral teaching system holds a deep prejudice against women, and the core point is that women are the second sex who are always inferior to men (Li, 2000; Tsai, 2006). Women are considered subordinate to their fathers before marriage and to their husbands after marriage. The primary duty of a woman is to act as a docile housewife to do the housework and childbirth in the private sphere, which is a patriarchal pattern of division of gender labour. Women also don't have the right to control their own bodies and thoughts. They are forbidden to show any desires for money, power, sexuality and body autonomy. Influenced by Confucianism, Taiwanese society demands mainland women act as perfect wives and mothers who prioritize their husbands and families. Once mainland women break the norms in this social values system, they are probably

perceived as women with features of being “poor, greedy, cunning, promiscuous, and uncivilized” (Chen, 2015: 502). Thus, the Taiwanese public and society hold a strict standard for mainland spouses’ morality. Moral norms for mainland spouses are even legitimated in the legal system:

People of the Mainland area who apply for Spouse Residency under one of the following circumstances shall not be granted permission [...] 1. There are sufficient facts to believe that there is a criminal act or a criminal record; 2. Has a record of obstructing good customs, morality, marriage and family [...] (Article 15.1 *Regulations concerning Permits of Long-term or Permanent Residence of People of the Mainland Area Dependent on Relatives in Taiwan Area*)

Obviously, this Article 15.1 showcases the traditional moral norms for mainland spouses (or rather for mainland brides). Mainland spouses who violate traditional customs and morality (e.g., extramarital affairs) do not meet Taiwanese expectations for ideal brides. Therefore, they are not permitted to reside in Taiwan, not to mention to become Taiwanese citizens or nationals. Nevertheless, this vague regulation is an unreasonable moral shackle that restrains women's freedom of choice. It also exacerbates stigmatizing mainland spouses as immoral and deviant women.

In this section, I found that rigid policies still exist to manage and control mainland spouses while neglecting to protect women’s rights. This is a collusion between Taiwanese nationalism and patriarchy. In the national development discourse, mainland spouses are seen as a form of social resource who have reproductive and labour abilities. Cross-strait marriages are legitimated in this context. However, considering the political and ideological tensions, Taiwan also mobilized a large number of resources to control mainland spouses to ensure national sovereignty and security. As women, mainland spouses live in a society that is structured based on the strong patriarchal principle. They have to address several gender-based injustices and inequalities such as domestic violence and unreasonable gender division of labour. Yet, the rigid

control rooted in Taiwanese nationalism obstructs mainland spouses to protect their women's rights. This hindrance is particularly manifested in the legal system.

Chapter 2

Mainland Spouses' Human Rights Claims

The history of cross-strait marriage in post-war Taiwan is not of long standing, which merely emerged after 1987, the year that ended martial law to lift the around forty-year restrictions for cross-strait contact. Since the 1990s, the presidency of Lee Teng-hui, the orientations of the policy governing two sides relations and cross-strait marriage has changed from no contact and illegal contact to the legalization of contact (Lu, 2008). The legalization of cross-strait marriage started in 1992 with the enactment of the *Act Governing Relations between the People of the Taiwan Area and the Mainland Area*. Since the 1990s, the number of mainland spouses has dramatically increased. In the meanwhile, systematic discrimination and human rights violations against mainland spouses have emerged as well. Nevertheless, the mainland spouse community and other relevant advocacy groups make claims of human rights continuously in the wave of Taiwan's diverse social movements. There are two stages for the mainland spouses' human rights movement (Liao, 2014). The first stage (1992-2008): mainland spouses are second-class immigrants in Taiwan. During this period, mainland spouses encountered innumerable restrictions to gaining full citizenship rights because of the hostility toward mainland/foreign spouses in Taiwanese society. For example, mainland spouses' waiting period for citizenship and nationality is 8 years while other foreign spouses' is only 4 years. Political tensions, cultural stereotypes and xenophobia created many obstacles for mainland spouses to make their rights claims (Wang & Bélanger, 2008; Hsia, 2009; Friedman, 2010; Chen, 2015). The next stage is from 2008 to the present: the human rights movement of mainland

spouses made some advances.¹⁵ The iconic event was the amendment to the *Cross-strait Act* in 2009 (Chapter 2). Mainland spouses acquired partial citizenship rights in the aspects of work rights, inheritance rights, and timing of naturalization.

