

South Helps South; A Bridge between Oceans: The Role of Southeast Asian Migrant Workers and Marriage Immigrants in the New Southbound Policy

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Abstract

The DPP government has set out a New Southbound Policy on the basis of “putting people first,” and forwarding a people-centered agenda, marking the importance of the role of Southeast Asian migrant workers and marriage immigrants in Taiwan. This article argues that by strengthening Southeast Asian and South Asian experience and connections, and advancing mutual benefits and bridging the nodes between India and the Pacific, Taiwan will be able to develop her cultural and business influence and serve as an example of successful democratization for her southern partners. In fact, there is a need to transform the existing policy by changing the harsh control of immigration it entails. This amounts to discarding the bondages of ethnicity and nationality, and assuring basic human rights for all

migrant workers and marriage immigrants. The first step should be to rename “run-away laborers” “free undocumented migrants,” and to offer them an amnesty as a sign of compassion and justice. Taiwan’s participation in international civil society will yield fruitful results, if, in a spirit of associationalism, it is founded on showing greater respect for the human rights of Southeast Asians.

Keywords: New Southbound Policy, Migrant Workers, Marriage Immigrants, Critical Associationalism, Double Absence.

I. Introduction

The DPP government approved a set of guidelines for the New Southbound Policy on August 16, 2016. The guidelines officially outline the policy’s long-term goals as the promotion of Taiwan’s economic, technological and cultural connections with Southeast Asia, South Asia, Australia and New Zealand, in order to facilitate the sharing of resources, talent and markets. In the short and medium term, one of the goals of the policy is to expand two-way exchanges in investment, tourism, culture and human resources. The policy has also set up standards for implementation in pushing for regional connections in terms of soft power, supply chains, regional markets and people-to-people contact. Furthermore, to expand the talent pool, the guidelines advise the adoption of a compound strategy of talent cultivation and education, employment of new immigrants’ endowments, and fostering multi-language professionals. The Ministry of Education soon followed the guidelines and arranged to provide educational resources for second-generation immigrants, to allocate more scholarships for foreign students and to encourage museums in Southeast Asia to exhibit the collections of Taiwanese museums. All of these items serve as key performance indicators.

The most distinctive feature of the New Southbound Policy resides in its talent-based component. President Tsai Ing-wen has argued that the New Southbound Policy is founded on the basis of “putting people first,” and forwarding a people-centered agenda, differentiating it from previous policies.

II. Contrast with the Old Southbound Policy

For the sake of public governance, retrospective examination of the old policy is useful for any new one to be successful. Since 1994, the KMT government carried out a series of Southward Policies which encouraged Taiwanese businesses to go to Southeast Asia. The main target of the policies was to avoid an over-concentration of Taiwanese investment in China. Investment in China aroused the government’s anxiety, since, as local enterprises became dependent on mainland China, Beijing would gain political leverage over Taiwan. Within its Southward Policies, the government selected the Philippines, Indonesia, and Vietnam as the new frontier bases of transnational industrial development. The KMT government provided economic aid to these three Southeast Asian countries – to help them set up industrial parks – and to Taiwanese enterprises which invested in the same countries.

Has the foreign direct investment of Taiwanese SME been influenced by state policies? Not surprisingly, there were indeed some enterprises which followed this policy. Most of them were large private conglomerates, state-owned enterprises and the KMT’s party-owned enterprises. They tended to abide by the state policy because of their alliance with the KMT state. This pattern of investment reflects the limits on the capacity of the KMT state to regulate outward investment. In addition, many Taiwanese businesses chose Malaysia rather than Indonesia, the Philippines or Vietnam to pursue FDI. This

also indicate the failure of the leadership of the KMT state.¹ In fact, Malaysia had not been selected by the KMT state as one of its new frontier bases of transnational industrial development. We may ask why the state failed to impose its policy and what attracted Taiwanese investors to Malaysia. The basic answer lies in the factor of human resources, specifically the dependence on the language skills of Taiwanese-educated Southeast Asian Chinese.²

In 2002, despite a change of regime, President Chen Shui-bian of the DPP continued the Southward Policy out of convenience, and urged Taiwanese businesses to divert investment not only towards ASEAN countries but also to India, Australia and New Zealand. However, whilst in general economic moves match political initiatives, yet owing to political antagonism between China and Taiwan and a poor climate for investment in the region, Taiwan's growing foreign direct investment in China became a factor influencing the 2008 and 2012 presidential elections, since it was interpreted as caving into China's hegemony.

