Labor Trafficking in Taiwan: Supply Driven or Policy Driven?

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Acknowledgement

The production of this thesis is just like giving birth to a baby. After 10 months of hard work, it is finally completed. The continuous suffering was followed by intermittent joy during the process of writing the thesis.

I never had the confidence that I could finish a master’s degree because I have a full-time job and a pre-school son to take care of. Luckily, I made it, with the assistance and encouragement of many people. I especially have to thank my advisor, Professor Hsiao, who is very conscientious and patiently taught me the way of thinking about and writing a thesis. I also have to thank my thesis oral exam committee members, Professor Liu and Professor Tu, for giving me valuable suggestions.

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To my dear husband, Rick, without your wholehearted support, it would have been impossible for me to complete this program. Finally, I would like to express my gratitude to my lovely son, Daniel. You know best how hard I worked at writing this thesis. I apologize that I had to spend some time studying instead of spending time with you. I have kept my promise to graduate with you, haven’t I?

Frankly speaking, though I did well in school from elementary school to university, I never enjoyed learning at all. It’s fortunate that I had the opportunity to take this program and experience the fun of studying. I thank all my professors and classmates in IMAS, who made the classes interesting and broadened my horizons.
Abstract

Human trafficking has existed in various forms throughout human history, but it never drew public attention until recent years. This thesis attempts to explore the causes of labor trafficking by empirical research and provide the government with anti-trafficking measures for Taiwan.

The research comprised both quantitative and qualitative methods, in which a questionnaire survey was administered and in-depth interviews were conducted. A total of 167 illegal foreign laborers detained in the Yilan Detention Center and 7 social workers in shelters for trafficking victims participated in the study.

Results of the research showed that most runaway foreign laborers came to Taiwan with the assistance of a broker agency, and that they paid brokerage fees with bank loans, while irregular foreign laborers were assisted by friends or relatives in their homelands or in Taiwan and paid their way with personal savings or loans from friends or relatives. It is common for both runaway foreign laborers and irregular foreign laborers to be charged extra fees and to be paid less than they were told before entering Taiwan.

Labor trafficking in Taiwan is largely the result of a system of high brokerage fees without a standard and transparent mechanism. In addition, contract foreign laborers cannot change employers at will, which is also a key factor. Consequently, the government of Taiwan should actively negotiate with labor exporting nations to manage the payment of brokerage fees and modify foreign labor policy to decrease the illegality of foreign laborers and employers.

Keywords: human trafficking, runaway foreign laborer, irregular foreign laborer, labor trafficking
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1. Introduction

Human trafficking is not a new phenomenon, but the term and the phenomenon have drawn the government’s attention in recent years. In this chapter, a definition of human trafficking will be given first. Then the background of human trafficking and the research motivation and purposes will be presented.

1.1 Definition of Human Trafficking

1.1.1 Human Trafficking

Human trafficking could be hidden within other criminality, such as prostitution, illegal immigration and labor disputes. The reason is that sometimes human trafficking is not investigated or recorded as trafficking cases. Defining human trafficking is the first step in exploring the related issues.

Defining trafficking is difficult, and there is no single, universally accepted definition of trafficking (Arnold & Bertone, 2002; IOM, 2000). Although the definitions of human trafficking supplied by the United Nations, the International Organization of Migration, and the International Labor Organization are different, the common elements include the use of the following: threat, fraud, coercion, and deception. In 2000, the UN authored a protocol against human trafficking that supplemented the convention against transnational crime, officially titled the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, also known as the Palermo Protocol. Therein, human trafficking is defined as:

[T]he recruitment, transportation, transfer, harboring or receipt of person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.
The UN Trafficking Protocol has received widespread international support, and more than 110 States have signed and ratified the Protocol.