However, there are still a lot of unfulfilled objectives for mainland spouses' human rights claims. Thus, in this chapter, mainland spouses' current rights claims are the focal point. The chapter has two sections. Firstly, I explore what are the unfinished goals and the emerging new issues associated with mainland spouses' rights. In the second section, I investigate mainland spouses' rights claims in the framework of social movement theory. I discuss the characteristics of mainland spouses' human rights movements and their strategies for making rights claims.

What Are Mainland Spouses' Principal Rights Claims?

As mentioned, mainland spouses have twofold rights claims which are in the matter of the unsolved problems in previous rights defences and emerging new issues in present society. Three ongoing issues are most representative: “*Reduce Six Years to Four Years*”, “*Don't Call Me Mainland Brides*” and reunion policy during the pandemic.¹⁶ As a slogan for making rights claims, “*Reduce Six Years To Four Years*” means reducing mainland spouses' waiting period for obtaining citizenship rights from six years to four years in the light of foreign spouses' four-year waiting period. “*Don't Call Me Mainland Brides*” is also a slogan to argue for refusing the stigmatized name and claiming to rename themselves. These two claims have lasted for several years and continue today. The third claim emerged during the pandemic which is against the unfair reunion policy for mainland spouses and their children.

¹⁵ Kuomintang (KMT) nominee Ma Ying-Jeon won Taiwan's presidential elections in 2008, ending the eight-year rule of the Democratic Progressive Party (DPP). Compared to the DPP, the KMT takes a more pro-China stance. Thus, there was more space for the human rights movement of mainland spouses.

¹⁶ The slogans in Chinese: 六改四; 別再叫我大陸新娘

“Reduce Six Years to Four Years”

The immigration policy in Taiwan provides opportunities for mainland spouses to become citizens of Taiwan. The policy is rooted in the *jus sanguinis* principle, which emphasizes shared ancestral origin and commonality (Hsia, 2008). *Jus sanguinis* thus makes it difficult for people unrelated to the Taiwanese by descent to obtain citizenship, except for mainland and foreign spouses and children of Taiwanese men (Hsia, 2008). The naturalization of mainland/foreign spouses is derived from their ability to “continue Taiwanese blood” which is confirmed by the patriarchal state (pp.192). However, the ROC state still makes many obstacles for mainland spouses to obtain citizenship in the name of national and social interests. Currently, the most concerned topic is the waiting period for mainland spouses to become citizens.

Since the amendment of the *Cross-strait Act* in 2009, the total waiting time to gain citizenship for mainland spouses has been reduced from eight years to six years. However, for other foreign spouses, the waiting period for naturalization is less than 6 years, based on the *Nationality Act* and *Immigration Act*. The procedure for accessing citizenship for foreign spouses is dissimilar from that for mainland spouses in three ways. Firstly, after registering the marriage, they are permitted to reside and work in Taiwan. Secondly, if they reside in Taiwan for “more than 183 days each year for at least three consecutive years,” they are allowed to apply for naturalization (Article 4, *Nationality Act*). Lastly, after naturalization, foreign spouses have to meet one of the requirements for residency to apply for household registration and gain citizenship. These are requirements to physically reside:

(1) year continuously; reside in the area for full two (2) years and two hundred and seventy (270) days or up each year; or reside in the area for full five (5) years and one hundred and eighty-three (183) days or up each year (Article 10, *Immigration Act*)

In other words, the shortest time for foreign spouses to get citizenship is only four years. Living and working in Taiwan without citizenship rights will create more unpredictable plights

and make mainland spouses vulnerable (Hsia, 2008; Chen, 2015). For example, mainland spouses who are not Taiwanese citizens have to endure domestic violence from their husbands to ensure their marriage is not broken to further pursue citizenship. In addition, if they encounter workplace harassment or violence, they feel powerless to defend their rights through lawsuits. Consequently, the main claim of the mainland spouse community and advocacy groups is “reducing six years to four years” to get equal treatment with foreign spouses.