The balance of power in Taiwan was altered partly due to rising labour costs in China and structural changes in Chinese industry, and partly to a resurgence in civil society in Taiwan itself, epitomised by the success of the student-led Sunflower Movement. The New South-bound Policy of the DPP government under President Tsai Ing-wen

1. I-Chun Kung, "Taiwanese Business in Southeast Asia," in Edmund Terence Gomez & Hsin-Huang Michael Hsiao eds., *Chinese Business in Southeast Asia: Contesting Cultural Explanation*. (UK: Curzon Press, 2001), pp. 146-165.

2. Kun-lu Wu & I-Chun Kung, "Mobilizing Chinese in Asia: The Management Practices of Taiwan Business in Southeast Asia," paper presented at the first Southeast Asian Studies in Asia Conference 2015 (Kyoto: Center For Southeast Asian Studies, Kyoto University, Japan, December 12-13, 2015), pp. 15-18.

embodies a new decision-making strategy. Whilst political and economic considerations doubtless remain unchanged, yet the immediate goal is to elevate the scope and diversity of Taiwan's external economy, and to depart from the path of increasing dependence on the Chinese market. Nonetheless, the New Southbound Policy is a multi-dimensional policy package which differs from the old one which targeted the limited goal of economic profit and the avoidance of political moral hazards. The New Southbound Policy sets out a platform for Taiwan to forge closer ties with countries in Southeast and South Asia as well as Oceania rather than focusing on a China-centered tributary relationship. The policy follows a talent-based initiative whereby Taiwan recognizes the countries of the South as its social partners in a globalized world. Taiwan seeks to build a network based on south-south reciprocity, and to make itself one bridge linking India and the Pacific. It is the human factor which differentiates the new policy from its predecessors.

In accordance with the slogan "putting people first," Taiwan needs to set up more contact with ordinary citizens throughout the region in order to improve public diplomacy. As a first step in creating diplomatic goodwill and also to strengthen the interaction between people, and lift the number of visitors to Taiwan, from August this year citizens of Thailand and Brunei have been allowed visa-free entry for stays of up to 30 days. This unilateral decision on Taiwan's part is to be implemented as a one-year trial program. It is a friendly, diplomatic exercise of soft power which should ease relationships.

The ideas and the goals revealed above also mark the importance of the role of Southeast Asian immigrants and foreign workers in Taiwan. There numbers have been increasing such that there are now more than 600,000 migrant laborers from Southeast Asia and other developing southern countries, amounting to 1 out of every 15 paid

employees in Taiwan. The decline of the birthrate in Taiwan has also led to female marriage migration, which has become a major source for new-born babies. There are more than 150,000 Southeast Asian new immigrants, mainly women who have arrived for marriage. Furthermore, 200,000 out of about 2 million school children in Taiwan, that is, one in every 10 students, are the children of new immigrants. However, owing to arbitrary regulations based on government stereotypes and to inaction derived from lack of concern shown by most citizens, these migrants and their families continually endure misunderstanding, inconvenience, sorrow and even despair in Taiwan. It is important to awaken the state to its responsibility for migrants from our southern partner countries and their children, if “to put people first” is not to remain mere lip service.³

III. Articulating A Web of Double Absence on the Basis of Critical Associationalism

In fact, the lasting and unanswered suffering of migrants in our society also originates from a neglect of existing social science literature on migration. In the 1970s, the French sociologist, Abdelmalek Sayad, showed that immigration has been construed as an “imposed problematic,” that is both conceptually and methodologically it is conceived as merely the sum of a combination of existing social problems. Taiwan tends to adopt a host-only perspective and view migration as a purely abstract phenomenon. Policies are formulated in response to topics such as “immigration and crime,” “immigration and education,” “immigration and the family,” “immigration and jobs.” Researchers focus on how immigrants adapt to the receiving

