



MIGRANTS REFUGEES

Migration Profile

TAIWAN

A. Executive Summary

Consisting primarily of the island of Formosa, which lies about 180 km off the southern coast of China, the Republic of China (R.O.C.), commonly referred to as Taiwan, has been a country of immigration for centuries. Following the Chinese Civil War, the R.O.C. in Taiwan and the People's Republic of China on the mainland competed to represent and govern all of China, resulting in Taiwan losing its seat at the United Nations in 1971.

Due to its impressive growth in wealth, the associated drop in birth rates, and its highly skilled population, many of whom study and work abroad, Taiwan experienced an urgent need for blue-collar workers. It therefore invited thousands of migrant workers from both mainland China and Southeast Asian countries. As of May 2021, more than 820,000 foreigners were living in the country, representing about 3.5% of its entire population of 23,000,000. Indonesia, the Philippines, Vietnam, and Thailand are the main countries of origin of immigrants in Taiwan, the majority of whom are female. Chinese from the mainland, Hong Kong and Macau areas, who are not considered foreigners by local authorities, represent another relevant community, of about 66,000 residents, to be added to the country's total net immigration. Moreover, Taiwanese authorities estimate that about 50,000 undocumented migrants live in the country. Despite being a modern and rich democracy, life in Taiwan for foreigners can be difficult because of cultural barriers, a peculiar recruitment system, and other flaws in its social and legal framework

Taiwan's geographical position and peculiarities make it prone to experience natural disasters, especially storms and earthquakes, which have led to approximately 127,500 displacements in the last five years. Unfortunately, data on this subject, as well as updated information on refugees and asylum seekers, is poor. Migrant workers usually find jobs in Taiwan through recruitment agencies that charge relevant fees and security deposits, sometimes without clarifying additional expenses and provisions in the contracts, thus creating the conditions for exploitation and abuse. Notwithstanding Taiwan's effort to address it, human trafficking is still an issue for the country, especially involving migrant seafarers in Taiwan's distant water fleets, who are beyond the sphere of Taiwanese authority. The ROC has historically been a destination for people fleeing from mainland China, and recent developments in Hong Kong have reawoken debates on the inadequate legal framework for refugees in the country. Notwithstanding this lack of adequate legal provision, several NGOs, including the Catholic Church, operate in Taiwan on behalf of migrants.

B. Country Profile

I. Basic Information

The Republic of China (also known as Taiwan) is an island country in the West Pacific consisting of the island of Formosa, which makes up 99% of its total area (36,200 km²), and several hundred smaller islands, some of which are also claimed by one or more neighbouring countries of China, Japan, and the Philippines. Formosa lies about 180 km off the southern coast of China, while Kinmen Island, in the Taiwan strait, lies only a few kilometres from China's Fujian province. Mountain ranges dominate the eastern two-thirds of Formosa, and plains in the western third are home to much of its highly urbanised population. In the north, the capital city of Taipei, bordering New Taipei and Taoyuan city, forms its largest and most populous metropolitan area. Taichung, in central Taiwan, and Kaohsiung, in the south, are the second and third most populous cities,

As of 2021 Taiwan has a population of 23,500,000. It registered a negative growth rate for the first time in 2020 due to the rapid decline of the birth rate in recent years. The median age is 42.3 years and is constantly increasing. According to the last available data from 2005, Buddhism was practiced by 35.3% of the Taiwanese, Taoism by 33.2%, and folk religions by approximately 10%. Christians represented 3.9% (1.3% Catholics). As of 2019 over 95% of the population was of Han Taiwanese ethnicity. This group can be further divided into the Hoklo (70%), Hakka (15%), and other groups originating in mainland China. Taiwanese aborigines of Malayo-Polynesian descent represent about 2.3% of the population, 70% being Amis, Paiwan, and Atayal. There are another 13 officially recognized indigenous groups in Taiwan.

