

“We still have a long way to go”: On Taiwan’s Migration Regime since the 1990s

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Taiwan first opened the borders for Southeast Asian migrant workers in 1989 and institutionalized their recruitment three years later. In 1999, TIWA (Taiwan International Workers’ Association) was founded as the first local NGO to promote the interests of migrant workers in Taiwan. In 2003, TIWA and other organizations formed an alliance later known as MENT (Migrants Empowerment Network in Taiwan).

The following is an interview from September 6, 2023, with Chen Su-hsiang, founding member of TIWA, and Wu Jing-ru, who joined TIWA in its early years. Su-hsiang and Jing-ru trace how Taiwan’s labor migration policies have changed over the years and which role migrant workers’ demands as well as the support activities of TIWA and MENT have played in this development. This interview is part of [the interviewers’ investigation](#) into the situation and [struggles of Indonesian migrant workers](#) in Taiwan.

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The 1990s - The Beginning

We want to discuss the history of TIWA and MENT as well as the changes in migration policies and workers’ situations and actions in the last decades. This starts in the 1990s. Which developments of the migration regime eventually led to the founding of TIWA in 1999?

In 1992, the Taiwan government introduced the Employment Service Act, which regulated the hiring of foreign blue-collar workers. At that moment, the labor movement didn’t really know how to respond to this policy. Some labor organizations were against the import of migrant workers, others thought it was okay but only under specific conditions. But the labor movement was too weak to claim any adjustment of the policy, let alone stop it.

The Taiwanese labor movement also didn’t know how to interact with migrant workers. There were so many daily problems between local workers and migrant workers, and local workers didn’t know how to react properly. So, from 1992 to 1995, the situation was quite chaotic. People were learning while in conflict. In 1994, for the first time, the Taiwanese labor movement supported an action of migrant workers. In Taichung, Thai workers went on strike, and CALL (Committee Action of Labor Legislation or *gongweihui*), a left-wing group of labor activists that existed until 2005, supported this

strike.

After that event, CALL discussed internally on how to deal with the migrant issue. They recognized the frequent deportations of migrant workers, the cases of occupational injuries, and the labor disputes. CALL sent four organizers at different times to work inside the church organizations which, at that time, were taking care of migrant issues. These organizers wanted to turn individual cases into collective actions. They realized that working inside the church organizations had its limitations, so they discussed building an independent organization for migrants. In 1999, these CALL members established TIWA.

Around that time, what was the composition of migrant workers? And how was their situation different from today?

At the beginning, Taiwan had migrant workers of four nationalities: Indonesian, Filipino, Thai, and Malaysian. Vietnamese workers followed later. Soon, fewer and fewer Malaysian workers came to Taiwan because the Malaysian economy grew very fast.

There were more construction workers at first, because, in 1989, the government set up a special program to recruit migrant construction workers. Malaysian and Thai workers were hired to work for a six-year period on governmental construction projects.

There were not that many migrant caretakers in the beginning. At that time, Taiwan had not established any long-term care system, and individual families were left with the responsibility to take care of the elderly. In consequence, the number of migrant caretakers increased yearly. Now they make up one third of all migrant workers while factory workers make up the biggest group. Today, the caretakers are mainly from the Philippines, Indonesia, and Vietnam. Migrant caretakers are mostly female.

Initially, the Taiwanese government only allowed workers to sign a two-year contract. In 1997, that was changed to a two-plus-one year contract. In 2001, the overall period migrant workers could stay in Taiwan in total was raised to six years, in 2007 to nine years, in 2012 to twelve years, and in 2015 to twelve years plus two years for caretakers in case their employer agrees.

The period migrant workers could stay in Taiwan was extended mainly in order to satisfy the needs of capitalists and employers. The employers have to train workers, and if the workers exit the country and cannot come back again, employers need to train new workers. The government had emphasized that these migrant workers are not a permanent need for the society. It considers them just temporary workers. But actually, the society, all the industries, and the employers of caretakers cannot afford not to have migrant workers.