In 2012, the Mainland Affairs Council, the specialized administrative agency addressing cross-strait affairs in the ROC, proposed an amendment aiming to reduce two waiting years for mainland spouses. It was supported by many NGOs and grassroots advocacy groups. However, the Legislative Yuan did not consider this amendment until 2016 and this amendment was put to a vote and failed to pass (Tsai, 2016). Until now, this claim remains an unfinished agenda.

Figure 1&2: Mainland spouses gathered outside the Legislative Yuan to demand to reduce the six years to four years.



(November 15, 2015, *Hard Labor Network*)



(June 27, 2016, *Want Daily*)

“Don’t Call Me Mainland Brides”

In Taiwan, the word people use to call Chinese women who marry Taiwanese men is different in different situations and periods. It can be divided into three types. First type:

Dalumei and *China/Mainland Brides* which contain stigma and discrimination.¹⁷ These two names are linked to the negative impressions and prejudice from Taiwanese society. In news reports, *mainland brides* are framed as typical bad brides, who are not model wives and mothers that Taiwanese society expects and welcomes (Shu, 2011). Second type: *Mainland spouses* which is the official name in the legal documents. This official name is embedded in the framework of social integration and social welfare that images mainland spouses as the model women and citizens who allegiance to their families and Taiwan (i.e., a state) (Shu, 2011). Third type: *New Immigrants/Newcomers* which is an emerging official name along with the rising of immigration and human rights movements aims to reduce stigma, stereotypes and discrimination.¹⁸ It includes foreign spouses from everywhere and usually refers to spouses from Southeast Asia. Some mainland spouses would use the name, *New Immigrants*, as the representative of their new identities.

In the last two decades, mainland spouses, foreign spouses and many women/immigrant groups have attempted to advocate for renaming movements. For example, in 2003, the Awakening Foundation held a press conference named "*Don't Call Me Foreign Brides*" to appeal for the term *new immigrants*.¹⁹ In 2005, the book *Don't call me foreign brides* was published, which involved five articles written by mainland spouses to tell themselves lived experiences and their stances to refuse the name of mainland brides.

Naming is one of the means to separate outsiders from insiders in a community (Shu, 2011). In addition, the meaning of the name is framed in the context of social, political and economic structure. Therefore, naming practice could replicate and even reinforce the existing

¹⁷ *Dalumei* (大陸妹) refers to the girls/women who come from mainland China.

¹⁸ In Chinese: 新住民

¹⁹ In this press conference, the name "foreign brides" included "mainland brides".

hierarchy in human society. For instance, the names, *dalumei/mainland brides/mainland spouses*, respond to Taiwan-mainland China opposition and gender division of labour in the private sphere by emphasizing two representative roles: mainlanders and women. However, naming practice also “provides an opportunity to disentangle the complexity of the concepts ‘identity,’ ‘becoming,’ ‘belonging,’ and ‘choice’”, which further provides the space for empowering (Rom & Benjamin, 201: 1). The claim about “don’t call me mainland brides” is more associated with identity politics and aims to eliminate prejudice and hostility in the sociocultural dimensions.

Figure 3. “Don’t call me foreign brides” press conference.



Source: *Awakening Foundation*, 2003

“Let Us Go Back Home”

The global outbreak of the Covid-19 pandemic since 2020 has engendered new plights for mainland spouses and their families. Kenwick and Simmons (2020) point out that “pandemics are imbued with the politics of bordering” (pp.1). Borders closures and restrictions have been the most regular means to deal with the global health crisis (Kenwick & Simmons, 2020). In Taiwan, the government also strengthened border control such as international travel restrictions and border closures to respond to Covid-19. Nevertheless, the border governance policies in Taiwan are tied closely to the context of cross-strait and international politics which creates more discrimination and hostility towards mainland spouses and their families during the pandemic.

On March 19, 2020, Taiwan restricted the entry of non-citizens, except for people who hold residency permits or obtain other forms of special permission.²⁰ Countless mainland spouses without residency permits and their children who are not Taiwanese citizens were not allowed to come back to Taiwan in the name of pandemic governance. For humanitarian considerations, the special permissions were opened to foreign spouses without residency permits and other foreigners on the grounds of visiting their families.²¹ However, mainland spouses without residency permits rarely obtained this special permission. Family union was tough to achieve under increasingly strict border controls.