Han immigration to Taiwan, which was previously inhabited by the Austronesian people, began in the 17th century. In 1895, following the first Sino-Japanese War, China's Qing dynasty ceded Taiwan to Japan, which governed it for 50 years, until the end of World War II, when the island came under Chinese nationalist control. In 1949 the government of the Republic of China and two million nationalists fled to Taiwan following the Communist victory in the Chinese civil war, and continued to claim to be the legitimate government of mainland China.

Taiwan represented China as a member of the United Nations until 1971 when the UN members voted for its withdrawal in favour of the People's Republic of China. Since then, the R.O.C. maintains official diplomatic relations with 14 UN member states and the Holy See. In addition, many countries continue to maintain informal relations with Taiwan, especially through mutual de facto embassies with Taiwan's Ministry of Foreign Affairs.

The Nationalist government, led by the Kuomintang party (KMT), ruled Taiwan under martial law until 1987. The democratization process, starting at the beginning of the 1980s, brought legislative elections in 1992 and the first direct presidential election in 1996. In 2000 KMT's loss to the Democratic Progressive Party (DPP) initiated Taiwan's first peaceful transfer of power. Throughout this period the island prospered, developing into a high-income country as well as a major investor in mainland China. Relations between Taiwan and China remain the dominant political issue along with economic growth and reform.

II. International and Internal Migrants

Between 2009 and 2017 there was an influx of migration to Taiwan as a result of an ageing population and an upskilled workforce in need of low-skilled workers. The Ministry of the Interior

registered an average of 37,000 inbound migrants per year until 2019. These numbers drastically dropped in 2020, mostly due to COVID19 crisis, when only 16,856 immigrants were registered as a result of entry restrictions and limitations. Taipei and New Taipei were the top destinations for new foreign residents, receiving about 50% of all inbound migration in 2020. Taoyuan City and its neighbouring county of Hsinchu have the highest proportion of foreigners, with 5.5% and 6%, respectively.

According to the Taiwanese government, 797,122 foreigners were living in Taiwan at the end of 2020, making up about 3.4% of the population. Their primary countries of origin were Indonesia (32%), Vietnam (30%), and the Philippines (19%), followed by Thailand (8%) and Malaysia (3%). Females represent about 53% of the total immigrant population, comprising 73% of the immigrants from Indonesia and 61% of those from the Philippines. Immigrants from Vietnam and Thailand are, on the other hand, predominantly male. Indonesian laborers are predominant in the service sector, especially as domestic servants, caregivers, and nurses, while the Vietnamese and Filipino are increasingly employed in the fishing and traditional manufacturing industries. Overall, 66% of foreign workers and 70% of foreign male workers are employed in the productive sector, with 45% working in 3D industries (Dirty, Demeaning, and Dangerous). Females are mainly employed in social welfare jobs, with 64% as nurses and 23% working in 3D industries.

Once in Taiwan, some of the more vulnerable migrant workers may encounter dire conditions, risking mistreatment and abuse by employers, brokers, or housing coordinators. Domestic caregivers have been reported to be at risk of human rights abuses, such as excessive overtime work with little or no rest, poor living conditions, and psychological abuse.

Some Taiwan authorities estimate that 50,000 undocumented migrant workers live in the country, working illegally or without work but refusing to return to their home countries. Some migrants became undocumented as a result of leaving their employment due to hard working conditions, abuses or underpayment. International migrants can usually get a permit to work in Taiwan only through their employers. Many Southeast Asian migrants find employment through brokerage and recruitment agencies that charge high placement fees and often require security bonds. Such mechanisms can put migrant workers at the mercy of their employers and already indebted, thus making them vulnerable to abuse and exploitation. Taiwan's need of foreigner workers compels employers and authorities to improve migrants' conditions, and much effort is underway on the matter. Taiwanese society as a whole seems to be friendly and receptive to immigrants, though some discrimination by local authorities and resentments from individual citizens have been reported.