3. Edward White, “OP-ED: Time for Taiwanese Politicians to Take Migrant Issues Seriously,” *The News Lens*, August 25, 2016, <<https://international.thenewslens.com/article/47584>>.

society and how they might disrupt the existing social order. Researchers rarely probe into the social position of the immigrant population or their status in their original society. They seldom track the trajectories of the migrants' shuttle between their homeland and their host societies. Mainstream scholars follow a neoclassical model of understanding and put the emphasis merely on the individual cost-efficiency calculations of marriage migration or migrant labour. They tend to obscure group- and identity-based motives for crossing borders. They fail to construct the totality of the migration system or to forecast the pattern of future movements.⁴

Relying on the insight of the renowned Abdelmalek Sayad's study of Algerian immigrants in France, this article identifies similar spatial contradictions which Sayad calls "the double absence" to depict the trap into which migrants to Taiwan have fallen. Emmanuelle Saada explains Sayad's "double absence" as follows,

*On the one hand, the immigrant is always an emigrant – absent from the society of origin, and increasingly distant from it in cultural and psychological terms. On the other hand, the immigrant remains an outsider in the host society, subject to a residency status that is always conditional and revocable, and prevented from participating in civil society.*⁵

The double absence in fact deters the development of the life of marriage immigrants and migrant workers in Taiwan. The road to happiness

4. Emmanuelle Saada, "Abdelmalek Sayad and the Double Absence: Toward a Total Sociology of Immigration", *French Politics, Culture & Society*, Vol. 18, No. 1, Spring 2000, pp. 30-31.

5. Emmanuelle Saada, "Abdelmalek Sayad and the Double Absence: Toward a Total Sociology of Immigration," p. 37.

for tens of thousands of Southeast Asian women married to Taiwanese men comes up against the obstacle of regulations that reproduce embedded patriarchal ideology. People from Burma, Cambodia, Indonesia, Vietnam, Thailand and the Philippines who want to apply for a spousal visa must undergo a prolonged and detailed marriage interview in their own country. The investigative process stipulated by decrees, hidden quotas and inadequate administrative remedies is continued at the border in order to detect fraudulent arrangements. This leads to a denial of the human right of family reunion and reveals an underlying racism towards people from the developing countries of Southeast Asia on the part of Taiwan's government.

The requirements to be met for marriage immigrants to be naturalized are also problematic and are incompatible with the New Southbound Policy. The abstract requirement for the migrant to "behave decently" endangers the due process of law and widens the discretionary power of the administration. In addition, access to revision of administrative decisions is severely curtailed. Furthermore, applicants must renounce their original nationality in advance. This unreasonable requirement can leave them stateless risk if their application is rejected. Before attaining a residence permit in Taiwan, foreign spouses who commit petty offences or follow sexual practices outside heterosexual norms lose their spousal status and are deported back to their home country. Not only do formal procedural requirements reduce the autonomy of the marriage immigrants, informal controls present in the requirements for witnesses that accompany almost every moment of the application process further downgrade the wife to a mere appendage of her husband. All these rules should be reformed by the new government.

Sayad notes that "the acquisition of citizenship does little to change the immigrant's social condition." Unless full citizenship is

granted the immigrant always remains a foreign body in the host society.⁶ In Taiwan, even after a marriage immigrant gets a residence permit, there is a five-year observation period during which the government can withhold granting Taiwanese nationality if the person fails to conform to the provisions of the Nationality Act. When the minimum period of residence before citizenship is granted is added on, *de jure* a marriage immigrant must wait for nearly ten years, during which time her status is undecided.

Let us now turn to examine the more than 60,000 migrant laborers who contribute so much to Taiwan. Their legal status as migrant workers set out in the UN *International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families* is not recognized in Taiwan. One can take a look at the statistics compiled by the Ministry of Labor, and quickly discover that migrant workers are divided into two major categories: foreign workers in productive industries and foreign workers in social welfare, most of the later are domestic workers. Since the early 1990s, when the inflow of foreign workers could not be curbed, blue-collar laborers have gradually become a necessity in industry and construction, whilst the government reluctantly introduced a guest worker scheme to provide domestic helpers to meet the growing demand to care for children and sick or aging members of middle-class families. The scheme reflected the notion of immigration control. It treated migrant workers as contingent, complementary and temporary human resources to smooth over economic downturns. At the time, there was hardly any thought of recruiting immigrants of any kind.