In Taiwan, according to the Human Trafficking Prevention Act, the definition of human trafficking, which is broader than that in the Palermo Protocol, is:

[T]o recruit, trade, take into bondage, transport, deliver, receive, harbor, hide, broker, or accommodate a local or foreign person, by force, threat, intimidation, confinement, monitoring, drugs, hypnosis, fraud, purposeful concealment of important information, illegal debt bondage, withholding important documents, making use of the victim’s inability, ignorance or helplessness, or by other means against his/her will, for the intention of subjecting him/her to sexual transactions, labor exploitation or underpayment, organ harvesting; or to use the above-mentioned means to impose sexual transaction, labor exploitation or underpayment, or organ harvesting on the victims.

The term “making use of the victim’s inability, ignorance or helplessness” is defined in the Enforcement Rules of Human Trafficking Prevention Act as the human trafficker taking advantage of the victim’s situation of illegal entry, illegal residence, living in a foreign land, language barrier, or other comparable disadvantageous situation.

Smuggling and trafficking are often discussed together, but distinct differences exist under the law. “In short, trafficking is a crime or violation against a person, while smuggling is a crime against the state” (Andrees & Mariska, 2005). Smuggling refers to someone paying another person to transfer him or her across a border. During the process of smuggling, some criminal action such as injury, sexual violation, or homicide could occur, or, before paying off the debts, the smuggled person or his/her family will be kept as hostages; however, if there is no exploitation involved, such a case should be considered a normal criminal case, not one of human trafficking (Ke, 2008). But if he/she is forced, defrauded, or coerced into commercial sex act or forced labor, he/she becomes a victim of trafficking.

In the past, illegal immigrants were all considered criminals, without exception. Today, on the other hand, even if someone is involved in illegal activities, he/she will still be granted the status of victim if trafficking exists. That is, the protection of human right is given a value higher than that of state sovereignty.

1.1.2 Exploitation
The Enforcement Rules of Human Trafficking Prevention Act explains labor exploitation and underpayment as the labor income actually earned by the victim being apparently unreasonable in consideration of the work hours, nature of work, workplace, work environment, and other labor conditions.

Though a basic minimum wage is set by the government, we can only say that an employee will not receive less pay than the official standard. Such an official minimum cannot guarantee that the employee is not underpaid in relation to his/her contribution and income. Price in an open economic market is determined by supply and demand; as a result, in order to obtain a job, an employee may opt to receive less pay, and that is beyond the supervision of the government. In such a situation, there is no “underpayment” case, and only pay disputes may occur.

In China, to acquire job opportunities in an outside area or a foreign country, workers probably have to accept an average of two years’ back-breaking work to repay high brokerage fees. They arguably accept the arrangement out of rational choice. This raises a difficult question: Shall we call this trafficking, or consensual exploitation? (Plant, 2009)

The economic development and living standards vary from country to country. “In the absence of a global political consensus on minimum employment rights, and of cross-national and cross-sector norms regarding employment relations, it is extremely difficult to come up with a neutral, universal yardstick against which ‘exploitation’ can be measured” (Anderson & Davidson, 2003).

1.1.3 Debt Bondage

The specific characteristic defined in the Human Trafficking Prevention Act is debt bondage. It also specifies improper debt bondage as the use of unclear contracts or unreasonable payments of a debt to place people under bondage, subjecting them to sexual transactions, labor exploitation, or organ harvesting in order to fulfill or guarantee the payment of their debts.

Most cross-border labor exportation within Asia is arranged through the medium of brokers in both origin and destination countries. A broker in the home country will arrange the recruitment of the labor and his/her entry into the destination country.

---

1 According to Article 21 of Labor Standards Act, a worker shall be paid such wages as determined through negotiations with the employer, provided, however, that such wages shall not fall below the basic wage.
broker in the destination country is responsible for the employment and the repatriation of the worker. Apparently, there are expenses involved in the process of recruitment: transportation, passport and visa fees, medical checks, security clearance, and so on. However, the amount of brokerage fee is not fixed; it varies widely due to many factors (Skeldon, 2000b).

Debt bondage is a frequent form of forced labor. When a laborer decides to work abroad in search of a better future, he/she often has to turn to a broker for placement with a foreign employer, which requires a steep payment up front for the services. With the expectation of future wages abroad, he/she either becomes indebted to the recruiter or takes out a formal or informal loan in his/her country to pay such fees. Nevertheless, these astronomical loans often turn out to be the reason for labor trafficking, as the worker is exploited until he/she has paid off the debts (Lagon, 2008/2009; Impe, 2000).