Data on foreigner workers does not account for migrants from mainland China who are not considered foreigners by Taiwan. There were about 43,000 migrants from mainland China living in the ROC as of December 2020 and over 47,000 as of May 2021. Migrants from Hong Kong and Makau, also not considered foreigners by Taiwan's authorities, amounted to about 17,000 in 2020 and 19,000 in May 2021, with the majority being male. Women make up over 93% of those from mainland China. Many of these women move to Taiwan following a brokered marriage with a Taiwanese spouse, a significant phenomenon until 2004 when the rate of marriage registration with a foreigner spouse reached its peak of 12%. Since then it has been mostly declining; marriages with foreigners now represent about 5.5% of all new marriages.

Internal migration involved a little less than 930,000 residents in Taiwan in 2020, representing 4% of its total population. Of these, only 42% were interprovincial migrations, the rest involving

migration within the same province (52%) or the same county (6%). Of the total interprovincial migrants, females represented the majority (53%). The main inter-provincial flows were between Taipei and New Taipei, accounting for about 22% of relocations. Other relevant routes include Taiwan Province to Taichung City, Taichung and New Taipei Cities to Taiwan Province, and Taiwan Province to New Taipei.

III. Emigration and Skilled Migration

In 2020, 61,973 Taiwanese left to live abroad, an increase of about 50% compared to 2019. According to the latest update available from the Directorate General of Budget, Accounting, and Statistics (DGBAS), the number of Taiwanese working overseas in 2019 was 739,000. Of these, 404,000 were working in mainland China, including Hong Kong and Macau (55%), and the rest in Southeast Asia (15%) and the U.S (13%), with the Asian countries seeing a slight decline compared to previous years. Most emigrants work abroad for no more than six months. Males represent the majority of emigrants (54%), while females represent the majority of emigrant workers in the US. About 75% of the Taiwanese working overseas have a college degree or university education. With the purpose of attracting foreign talent to Taiwan, the National Development Council (NDC) launched the Employment Gold Card system designed for professionals and technicians in fields from science, technology, and education, to culture, arts, and sports; in the relevant legislation is the *Act for the Recruitment and Employment of Foreign Professional Talent*.

IV. Forced Migrants (internally displaced, asylum seekers, refugees, and the climate displaced)

There is very poor official data regarding internal displacements, asylum seekers, and refugees in Taiwan. Due to its geographical position in the West Pacific Sea, the Taiwan's islands are subject to weather-related disasters, mostly typhoons, storms, and tropical depression. According to the UN Internal Displacement Monitoring Centre, Taiwan registered 3,500 new displacements in 2020. In the last five years, the country experienced at least 127,500 displacements due to weather-related and seismological events. Located in the intersection between the Eurasian Continent plate and the Philippine Sea plate, Taiwan has a high seismic risk which is worsened by its high population density. Between 1999 and 2019 the country experienced 22 earthquakes with a magnitude higher than 5 degrees, with two major earthquakes in 1999 and 2016 causing 2,297 and 117 deaths, respectively. This prompted the UN IDMC to foresee an average number of 75,000 displacements per year due to sudden-onset hazards.

As of 2021 Taiwan does not have a properly defined refugee law, and thus official data sets are difficult to gather on asylum seekers and refugees. Nevertheless, Taiwan has historically been a destination for people fleeing from Mainland China, Macau, and, in recent times, Hong Kong. The 2019-2020 Hong Kong protests revived the debate on asylum seekers. Several drafts for a refugee law have been submitted, and Taiwanese authorities have pledged to improve the asylum framework to give Hong Kongers and other asylum seekers more certainty of protection. The Laws and Regulations Regarding Hong Kong & Macao Affairs, which regulate the entry and exit of Hong Kong and Macao residents stipulate that necessary assistance shall be provided to residents whose safety and liberty are directly threatened for political reasons. However, the lack of a more thorough framework forced authorities to rely on a case-by-case approach, with many refugees still lacking official recognition and being unable to obtain work or pursue education.