6. Abdelmalek Sayad, *The Suffering of the Immigrant (La double absence. Des illusions de l'émigré aux souffrances de l'immigré)*, trans., David Macey (Cambridge: Polity, 2004), pp. 227-252.

IV. Human Rights Matter

Under the existing system, most migrant workers do not enjoy the same conditions of work as nationals do. However, after 25 years, migrant workers have become indispensable, a primary and permanent feature of various industries and in the welfare sector. Furthermore, in an era of globalization, the policy of cutting costs followed by Taiwanese employers is already at a dead-end, while attempts to resolve the social issue of migrant workers has been delayed of too long. It is time to stop thinking in terms of immigration and to consider the human rights of all migrant workers. To do so in conjunction with the New Southbound Policy would seem to be both reasonable and inevitable.

What is to be done first? Strategically, the best choice would be to tackle the root of the problem, namely the ingrained xenophobia in this country and then to proceed to develop decent human interaction with our southern counterparts. Legislative action to improve the lot of migrant workers would provide an initial boost. During the previous session of the Legislative Yuan, amendments to the Employment Service Act were passed under the leadership of the Social Welfare and Environmental Hygiene Committee. One of the amendments removes an existing requirement for blue-collar migrant workers, including many domestic helpers, home caregivers and industrial employees, to leave the national territory every three years. The new Act also guarantees 21 days of paid leave for migrant workers and obliges the employer to consent. The old system had been denounced as a form of exploitation in that it functionally required migrant workers to pay high broker fees to employment agents every time they left the country. This imposition added to the severe conditions of work, by which industry profited from the living bodies of the workers. Facing strong opposition from employers' groups and employment

agencies, the new Legislature finalized the amendments and stepped out on a journey that had been delayed for a long time.⁷

Still, for more than 10,000 migrant laborers from our southern partners who work in Taiwan's fishing industry, the road is much rougher. Although they are covered by the new regulation, yet in practice enforcement is liable to be weak so long as the illegal, unreported, and unregulated conditions of work reported by the European Union last October prevail. Forced labor and the abuse of human rights at sea have been criticized by concerned bodies year after year, but without any government intervention, the conditions of work for migrants on fishing boats have gradually deteriorated. The lack of protection for these migrant workers amounts to institutionalized exploitation on Taiwanese-flagged fishing vessels. Since most of the workers are from Southeast Asian and South Asian countries, the exploitation and abuse by Taiwanese crew would appear to be due to chauvinism.⁸ If it is ignored and stories of Taiwanese notoriety are allowed to spread internationally, this would certainly damage the marketing and the image of the New Southbound Policy. Urgent improvement will depend on the sufficient allocation of resources, effective monitoring, control and surveillance of the long-distance fleet and consistent implementation of the newly enacted decrees.

Besides the intolerable irregularities embedded in the fishing industry, the situation of most migrant laborers in Taiwan is in need of improvement. For example, more than 210,000 caregivers and

7. "Southbound Policy Meets Xenophobia," *Taipei Times*, July 7, 2016, page 8.

8. Greenpeace, "Made in Taiwan: Government Failure and Illegal, Abusive and Criminal Fisheries," April 2016, *Greenpeace*, <<http://www.greenpeace.org/taiwan/Global/taiwan/planet3/publications/reports/2016/Taiwan-Tuna-Rpt-2016.pdf>>.

nursing workers from abroad are not covered by the Labor Standards Act and consequently can be paid below the minimum-wage (the monthly wage was raised to NT\$17,000 last year). It is ridiculous to claim, as the Ministry of Labor did, that these workers were excluded from the Act because inspection of the conditions of work of domestic workers is impossible. Most of these domestics reside in their employers' homes and often work long hours because they are confined indoors and subject to continual demands on their services. They are vulnerable to the risk of all kind of abuse from their employers, whether sexual harassment, physical punishment or psychological bullying, and so stand in a position of asymmetrical information. Their right to retain possession of their own documents, including their passport, other identity documents, Alien Residence Certificate and work contract must be respected by the brokerage agency and employer.