1.2 Background

In human history, examples of societies that were founded on slavery and on the exploitation of “inferior” people are commonplace (Scarpa, 2008). The ancient Greeks practiced slavery and considered it as morally acceptable; hence, the philosopher Aristotle penned this description of slavery: “It is thus clear that, just as some are by nature free, so others are by nature slaves, and for these latter the condition of slavery is both beneficial and just” (Barker, 1946).

Globalization has increased both the speed and the volume of migration around the world. In 2008, the International Organization for Migration (IOM) estimated that there were about 214 million immigrants worldwide (IOM, 2008). Immigrants are frequently treated as outsiders in the host countries and not provided with the same protection and rights as local citizens (Engstrom, 2006; Aleinikoff & Klusmeyer, 2002). Due to their outsider status, they are particularly vulnerable to exploitation and other harms. This brings about the problem of human trafficking, often called “modern-day slavery” (Bales, 1999), which has become a priority in government policy and drawn the public interest in the past decade. Human trafficking is the third most profitable organized crime in the world, just behind the sale of arms and drugs, and it generates twelve billion dollars per year (King, 2004). The International Labor Organization (ILO) estimates that at least 12.3 million adults and children are
in forced labor, bonded labor, and commercial sexual servitude at any given time².

The global guest worker population has doubled in less than 30 years, and the ILO estimates that it is likely to double again over the next quarter century. Among the global migrant workforce, at least 15% are undocumented. Often even documented guest workers are not entitled to the same legal protections as citizens, not to mention undocumented workers. Undocumented workers are an invisible population, existing outside of host countries’ legal framework and therefore highly vulnerable to exploitation by predatory employers. According to Sen, 2006:

Across the globe, guest workers face abuses including not being allowed to join a union or organize for their rights; not getting paid on time, and sometimes not getting paid at all, for work they have performed; unsafe and unhealthy working conditions; wages that are far below the average paid to native-born workers for equivalent work; long hours; and even some recorded cases of confinement and forced labor.

In Asia, labor migration is mostly arranged through private intermediaries instead of state-run recruitment agencies. The commercialized recruitment process puts migrant workers on a costly and risky journey (ILO, 2006).

In Taiwan, the history of human trafficking can be traced back to the trade of ‘tung yang shi’³, which was once popular until forbidden by the government in the 1950s and 1960s. Later, in the 1970s and 1980s, aboriginal girls were sold to the sex industry. This triggered a movement to save child prostitutes and the enactment of the Act of Juvenile Welfare and the Act of Prevention of Child and Juvenile Sex Trade. Thereafter, the child prostitute issue is no longer regarded as the ‘penalty’ model, but the ‘welfare’ model, which treats child prostitutes as victims who should be provided with protection and assistance (Lin, 2008).

After the problem of child prostitution drew the attention of the government and was suppressed to some extent, a new form of human trafficking appeared. Since the mid-1980s, due to a number of economic factors, such as the transformation of industrial structure, rising per capita income, rapid growth in service industries, higher education levels, and a change in job values, it has not been easy to recruit local

³ This was a tradition of arranged marriages from China, in which a poor family would sell a young daughter to a richer family as a servant or a caretaker, and in exchange, the girl would be married into the adopted family at a later time.
laborers to do ‘dirty, dangerous and difficult jobs,’ and the supply and demand of labor became imbalanced. Therefore, the inflow of migrant workers to Taiwan became significant, and employers tend to prefer foreign workers because they are willing to work longer and harder for less pay.

These foreign laborers are employed through recruitment agencies and brokers to perform low-skilled work in Taiwan’s construction, fishing, and manufacturing industries, or to work as domestic workers. Unfortunately, some are exploited by unscrupulous brokers and employers and become victims of human trafficking.