V. Victims of Human Trafficking

The majority of the victims of human trafficking in Taiwan come from Indonesia, the Philippines, Thailand, and Vietnam, while fewer come from China, Cambodia, and Sri Lanka. Chinese and Southeast Asian women are lured to Taiwan through fraudulent marriage proposals and employment offers for the purposes of sex trafficking. Recruiting often happens through internet and mobile applications, such as live streaming, making the identification and prosecution of the perpetrators more difficult. Women and children drug addicts, both from Taiwan and foreign countries, are also increasingly subject to domestic sex trafficking. Even persons with disabilities have been reported to be exploited by Taiwanese sex traffickers.

Taiwan's fishing sector is a significant contributor to Taiwan's economy and has increasingly relied on migrant fishermen, who are especially vulnerable to poor working conditions and abuse when out at sea for extended periods. Forced labour, abuse, and exploitation are widespread on Taiwan-owned or flagged fishing vessels. Indonesian, Vietnamese, Filipino, Burmese, and Fijian men have repeatedly been reported to have been subjected to forced labour both in domestic and foreign ports and on the high seas. Debt-based coercion, passport confiscation, contract switching, wage withholding, threats of physical or financial harm, and fraudulent recruitment are common coercive methods.

There are two government agencies overseeing the situation: the Ministry of Labour for fishermen working in Taiwan's internal waters and the Fisheries Agency (FA) for beyond Taiwanese waters. The Labour Standards Act, the Employment Service Act, and the Occupational Safety and Health Act apply only to migrants employed in the internal waters, whereas deep sea fishing vessels are not considered to belong to Taiwan's territory. Nevertheless, seafarers on the distant water fleets have some protection under the Distant Water Fisheries Act, ratified in 2017. Provisions include a minimum rest time of 10 hours a day; mandatory accident, medical, and other forms of insurance; and the requirement that vessel owners pay a deposit with the FA against claims of abuse and irregularities.

The minimum monthly salary for fishermen on distant waters is NTD 13,900 (less than USD 500). Furthermore, employers and private recruitment agencies charge board and lodging and placement fees to be paid in full or by salary deductions, even for those fishermen working in domestic waters and living on the vessel. Moreover, seafarers, especially from Vietnam, are often asked for an anti-runaway deposit, in spite of the government forbidding this practice. These additional expenses can be from 3 to 8 times the minimum wage.

As of 2019 the foreign crew members on the distant water fishing fleets totalled 22,302. They were Indonesians (57.4%), Filipinos (27%), and Vietnamese (4.3%). Several interviews by the Scalabrini Migration Centre revealed deplorable working and living conditions: long hours of work (sometimes close to around-the-clock), lack of nutrition, and poor hygienic and lodging conditions. Beatings and verbal abuse are common practice from both the captains and foremen. Mental and physical exhaustion contributes to accidents and injuries onboard.

Some for-profit universities in Taiwan have been reported to aggressively recruit Indonesians, Sri Lankans, and Swati students, subjecting them to exploitative labour conditions under the pretence of educational opportunity. These students often find out about the work component only upon arrival and reportedly experience contract switching, excessive working hours, as well as poor living conditions. Traffickers have reportedly been exploiting Taiwanese men and women through

forced labour in the Croatian agricultural sector and through a scam business in Montenegro. In 2018 some Taiwanese were forced to work in an illegal call centre in Croatia.

According to the US Department of State's Trafficking in Persons Report of 2021, Taiwanese authorities identified 208 sex-trafficking victims and 114 victims of forced labour in 2020, 83 of whom were subsequently referred to shelters for assistance. Of the 322 victims identified, 44% were foreign and 52% were children, a significant increase in the identification of Taiwanese and child victims compared to data from 2019; this is consistent with an increase in the commercial sex trafficking of children reported during the pandemic.