V. Discarding the Bondages of Ethnicity and Nationality

Other migrant workers commonly face certain problems owing to a lack of labor rights protection. Although the MOL created a direct hiring service center at the end of 2007, without supporting measures to cut down the cost or trustworthy letters of recommendation, migrant workers can still not negotiate with their employers or switch jobs easily. Since most contracts fall under the control of international brokerage agencies, whereby individual workers are employed as a member of a group, they are not permitted to act on a case by case-basis. Moreover, they lack sufficient legal support from either their home country or Taiwan. Many of them are already in debt in their country of origin as a result of the initial high recruitment fee. The threat of repatriation by the brokers or employers further widens the information gap. Because of the above-mentioned mechanisms of control, the rights at work of migrant workers are regularly violated

by short-sighted employers. Violations include unpaid overtime, excessive working hours, unreasonably strenuous work and extorted wages. Yet migrant workers seem to be faced with no other alternative than to bear their existing burden.

The last resort for migrant workers who can no longer stand their depressing and exhausting conditions of work is to flee their employer. In the eyes of the law they become ‘undocumented migrant workers’ in an irregular situation. Even when they find another job, their status as undocumented leaves them vulnerable to abuse.

If to implement the New Southbound Policy is to put people first, the government and people of Taiwan should address the challenge of the human rights discrepancy between migrants and citizens and take measures to solve all the problems mentioned above.

Ratification of the UN *International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families* may be the cornerstone for doing this. We do not need to create new rights for migrants. We simply need to guarantee equality of treatment, and the same conditions of work for migrants and nationals. This implies an end to inhumane living and working conditions, prevention of physical and sexual abuse and degrading treatment, guaranteeing migrants’ rights to freedom of thought, expression and religion, guaranteeing migrants’ access to information on their rights, ensuring their right to legal equality, which implies that migrant workers are treated according to correct procedures, that they have access to interpreting services and are not sentenced to disproportionate penalties such as expulsion, guaranteeing migrants’ equal access to educational and social services, and ensuring that migrants have the right to participate in trade unions. The human rights of undocumented migrants must be respected just as are those of all other human beings.⁹

Under the umbrella of the Convention, many modest measures may be undertaken as a first step. The first step should be to rename “run-away laborers” “free undocumented migrants,” and to offer them an amnesty as a sign of compassion and justice. In addition, by channeling resources and using the existing policy instruments more wisely and thoroughly we can solve most of the above-mentioned problems. Passing amendments in accord with the Convention is another important task. For example, domestic workers should be covered under the labor standards law, like all other migrant workers are, and they should receive a just wage according to the rules for the minimum wage. Steps should be taken to monitor closed work spaces such as the residences of domestic workers and fishing boats, so as to improve living conditions and to respect their privacy. If needed, sunset clauses, sunrise clauses and defaulting on contracts are all good policy instruments to push matters forward in a practical way.

In the future it is essential to hasten the negotiation process in order to establish MOUs with the governments of the migrants’ countries of origin and so promote social protection measures for all workers. At the same time, establishing a direct government-to-government channel for processing migrant workers would increase competition with the brokerage agencies and hence lower broker fees through the market.

Short-term measures are ultimately not as effective as protecting the rights at work of migrant workers, especially their right to solidarity. Solidarity means helping voluntary groups with Southeast

9. United Nations, “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,” *Treaty Series*, Vol. 2220, Doc. A/RES/45/158, December 18, 1990, p. 3.

Asian experience and connections, including groups which work with marriage immigrants and migrant workers, to act collectively and stand up for the workers themselves. Michael Walzer pictures “critical associationalism” as a society “of people freely associating and communicating with one another, forming and reforming groups of all sorts, for the sake of sociability itself.” That is the ideal in which the needed balance can be given. “In the associational networks of civil society, in unions, parties, movements, interest groups, and so on, these same people make many smaller decisions and shape to some degree the more distant determinations of state and economy.”