Since 2001, the Department of State has been required by law to send a report to the U.S. Congress each year ranking countries according to their success in combating trafficking in persons (the TIP report). The report divides participating countries into three tiers according to an assessment of the extent to which their governments prosecute, prevent, and protect victims from trafficking. Tier 3 countries, which do not comply with the minimum standards, face sanctions. The 2009 TIP report stated, “Taiwan is primarily a destination for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. It is also a source country from which some women are trafficked to Japan, Australia, the United Kingdom, and the United States for sexual exploitation and forced labor. It is offered as a transit area for People’s Republic of China (PRC) citizens seeking to enter the United States illegally, some of whom may become victims of debt bondage and forced prostitution.”

Taiwan was continuously evaluated as a first-tier country in past TIP reports. However, it was downgraded to the second tier in 2005, falling further to the watch list of the second tier the next year. That meant Taiwan would face economic sanctions if the government did not come up with any practical actions to fight against the problem. Under international pressure, the

---

4 The Department evaluates whether the government fully complies with the TVPA's minimum standards for the elimination of trafficking. Governments that fully comply are placed on Tier 1. Governments that are making significant efforts to meet the minimum standards are placed on Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed on Tier 3.

5 The original report has been corrected due to some grammar error.

6 Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:
   (1) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or
   (2) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
   (3) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional
‘Action Plan of Combating Human Trafficking’ was presented in the end of 2007, and a cross-agency seminar led by the Executive Yuan was set up. Subsequently, the Ministry of Justice enacted the ‘Principle of Identification of Human Trafficking Victims’ as a guideline for relevant law-enforcers to abide by.

Furthermore, in January 2009, the Human Trafficking Prevention Act was enacted to regulate human trafficking, and the whole package of relevant regulations covering the transfer of seized proceeds, the placement and protection, and the ad hoc stay of human trafficking victims were subsequently provided.

Based on the figures released by the National Immigration Agency (NIA), from January 2007 to April 2010, 510 human trafficking cases were detected by the authorities. According to the work distribution, victims holding work visas are placed by the Council of Labor Affairs, Executive Yuan; others are placed by the NIA. For the victims holding non-work visas, 43 were cases of sex trafficking, and 140 were cases of labor trafficking. Among those holding work visas, 61 were cases of sex trafficking, and 266 were cases of labor trafficking (see Table 1.1).

Table 1.1 The statistics of victims being placed from 2007 to April 2010

<table>
<thead>
<tr>
<th>Year &amp; victims</th>
<th>Total</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010/4/30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-working visa</td>
<td>Sex trafficking</td>
<td>National Immigration Agency</td>
<td>43</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Labor trafficking</td>
<td>National Immigration Agency</td>
<td>140</td>
<td>29</td>
<td>29</td>
</tr>
<tr>
<td>Work visa</td>
<td>Sex trafficking</td>
<td>Council of Labor Affairs</td>
<td>61</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Labor trafficking</td>
<td>Council of Labor Affairs</td>
<td>266</td>
<td>22</td>
<td>17</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>510</td>
<td>51</td>
<td>55</td>
</tr>
</tbody>
</table>

Source: National Immigration Agency, Ministry of the Interior

If we separate the figures by gender and nationality, from January 2007 to October 2009, 292 females and 84 males of trafficking victims were placed into future steps over the next year.
government-subsidized NGO shelters. Among the female victims, 71 were placed for sex exploitation, and the remaining 221 were placed for labor exploitation. On the other hand, all of the males were placed for labor exploitation. Over 92% of the placed victims were from Southeast Asian countries. Indonesia alone accounted for almost 60% of all victims. For non-work visa holders, the average duration of placement was 221 days, while it was 93 days for holders of work visas (see Table 1.2).