VI. National Legal Framework

Following the UN General Assembly Resolution 2758, Taiwan was expelled from the United Nations and therefore has been unable to sign any new conventions or participate in any UN-promoted funds or programmes. Despite that, Taiwanese lawmakers often refer to UN declarations and covenants while promulgating national laws. Taiwan has ratified two United Nations human rights instruments: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, in 2009. Its Legislative Yuan also promulgated a law on the enforcement of these two instruments. Taiwan has also fully abided by the Paris Principles by setting up an independent national human rights committee.

Taiwan's foreign employees are under the jurisdiction of the Ministry of Labour (MOL), which is responsible for the Labour Standards Act, the Employment Services Act (ESA), and the Occupational Safety and Health Act. The government prioritizes nationals over foreign workers, as Article 42 of the ESA states that "no employment of foreign workers may jeopardize nationals' opportunity in employment, their employment terms, economic development or social stability." According to Article 43 of the ESA, it is the employer who shall apply for a foreign worker's permit, and article 46 lists a series of occupations available to foreign workers. As of 2021 Taiwan has undersigned four Memorandums of Understanding (MoU) for the special hiring of workers with Indonesia, the Philippines, Vietnam, and Thailand.

Following the rise of foreign worker brokerage firms, known as Human Resources Recruitment Companies, Taiwanese authorities established several requirements to prevent such companies from charging improper fees, to protect the interests of employers and foreigners, and to stabilize the manpower intermediary market. It also claims to foster investigations and inspections; but workers are still reporting a lack of proper legal protection from exploitation and abuse.

Taiwanese authorities prosecute the majority of trafficking cases under the Human Trafficking Prevention and Control Act (HTPCA), the Child and Youth Sexual Exploitation Prevention Act (CYSEPA), and other laws in the Criminal Code, such as Article 231 (on forced sexual intercourse or obscene acts), Article 296 (on the trading or mortgaging of humans), and Article 302 (on false imprisonment). Besides its prescriptions, fines, and penalties against sex-trafficking and exploitation, the HTPCA also forbids brokers and employers from demanding unreasonable payments of debt from workers. However, the effectiveness of these provisions to prevent debt-based coercion is debated. Taiwan has also signed MOUs on cooperation concerning immigration affairs and human-trafficking prevention with 21 countries and launched the 2019-2020 New Guardian Action Plan on Human Trafficking Prevention to integrate the efforts of various government entities.

Taiwan still lacks a proper refugee law with a comprehensive framework for asylum seekers and refugees. Article 18 of the Laws and Regulations Regarding Hong Kong & Macao Affairs states that “necessary assistance shall be provided to Hong Kong or Macau Residents whose safety and liberty are immediately threatened for political reasons.” However, it doesn't provide further recommendations on the reception of these refugees and the assurance on their rights.

VII. Main Actors

The State and International Organizations

After being expelled from the UN in 1971, Taiwan cannot sign any resolutions or treaties passed by the UN. Nevertheless, Taiwan plays an active role in several other international organizations, including the World Trade Organization (WTO), the Asian Development Bank (ADB), and Asia-Pacific Economic Cooperation (APEC).

The Ministry of Labour (MOL) provides guidance and assistance to foreign workers. It has 22 Foreign Worker Consultation Service Centres spread around the country, with bilingual consultation personnel providing tips on living, legal consultation services, and necessary assistance for religious minorities. It also conducts on-site visits and inspections of factories and runs a free hotline (1955) that provides 24/7 consultation services to foreign workers in their native language.

The Ministry of the Interior (MOI) working through the National Immigration Agency (NIA) manages border entry and exit control, administers immigration affairs, offers immigrants assistance and guidance in adapting to local life, and ensures their rights. NIA is also one of the main actors countering human trafficking in Taiwan, integrating resources from different government authorities to implement human-trafficking prevention measures.

The Fisheries Agency (FA) is the competent authority for Taiwan's fisheries, particularly regarding fishermen working on Taiwanese vessels in distant waters, even though, as per its mandate, it does not have authority over labour matters.