Furthermore, the rights of *Xiaoming* were also violated under this exclusive policy.²² *Xiaoming* is a new name that emerged during the Covid-19 pandemic. It originally was a general nickname referring to all kids, particularly the boys. On Feb 11, 2020, the president of the Mainland Affairs Council of ROC used the name *Xiaoming* to call the mainland spouses' children who have residency permits but are not Taiwanese citizens in a press conference.²³ *Xiaoming* study and live in Taiwan with their parents. Before Covid-9 broke out, they visited families in mainland China and were not allowed to come back to Taiwan because of border control after the pandemic spread. *Xiaoming* without Taiwanese citizenship were not eligible to return to home and school in Taiwan even though their parents went back to Taiwan. Therefore, mainland spouse advocacy groups made their rights claims to seek family reunification.

²⁰ Source: Ministry of Health and Welfare. Available from: <https://covid19.mohw.gov.tw/ch/sp-timeline0-205.html>. [Accessed on Feb 15, 2023]

²¹ Source: Ministry of Foreign Affairs, Available from: <https://www.boca.gov.tw/cp-56-5690-78bce-1.html>. [Accessed on Feb 15, 2023]

²² In Chinese: 小明

²³ Source: Central Epidemic Command Center (Taiwan) Available from: <https://www.youtube.com/watch?v=omjq2cf6fVg>. [Accessed on Mar 20, 2023]

The principal claim is that unless mainland spouses and *Xiaoming* were positive for Covid-19 diagnosis, it is illegal to prohibit mainland spouses and *Xiaoming* from entering Taiwan in accordance with the *Cross-strait Act* (Tsau & Guo, 2020). Their claims are rooted in the *ROC Constitution* and *Implementation Act of the Convention on the Rights of the Child*, which guarantee the freedom of family reunification and children's rights that shall not "be separated from his or her parents against their will" (Article 9, *Convention on the Rights of the Child*). Eventually, *Xiaoming* under 18 years old were enabled to enter Taiwan again in August 2020 and mainland spouses without residency permits were allowed family reunification in September 2020.

Graph 4. Mainland spouses' street petition for family reunification



Source: *The Reporter*, 2020

In fact, the aforementioned cases are not covering all the mainland spouses' rights claims. Albeit some previous claims have been addressed (e.g., access to working rights; reducing the waiting time from 8 years to 6 years etc.), there must be new issues emerging in different historical situations. Firstly, mainland spouses' rights claims and rights movements are derived from the fact of rights violations. Hence, as long as the structural issues (i.e., the social and cultural attitudes influenced by political ideology, the unequal gender structure, unequal provisions in the legal system etc.) are not addressed, mainland spouses will still encounter rights

violations and have to make rights claims continuously. Secondly, mainland spouses are not a homogeneous group. They have disparities in various dimensions such as class, age, education, political standpoints and so forth (Chang, 2004). Hence, their rights claims are bound to be not static in order to respond to the intersectional roles of mainland spouses.

Right Claims as Part of Immigrant Movements in Taiwan

Mainland spouses' have made rights claims for more than two decades. Their continuous collective claims and actions are a political process which improves the social movement of immigrant rights, and vice versa. During this process, what strategies do mainland spouses employ to make it possible to develop rights movements? What is the characteristic of their rights claims? To answer these questions, it would be better to discuss spouses' rights claims in the framework of social movements. Social movements are understood as "networks of informal interactions between a plurality of individuals, groups and/or organizations, engaged in political or cultural conflicts, on the basis of shared collective identities" (Diani, 1992:1). Political sociologist Charles Tilly (2018) argues that the social movement is the result of these three elements:

1. social movement campaign: a sustained, organized public effort making collective claims on target authorities;
2. social movement repertoire: combinations from among the following forms of political action: creation of special-purpose associations and coalitions, public meetings, solemn processions, vigils, rallies, demonstrations, petition drives, statements to and in public media, and pamphleteering; and
3. WUNC displays: concerted public representations of WUNC: worthiness, unity, numbers, and commitment on the part of themselves and/or their constituencies (pp.6).²⁴

Mainland spouses' rights defender activities are equipped with the three elements based on Tilly's arguments. Firstly, as a social movement campaign, mainland spouses make claims

²⁴ WUNC is the abbreviation for the four words "worthiness, unity, numbers, and commitment" in Tilly's statement.

about different issues including accessing citizenship, working, family reunions, anti-domestic violence and so on. For decades, they share the core objective of amending the Act. Their collective plights stemmed from the unjustified social structure and legal system. Therefore, making collective claims about amendments against Taiwanese political authorities including Executive Yuan and Legislative Yuan provides the fundamental guarantee for mainland spouses' defence of human rights.