The conditions of the migrant workers were worse than now. The placement fees were completely unregulated, and it was very easy to deport workers. The brokers could just tell the workers to leave Taiwan instantly. Only in the late 1990s, the government established institutions to deal with migrant workers issues, for instance by introducing worksite inspections and complaint mechanisms, about the same time when TIWA was founded.

The 2000s - Adaptation

In 2003, TIWA aligned itself with other organizations concerned with migrant workers. They formed an umbrella organization, the "Promoting Alliance for the Household Service Act" (PAHSA). What was the purpose of that alliance?

When TIWA was established, it was the only organization from the labor movement that dealt with migrant workers. The other organizations were mainly church-based. After a high-profile accident in 2003, TIWA together with these church groups initiated PAHSA with the aim to launch a movement that not only focused on individual case help but also wanted to press for policy changes.

The tragic accident involved Liu Hsia, a famous writer and presidential advisor. Liu Hsia was disabled and had hired an Indonesian worker. Knowing that Liu Hsia needed her for every move, the Indonesian worker voluntarily sacrificed her days off. She went out only once a month to send money back to her family in Indonesia. The relationship between Liu Hsia and the Indonesian caretaker was very good. But one day, the worker thought there was an earthquake, a delusion and probably an effect of being overworked. She tried to carry Liu Hsia out of the house, but accidentally let her fall down, and Liu Hsia passed away.

TIWA tried to connect to the church-based organizations and address the general issues behind this case, namely that the domestic caretaker had no day off at all. TIWA discussed with these church-based organizations to form PAHSA and advocate for a Household Service Act, a law that protects the rights of household caretakers, including a minimum wage, limited working hours, and guaranteed continuous rest time.

Why was PAHSA renamed to MENT (Migrants Workers Empowerment Network in Taiwan) in 2007?

This was related to the Thai workers' riot in Kaohsiung. In August 2005, more than one thousand Thai workers who had been hired for the construction of the Kaohsiung metro staged a violent protest. Their employer and their broker had long restricted their freedom, mistreated them, and forced them to use tokens to buy daily necessities that cost more. PAHSA members held a demonstration in December 2005. In addition to supporting Thai workers' resistance to their violent treatment, they also characterized Taiwan's migrant labor policy as a contemporary form of slave labor.

So, the issues that we discussed among the alliance had gone beyond the Household Service Act and the caretakers' issues, and we thought that we should choose a name that is broader.

A major demand of TIWA and MENT has been the freedom to change the employer. How did that unfold in the 2000s?

We have demanded the free transfer of employers since 2003. Throughout the 1990s, workers whose contract was terminated before expiration were sent back to their countries. In 2002, the government introduced a transfer system which, under exceptional circumstances, allowed workers to transfer employers during a running contract, for instance, in the case of factory closure, harassment, or violence at the workplace. We kept on criticizing the fact that the migrant workers have no right to freely transfer employers.

At the end of 2004 and in early 2005, TIWA was also able to bring up a particular issue, namely the transparency of information during a transfer process under the transfer system introduced in 2002. When Fast Fame, an electronics company, relocated to China and closed down its factory in Taiwan, its Filipina migrant workers were transferred to new employers. We made two films about some of the Fast Fame workers and their fate, [*“Lesbian Factory” \(2010\)*](#) and [*“Rainbow Popcorn” \(2012\)*](#).

At that time, the transfer workers had no influence on where they would be transferred to. The workers were asked to stand on a stage, and the broker could pick the workers. Just like slave picking. The workers didn't know who these brokers were or who their employers would be. The

female workers were transferred to metal factories and to concrete factories. They felt terrible. At that time, employers could increase their quota, that is, the number of migrant workers they are allowed to hire, if they took workers who were transferred out of their previous employment, for instance, because of factory closure. These employers just took any transfer worker, no matter whether female or male, or whether they fit the job or not. When the workers quit and returned to the Philippines, the employers filled up their quota by rehiring other workers from abroad.

Along the way, the workers couldn't say no to all these arrangements. The workers complained, and we had a rally and press conference. Many media reported about this case, and in December 2005, the regulation was changed. Since then, the new employer has to provide information on the kind of job and the location of the employment, while the worker does have the right to refuse the arrangement if they don't want to work for the new employer assigned by the system.