Other organizations

The Migrants Empowerment Network in Taiwan (MENT) is an alliance of several NGOs, including the Taiwan International Workers Association (TIWA), Caritas Taiwan, and the Hope Workers' Centre, actively campaigning for labour rights, especially those of domestic workers, and promoting mutual respect, social justice, and equality. Other relevant organizations are the Presbyterian Church in Taiwan's Labour Concern Centre (LCC), also part of MENT, and the Global Workers Organization in Taiwan (GWO). Many of these organizations also operate within the Migrant Forum in Asia (MFA), a regional network of NGOs, associations, trade unions of migrant workers, and individual advocates in Asia who are committed to protecting and promoting the rights and welfare of migrant workers.

The Taiwan Association for Human Rights (TAHR) assists asylum seekers with investigations and offers support by providing residence permits to refugees held in immigration detention centres in Taiwan.

The Catholic Church

The Catholic Church in Taiwan is organized into 7 dioceses, including the Archdiocese of Taipei and the Apostolic Administration of Kinmen or Quemoy Islands and Matzu. It operates several welfare programs aimed at migrant workers, refugees, and victims of human trafficking and their families.

Taipei Archdiocesan Pastoral Care of Migrant Workers, known as the Migrant Workers' Concern Desk (MWCD), was established in 1989 in Zhongshan District in Taipei. Besides promoting research and advocating on migrants' issues, it provides psychosocial and legal support, as well as clothing and grocery items, to migrant workers in need. It also arranges Mandarin language courses and carries out visitations on fishing vessels.

Hsinchu Diocese runs the Hope Workers' Centre, founded in 1986 by the Missionary Society of St. Columban (Columbans). The centre supports local workers in the Zhongli district of Taoyuan City, one of the municipalities with the highest proportion of foreigner workers. It organizes its services into five primary program areas of support: assistance, education, lobbying and advocacy, community enhancement, and pastoral programs. The Columbans still participate in the Hope Workers' Centre activities and are present in Taiwan with eight foreign priests and eleven lay missionaries from the Philippines and Korea. Their priority ministries are outreach to migrants and their families and to the victims of human trafficking.

The Hsinchu Migrants and Immigrants Service Centre (HMISC) in Hsinchu, founded in 1992 and also managed by the Hsinchu Diocese, provides legal assistance and shelter to migrant workers in distress, offers crisis intervention, education on migrant rights, capacity building, and community organizing.

The Apostleship of the Sea (Stella Maris), the largest ship-visiting network in the world, founded in Glasgow in 1920, provides seafarers with practical and pastoral support, information, and various kinds of assistance, both through ship visiting and its drop-in centres on the docks which are equipped with email terminals and telephones to facilitate contact with seafarers' loved ones back home. Stella Maris in Taiwan has 4 of these centers, in Kaohsiung, Taichung, Keelung, and Hualien, the first being run by the Missionaries of St. Charles Borromeo (Scalabrinians) and the others by the Paris Foreign Missions Society (MEP). The MEP's missionaries provide assistance to the marginalized, the disabled, and migrant workers and are found in three dioceses of Taiwan: Hualien, Taipei and Xinzhu.

Caritas Taiwan's main office in Taipei City employs 11 staff to carry out their social services and activities. Aside from providing relief services to people displaced during natural calamities, they assist overseas contract workers (from Indonesia, Vietnam, Philippines and Thailand) by providing information on rights, education, empowerment, repatriation assistance, case management, counselling, visits to the detention centre, and referrals. Caritas Taiwan also lobbies government agencies for the cause of migrant workers, jointly with other NGOs, as a member of the Migrant Empowerment Network in Taiwan (MENT).

The Rerum Novarum Centre, founded by members of the Society of Jesus and based in Taipei, provides a legal advice and social welfare for marginalised migrant workers, asylum services, training in knowledge and skills of the workplace, and other forms of empowerment.

The Vietnamese Migrant Workers and Brides Office (VMWBO), based in Taoyuan, provides Vietnamese migrant workers and brides with legal assistance and runs a shelter for victims of human trafficking.

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