Secondly, mainland spouses have developed various political actions as strategies for making the rights claims:

A. Street politics: street politics includes rallies, sit-in and street petitions and other forms of political demonstrations. Mainland spouses' street protest is the most common means to make the rights claims. An example is what happened in 2002. In 2002, Mainland Affairs Council proposed an amendment to the *Cross-strait Act* which aimed to prolong the waiting period for mainland spouses to obtain Taiwanese ID cards. In 2002, the original procedure for mainland spouses to become citizens was eight years during three periods: a two-year visiting family period, a four-year family reunion period and a two-year spouse residency period. In 2002's amendment, a new period, a three-year long-term residency period, was added to the *Cross-strait Act*. Mainland Affairs Council explained the reasons for extending the waiting time from eight years to eleven years: "there are more than 170,000 cross-strait marriages and Taiwan as a whole needs time to digest and integrate this population."²⁵ Mainland spouses were not persuaded and then they had three massive rallies, processions and sit-in to protest against the Mainland Affairs Council's amendment to extend the residence period from eight to eleven years. According to

²⁵ Tsai Ing-wen, the chairman of the Mainland Affairs Council at the time, explained the reason for the extension in December 2002. Available from: <https://www.mac.gov.tw/cp.aspx?n=A79618AB3680715C>. [Accessed on Mar 10, 2023]

Chao's (2006) fieldwork, the first rally had around 800 people, the second one had 200, and the last had more than 1,000. These three street rallies were regarded by media and authorities as the first massive street protesting movement whose primary participants were mainland spouses (Chao, 2006: 91). Mainland spouses' protest movement lasted around one year from Oct 2002 to Sep 2003. Eventually, that amendment was not passed by Legislative Yuan and the waiting period for obtaining citizenship was preserved at eight years.

B. Create associations and coalitions: many organizations and associations have been established to safeguard and fight for mainland spouses' human rights, including *the Marriage Association of Two Sides of China* (2007) and the *China Cross-Strait Marriage and Family Service Alliance* (2019). There are other ally groups in gender, migration, and labour issues, such as *Taiwan Association for Human Rights*, *New Immigrants Labor Rights Association*, *Awakening Foundation*, *TransAsia Sisters Association Taiwan (TASAT)* and so forth to work together in the defence of human rights. In 2003, *Alliance for Human Rights Legislation for Immigrants and Migrants (AHLIM)* was established to advocate for law amendment to protect marriage migrants' and migrant workers' rights.

Lastly, mainland spouses' rights movements showcase the WUNC principles. It is one of the strategies to legitimate their rights claims by emphasizing four factors: worthy of respect (the idea of natural rights: people born with equal rights); unity (shared plights and lived experiences); number advantages (mainland spouses account for the biggest part of immigrants in Taiwan) and commitment (loyalty and contributions to Taiwan).

Tarrow (2018) divides three broad categories of collective actions: *disruption*, *violence*, and *contained behavior* (pp.99). The action strategies mainland spouses used are non-violent and non-disruptive. In other words, mainland spouses' rights movements are *contained* collective

actions. The *contained* strategy poses fewer challenges to power structure than violent and disruptive ones because this strategy underlines the acceptable and legitimated means of action, such as processions, vigils, rallies and other political actions aforementioned (Tarrow, 2018). In the context of Taiwan, two core reasons affect the contained characteristic of mainland spouses' strategies for making rights claims and taking collective actions. Firstly, the political culture and space of mainland spouses' origins (i.e., mainland China) limit the imagination and practice of citizenship rights. Civil learning in the public sphere plays a key role in cultivating democratic citizenship rights (Gert, 2013). In other words, civil society provides preconditions to exercise citizenship rights. Mainland China lacks the democratic space to cultivate mainland spouses' civil participation. Mainland spouses perpetuate the emotional structure of fear of state power even residing in Taiwan and making rights claims and participating in collective actions are the new lesson they learn in Taiwan (Chao, 2006). Therefore, starting with the gentle strategy can be treated as the result of rational choice.