State matters even in this set of settings. Walzer explicates as follows: “citizenship is one of many roles that members play, but the state itself is unlike all the other associations. It both frames civil society and occupies space within it. It fixes the boundary conditions and the basic rules of all associational activity (including political activity). It compels association members to think about a common good, beyond their own conceptions of the good life.” Thus, in our proposal, the state can support people who organize events and sustain minority groups in whatever they intend to do. The state can also channel resources to protect minority groups to defend their own rights against strong and established groups.¹⁰ In fact, in Taiwan, there are Development Funds for Immigrants and an Employment Stability Fund under the supervision of government Ministries. These are two powerful policy instruments and should be used more.

VI. From Double Absence to Double Presence

Nevertheless, there are several advantages to constructing a

10. Michael Walzer, *Thinking Politically: Essays in Political Theory* (New Haven & London: Yale University Press, 2007) pp. 123-131.

multicultural republicanism in Taiwan, so that she can contribute her soft-power to create an innovative economy across Asia. First of all, Taiwan evolved from being a colony of Japan to become an independent country, and has made herself clear in overcoming historical animosities or grievances with all her friends in the south. Notwithstanding, there are various kinds of social groups, with different Southeast Asian experiences and connections, waiting to be extracted. In addition to migrant workers and the members of the families of marriage immigrants there are Taiwanese-educated Southeast Asian students, and Taiwanese children who have grown up in Southeast Asian countries who are all treasures in the talent pool. In offering special preferences to any given group, the best strategy for the state to adopt is to support the establishment of support groups for marginal communities and assist them in networking. However when assigning resources for protection of victims, efforts must be made to avoid unintentionally stigmatizing members of particular groups which may have been responsible for the suffering endured. Thus the double absence of migrants will turn out to be a double presence. Second, in terms of talent interaction, as a newly-industrialized country Taiwan has excelled in her network which includes a learning-based economy. Taiwan also has highly admired accomplishments in education and industrial training to offer.¹¹ This is an advantage in pushing for regional connections in terms of soft power, supply chains, regional markets and people-to-people contact. Third, as a country with a third-wave democratized regime, Taiwan has a flourishing third sector of voluntary associations. Take, for example, the Minh Duc Charitable Foundation from Taiwan which has regularly been offering free medical clinics in Vietnam and which has earned a good reputation. Another example is Four-Way Voice, a social enterprise Newspaper

11. Alice H. Amsden & Wan-wen Chu, *Beyond Late Development: Taiwan's Upgrading Policies* (Cambridge & London: The MIT Press, 2003), p. 17.

which reaches tens of thousands of Southeast Asian migrants through words and pictures. Last, but not least, modern multiculturalism is not only a top-down process inaugurated by the state and political groups but also is gradually embedded in everyday life. Although there is room left for recognizing immigrants' cultural heritage, a number of active immigrant women have invoked multiculturalism to assert their equality and defend their cultural autonomy in daily life.¹² Taking all these advantages together, it is highly possible for Taiwan to play a role in cultural and technical exchanges so as to form a bridge between India and the Pacific.

In the realm of political and social reform, upon the basis of a so-called peaceful revolution, Taiwan is qualified to be a good example in the Asia-Pacific developing world. This is not a small enterprise, as Diamond indicates, "no region of the world exhibits greater variation in regimes than does Asia." And "Asia will determine the global fate of democracy in the next two to three decades."¹³ However, without an improvement in the situation of Southeast Asian migrants, the deficiency in Taiwan's protection of human rights will be exposed and this will be self-destructive. Furthermore, failure to tackle the migrants' rights will diminish the human dimension of the New Southbound Policy. In contrast, as long as people in Taiwan can build a consensus that we are an immigrant society and that most of us are immigrants or descendants of immigrants, our participation in international civil society will expand and may drive us southward with the current and yield fruitful results.

12. Isabelle Cheng & Dafydd Fell, "The Change of Ruling Parties and Taiwan's Claim to Multiculturalism before and after 2008," *Journal of Current Chinese Affairs*, Vol. 43, No. 3, March 2014, pp. 87-98.

13. Larry Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies throughout the World* (New York: Times Books, 2008), p. 212.

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