After migrant worker groups' repeated demands and protests, in 2008, the restrictions for workers to change their employers was loosened to some extent. So, since 2008, migrant factory workers can switch employers before their contract expires, either under exceptional circumstances or if their employer agrees to the transfer. And, since 2013, migrant caretakers in private households can also transfer to new employers if they have the consent of their employers. So, there is still no real freedom of transfer. It is still controlled by the employer and needs to be authorized by the government.

The 2010s - Growth

In the 2010s, TIWA managed to align with other groups around the issue of long-term care. This is remarkable because these were groups outside the established circle of organizations that supported migrant workers. How did this alliance develop?

There was no connection between the migrant workers movement and the movement of the social welfare organizations. When in 2003 we advocated for the Household Service Act for the caretakers, we had already tried to talk to organizations of the disabled and elderly. But these organizations didn't want to have any discussions with us. We tried to explain that the issue of migrant caretakers is not the problem of the caretakers and those whom they take care of, but that this is a problem of the lack of responsibility on the side of the government. But back then our attempts were not successful. Most of the social welfare organizations prefer to cooperate with the government because they need to get state funds.

In 2013 we had a rally together with the Taiwan Association of Family Caregivers. They joined us to claim that the government's long-term care system is a "blood and sweat"-system involving migrant workers. For the first time we combined the domestic caretakers' issue and the long-term care issue.

Going back to screenings of the 2010 film "Lesbian Factory" about queer female migrants who had worked in the Fast Fame factory, we were approached by a queer disability organization, Disabled+Queer Group (*canku er*) that is part of the LGBT movement. They tried to get a better understanding of the migrant issue. We started to have a few discussion meetings to get to know each other and use the chance to reach a younger generation of disability activists. Since 2016, these disabled activists have joined some migrant workers' rallies in their wheelchairs.

Why is it so hard to make coalitions with other groups?

Let's take the unions. Most of the local unions ignored the migrant workers' issues for a long time. Even if union members are in the same factory with migrant workers, organizing migrant workers is

not on their mind. Some local workers say it is the language barrier, some see the migrant workers not as the same as them, and some say once the local labor movement has become strong enough it will also help migrant workers. This shows the conservatism of the Taiwanese labor movement. Only a small part among the local labor circles is concerned about migrant workers' rights.

The social welfare organizations are mostly in the position of employers. They rather manage and control migrant workers than treat them equally. Those who easily align or cooperate with us are human rights organizations and NGOs.

The one-day-exit rule was abolished in 2016. This rule stipulated that migrants had to leave the country when they complete their three-year contract. They had to pay again for placement and broker fees to come back and start a new contract. What made policy makers abolish this?

Even though we had pushed for ending the one-day-exit rule, we think that it was the employers who influenced the legislators to eventually abolish this rule. Especially the employers of caretakers had an interest in this because, in order to start a new contract, workers used to be out of the country not just for one day but for more than one month.

This meant that the families didn't have anyone they could employ for such a short period to help them. It would have been illegal to employ another migrant caretaker only for a short period. They also had difficulties to hire a Taiwanese worker during that period when their caretaker was out of the country.

So, the end of the one-day-exit rule was good for the employer and would at the same time give the government the reputation of being concerned with human rights. However, when the migrant workers were widely charged an illegal "referral fee" by brokers in case they renewed their contracts or changed to a new employer, the DPP government did nothing to stop that.

In the mid-2000s, the government introduced its New Southbound Policy that aimed at enhancing cooperation with Southeast Asian countries, including the sending countries of migrant workers. Has it affected migrant workers?

The New Southbound Policy has not really made the situation for migrant workers better. Rather, it opened new channels to recruit cheap labor from abroad, just that the workers now come under another label. For instance, workers are recruited as interns. There are many who pay a lot of money to get a student visa, but once in Taiwan, they are forced to work, for instance, in factories.

The 2020s - Pandemic and a Glance into the Future

Let's turn to the pandemic and the period when Taiwan closed the borders. For a while, few new migrant workers could be hired from abroad. How did this and the pandemic affect the workers?