Secondly, mainland spouses' contained strategy is also shaped by the ideologies of nationalism. In mainland spouses' rights protection practices, one common Taiwanese nationalism discourse is dividing mainland spouses into two opposite groups: love Taiwan or not. For example, When the YouTuber *Shangguanluan* appealed for cancelling the provision about the cancellation of household registration in mainland China after gaining Taiwanese household registration and passport, she said: "it is dangerous for mainland spouses who love Taiwan to return to mainland China. They will face potential political persecution from China authorities if they publicly express their praise and loyalty to Taiwan."²⁶ Therefore, she appeals for protecting the rights of mainland spouses who love Taiwan. In Chao's (2006) fieldwork, she

²⁶ In Chinese: 上官亂. YouTube video available from: <https://www.youtube.com/watch?v=E-3t6VDGZ0U&t=787s>. [Accessed on Feb 20, 2023]

also points out the performativity in mainland spouses' political actions. Mainland spouses display their love in intimacy and love for Taiwan (i.e., both in the private and public sphere) to legitimate their rights claims. The emotional performance is to respond to the imperative from nationalism to demonstrate they are parts of the imagined community of Taiwanese. Therefore, the strategy of making rights claims is bound to be contained to seek more support from the Taiwanese public and authorities in the context of increasing Taiwanese nationalism.

To conclude, mainland spouses' practices of rights claims are parts of immigrant/human rights movements in Taiwan. They conduct sustained collective rights claims (e.g., seeking a legal amendment) on Taiwanese authorities and developed rights movements. They apply several movement strategies to making rights claims, including participating in street politics, creating associations and coalitions and displaying the WUNC principles. However, their strategies in the rights movement are affected by the political culture in their origins and discourse of Taiwanese nationalism.

Conclusion

Cross-border marriage migration is a complex phenomenon that involves various sociological topics such as uneven economic development, political relations, gender inequality, policymaking, and migration justice. Asia is a hotspot area in marriage migration research due to the increasing number of intra-Asian marriage migrants since the 1980s. Taiwan is one of the dominant advanced countries in Asia that has attracted numerous marriage migrants from mainland China (i.e., mainland spouses) and Southeast Asian countries (i.e., foreign spouses). Mainland spouses have become an increasingly significant demographic community in Taiwan, and new social issues related to their human rights have emerged in the last few decades due to social, political, and cultural transformations in Taiwan.

This research paper focuses on mainland spouses' human rights issues in Taiwan and investigates their experiences with rights violations and claims to gain a better understanding of the complex conditions of marriage migrants' human rights in transnational mobility. The paper has two focal points. Firstly, despite sharing similar language, ethnic, and cultural backgrounds with Taiwanese, mainland spouses face systematic human rights violations in the legal system and social culture. Therefore, the first focal point of this paper is to analyze the status quo of mainland spouses' human rights and examine the reasons for these violations. Secondly, mainland spouses are not just victims; they also attempt to fight for their human rights in various ways by making rights claims. Thus, the second focal point of this paper is to explore mainland spouses' human rights claims and the ways in which they make these claims.

In summary, this research paper aims to answer two main questions: (a) what is the current condition of mainland spouses' human rights in Taiwan, and why are their rights being

violated? and (b) what are mainland spouses' human rights claims, and how do they make these claims?

