Marriage migration: what is ASEAN’s role

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My argument

• Marriage migration often follows from gaps in labour migration law and policy and cooperative arrangements between states

• Women migrate from developing to developed states for ‘security’ reasons

• State responses focus on vulnerability of the women and regulation commercial marriage brokerage:
  • The ‘market’ analogy leads to an antitrafficking approach

• In reality labour migration is the default position of marriage migration

• Lack of transnational state cooperation
Some background to marriage migration (MM)

The ‘market’ arose from demographic changes from 1980s in the ‘tiger’ economies.

Japan, South Korea, Taiwan, Singapore and Malaysia are destination countries.

Women from Southeast Asian (ASEAN) states started migrating from about 2005.

MM is seen as a ‘critical project for the nation-state’; a matter of state security.
A case study of MM from Vietnam to South Korea

Mid-1990s on South Korea began regulating (skilled) labour migration (LM)

Early 2000s South Korea and China had normalised relations, and Chosŏnjjok (co-ethnic) migrants (male and female) were able to apply for labour migration visas

2002 – all marriage migrants given (menial) work rights on visas (outside the LM scheme) and (later) the right to naturalise

Framings of opportunism and ‘reproductive labour’, expose the contrast of MMs with migrant workers
Vietnamese women constitute the second largest group of foreign wives in Korea after Chosŏn female marriage migrants.

Most Vietnamese women send remittances to their families.

Migration laws and policies (visas) ensure that the wife is dependent on her husband’s and extended family support.

High incidence of domestic abuse and divorce.

Children of such marriages may become de facto stateless on return to Vietnam.
Contrast with Taiwan

A more relaxed policy re work rights for marriage migrants

Plus a focus on creating migration laws and policy including multicultural policy

Visas for carers, domestic workers etc

Children of Southeast Asian mothers are valued for their (dual) language skills and potential in trade with Southeast Asian countries
Where does ASEAN fit in this?

ACTIP 2015 follows a long focus on ‘vulnerable’ women and children. It aims to respond to ‘all forms of exploitation’ of women and children, including sexual, forced labour, slavery, servitude.

Art 4: protection of sovereignty and non-interference.

Art 12 (b): promotes bilateral, multilateral and regional cooperation.
ASEAN and ACTIP

Plan of Action recognizes need to address sexual exploitation, labour exploitation and organ trafficking.

‘Abuse and exploitation are part of women’s lives as women and workers’

• Marie Segrave and Shih Joo Tan ‘Women migrant workers and counter-trafficking responses in ASEAN: The enduring challenge of safety and security’ (2021) Journal of Criminology 1–16
2017 ASEAN CONSENSUS ON THE PROTECTION AND PROMOTION OF THE RIGHTS OF MIGRANT WORKERS

- CONFIRMING the shared and balanced responsibilities of the Receiving and Sending ASEAN Member States to protect and promote the rights of migrant workers and members of their families in the entire migration process;

- Chapter 1.1
  - (e) Uphold fair treatment with respect to gender and nationality, and protect and promote the rights of migrant workers, particularly women, in accordance with the obligations of ASEAN Member States under appropriate international instruments to which they are parties;

- (f) Pursue a constructive, non-confrontational and cooperative approach to enhance the protection and promotion of rights of migrant workers
ASEAN and transnational approaches

ASEAN is ‘a political entity and a platform for economic cooperation’


MMs and Migrant Workers compared

MMs are a ‘security’ issue for States and transnational ASEAN + approaches are needed