In the beginning, migrant workers did not receive enough information. They didn't know where to get sanitizer, they didn't know where to get face masks. And brokers started restricting them and told them already before the lockdown: "You cannot go out anymore." The workers kept calling us to ask for assistance.

In the beginning, caretakers tried to transfer to factories. Since 2008, it has been possible for migrant workers to transfer to other sectors. In the factories, they get better salaries, have better

working conditions, there is time off work, and they can get out of their workplaces. Because the border was closed during part of the pandemic and factories were keen on getting cheap labor, the transfers were very easy in the beginning. Domestic workers could also ask for better salaries from their employers, because the employers could not hire new workers from abroad.

At that time, domestic workers' capability to bargain on the labor market increased. But this lasted only for a few months. The association of the employers of caretakers became angered. It accused the caretakers of inventing accusations in order to be able to transfer to a factory. The core members of the association are professors and lawyers, and the association used its power to influence legislators. The legislators pressured the Ministry of Labor. Then the policy that since 2008 had allowed migrant workers to transfer sectors was changed.

We organized several press conferences to express our protest and prevent this change, but we couldn't stop it. In August 2021, the Ministry of Labor announced new rules that banned the transfers across industries.

The pandemic was used as an excuse to restrict migrant workers for much longer than stipulated by the government regulation. Migrant workers in some factories launched wildcat strikes to contest these conditions. For the individual caretakers in private households, it was much more difficult to take a stance against this situation.

One other change that was made during the pandemic period, was that the government introduced the scheme for "semi-skilled" workers in 2022 which allows certain migrant workers to upgrade their status and stay in Taiwan with a long-term perspective. Why did the government introduce this policy?

The government had planned that scheme for several years, so it was not directly linked to the pandemic. The government claims that Taiwan has been facing a lack of labor power, and so more foreign workers are needed and that, in recent years, this situation has become more severe. This is also the reason why the government seriously considered long-term residency for green card holders.

The government says the 2022 new scheme is for "semi-skilled" workers. In effect, it will divide the migrant worker class. The policy is designed in a way that the employer must agree so that a migrant workers can obtain this status. Those workers who have critical ideas about their company or employer will not be chosen because their employers will not agree that these workers can upgrade their status.

This policy encourages migrant workers to cooperate with the employer and the broker so that they can get the right to stay. What we have here is a 'good citizen'-ideology, similar to [*the idea of rewarding 'model-workers.'*](#) In the beginning, authorities required that workers must master the Chinese language, and they had to take a language class and a test. This requirement has been loosened. If the employer says, your language skills are okay, then that's enough. The policy might not be as successful as claimed because, so far, not many workers are hired under this status. Nevertheless, the policy ultimately creates a group of people who are more willing to cooperate with employers and brokers.

Demographic factors hint to the fact that Taiwan will need even more workers from outside in the future. Will the Taiwanese government be able to organize this, and what will be the problems?

It's hard to imagine that the Taiwanese government really has the capability to deal with the labor

shortage. It's clear that the government is allowing more long-term residency for blue-collar migrant workers but with a lot of caution.

It would not be a bad thing if we had more migrant workers. Taiwanese nationalist sentiment is increasing, especially in reaction to the China issue. If we could have more, no matter which nationalities, this might challenge the dichotomy of unification vs. independence and growing nationalism.

However, we need to also face the fact that migrant workers themselves have their nationalism. This nationalism is a problem because people compete against each other along the lines of nationality. But there are some people who, actually, understand: you and me, nationality makes no big difference, we are actually all treated badly as migrant workers or as workers.

As a migrant movement, there are some issues that we should work on more, like nationalism, class problems, or the separation between white-collar and blue-collar migrants. And there are even broader issues we need to confront. Now we are still dealing with the very basic problems.

The migrant movement would have to push forward to something else. For example, when we try to raise the issue of non-citizenship of migrants, it's hard both for Taiwanese citizens and for migrant workers to recognize the significance of the issue. Migrant workers don't think they have any political stake here in Taiwan. When we talk to them about demanding free transfer or the abolishment of the broker system, they easily say yes to this. But migrant issues are larger than migrant worker policies. We still have a long way to go.

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