In Chapter 1, the conditions of mainland spouses' human rights issues are examined under the legal framework. Mainland spouses are often regarded as second-class citizens due to the influence of Taiwanese nationalism, a Taiwan-centered ideology that emphasizes national security and social stability while excluding and exhibiting hostility towards mainland China. *The Act Governing Relations between the People of the Taiwan Area and the Mainland Area* imposes rigid provisions that restrict the citizenship rights of mainland spouses. The convoluted and time-consuming administrative procedures (e.g., interview; long-time waiting period to get citizenship) involved in obtaining citizenship rights pose a significant challenge for mainland spouses. Additionally, even after acquiring Taiwanese citizenship, mainland spouses continue to possess limited and graduated citizenship rights. The population of mainland spouses is predominantly female, making them a highly feminized group whose rights, such as gender-based violence, are frequently disregarded by both the legal system and patriarchal social culture. Taiwanese nationalism and patriarchal social hierarchy are interwoven to regulate and control mainland spouses. The expectation for mainland spouses is that they behave as ideal wives who are loyal and obedient to Taiwan, their Taiwanese husbands, and their families in Taiwan. Consequently, the human rights violations experienced by mainland spouses are primarily institutional in nature and often occur within the legal system.

In Chapter 2, I examine three cases related to mainland spouses' rights claims, which aim to respond to both institutional and sociocultural issues they faced. Mainland spouses advocate for the amendment of laws and policies to gain institutional support, as evidenced by the “*Reduce Six Years to Four Years*” movement and their demand for adjustments to the family

reunion policy during the pandemic. They also strive for social acceptance and recognition to fight against discrimination from the public and authorities, as demonstrated by their demand for the renaming of the term “mainland brides” used to refer to them. Through the analysis of these cases, I found that social movements are a crucial means for mainland spouses to make their rights claims. Mainland spouses employ various strategies in their rights movements, including street politics, creating associations and coalitions and highlighting the worthiness, unity, numbers, and commitment on their part of themselves. However, their action strategies are contained and non-disruptive, which is influenced by the discourse of Taiwanese nationalism. As mainland spouses are often excluded from the “limited imagined community” of Taiwanese due to anti-China/Mainland sentiments in Taiwanese nationalism, they attempt to join this imagined community to ask for more equal citizenship rights and other human rights.

Overall, this research paper provides an in-depth analysis of mainland spouses' human rights issues in Taiwan. It highlights the human rights challenges faced by mainland spouses and their efforts to claim and fight for their rights. It calls for the amendment of laws and policies that restrict mainland spouses' citizenship rights and the promotion of gender equality in the legal system and social culture. It also underlines the need for a more inclusive and diverse imagined community in Taiwan that recognizes the rights of all individuals including mainland spouses. Lastly, this research paper regarding a case study in Taiwan also provides the opportunity to understand the complex conditions of marriage migrants' human rights in the context of transnational migration and mobility.

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Appendix A

Acronyms and Abbreviations

AHRLIM	Alliance for Human Rights Legislation for Immigrants and Migrants
CCP	Chinese Communist Party
DPP	Democratic Progressive Party
KMT	Kuomintang
MATSC	Marriage Association of Two Sides of China
PRC	People's Republic of China
ROC	Republic of China
TASAT	TransAsia Sisters Association, Taiwan
WUNC	Worthiness, Unity, Numbers, and Commitment

Appendix B

Data Resources

Types	Sources
NGOs, Foundations, and Advocacy Groups	Awakening Foundation 婦女新知基金會
	Taiwan Association for Human Rights 台灣人權促進會
	New Immigrants Labor Rights Association 新移民勞動權益促進會
	Marriage Association of Two Sides of China 中華兩岸婚姻協調促進會
	Alliance for Human Rights Legislation of Immigrants and Migrants (AHRLIM) 移民/移住人權修法聯盟
	Hard Labor Network 苦勞網
Legal Documents	<i>The Act Governing Relations between the People of the Taiwan Area and the Mainland Area</i> 臺灣地區與大陸地區人民關係條例
	<i>Regulations concerning Permits of People of the Mainland Area Entering the Taiwan Area</i> 大陸地區人民申請進入臺灣地區面談管理辦法
	<i>Regulations concerning Permits of Long-term or Permanent Residence of People of the Mainland Area Dependent on Relatives in the Taiwan Area</i> 大陸地區人民在臺灣地區依親居留長期居留或定居許可辦法
	<i>Immigration Act</i> 入出國及移民法
	<i>Nationality Act</i> 國籍法
	<i>Household Registration Act</i> 戶籍法
YouTube Accounts	Anxious Housewife Lia 焦慮主婦 Lia
	Shangguan Luan 上官亂
	Dajingzi 大靜子