Table 1.2 The statistics of victims placed from 2007 to October 2009

<table>
<thead>
<tr>
<th>Gender</th>
<th>Nationality</th>
<th>Total</th>
<th>Non work visa</th>
<th>Work visa</th>
<th>Average duration of placement (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sex trafficking</td>
<td>Labor trafficking</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>Female</td>
<td>Indonesia</td>
<td>Vietnam</td>
<td>Cambodia</td>
<td>China</td>
</tr>
<tr>
<td>Male</td>
<td>Female</td>
<td>Indonesia</td>
<td>Vietnam</td>
<td>Cambodia</td>
<td>China</td>
</tr>
<tr>
<td>14</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>120</td>
<td>38</td>
<td>82</td>
<td>62</td>
<td>13</td>
<td>18</td>
</tr>
<tr>
<td>57</td>
<td>0</td>
<td>57</td>
<td>44</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>185</td>
<td>46</td>
<td>139</td>
<td>115</td>
<td>42</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>376</td>
<td>84</td>
<td>292</td>
<td>223</td>
<td>71</td>
</tr>
</tbody>
</table>

Note: 38 persons placed in the social affairs authority of local governments from 2007 to 2008 are excluded from the statistics above.

Source: National Immigration Agency, Ministry of the Interior

Government authorities have made great efforts in the fight against human trafficking. To increase the awareness of human trafficking, law enforcement, prosecutors, labor officials, judges, social workers, medical personnel, and NGOs all participate in training seminars and workshops. The general public is also educated through movie theaters, television, online chat rooms, and multi-language pamphlets. The government budgets allocated for anti-trafficking actions in 2008 and 2009 were $12.6 million and $14.8 million, respectively.

1.3 Motivation and Objectives

Since human trafficking is a serious violation of human rights, finding a solution deserves the attention of every nation. The United Nations has ratified the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.
The United States evaluates each country’s actions to combat human trafficking every year. However, to effectively tackle the problem, in addition to following governments’ perspectives (especially those of advanced countries), it is necessary to dig out the root of the problem.

In Taiwan, human trafficking victims are either labor exploited or sex exploited; organ harvesting is rare. Their sources are mostly foreign laborers, who come to Taiwan as legal contract laborers or illegal workers, especially via smuggling, fraudulent marriages, or the use of counterfeit or altered documents (Tsai, Chien & Hsu, 2009). It is important to clarify the difference between legal contract laborers and illegal workers in any discussion of human trafficking.

Most research on human trafficking focuses on trafficking in women and children for sexual exploitation, highlighting serious violations of human rights. These studies elaborate the trafficking processes, the underlying causes, and impacts on the trafficked. Some previous studies have examined the issues from the demand side of human trafficking, but relatively few studies have tackled this problem with empirical research. Therefore, this thesis aims to explore the issue from the personal experience.

Human trafficking is related to immigration policy and labor import policy. Every country should adapt to the relevant issues according to its characteristics. Therefore, this thesis attempts to look into the facts that are unknown and construct appropriate anti-trafficking measures specific to Taiwan.
2. Theoretical Approaches on Human Trafficking

In this chapter, the causes of human trafficking in the present era will be discussed. First, the author will view this worldwide issue in the context of globalization. Second, since human trafficking relates to the flow of people, migratory theory will be presented. Third, this issue will be examined from the perspective of the market economy -- supply and demand. Fourth, the role of cultural factors in human trafficking will also be introduced. Finally, the problem will be examined according to rational choice theory. In addition, the empirical findings will be addressed.

2.1 Globalization

Globalization has facilitated the mobility of capital and the movement of people. It has also created a stateless global economy. Under such a broad socioeconomic context, people in poor countries search for better employment opportunities in rich countries. Meanwhile, these low-wage laborers provide advanced countries with a flexible workforce to maintain their competitiveness.

Globalization has broadened the gap between rich and poor countries. Influenced by the trend of ‘global culture’, people in poor countries see working abroad as the only way to escape their hopeless lives. However, guest workers’ dreams for a better future are not all realized. Their “desperate need to migrate for work, combined with destination counties tightening their border controls (despite a growing demand for migrant workers), renders these migrants highly vulnerable to trafficking” (Chuang, 2006a). Traffickers, taking advantage of their vulnerability, try to make profits from arranging jobs in other countries. The economic impact of globalization offers the impetus for human trafficking, and human trafficking is referred to as the ‘dark side of globalization’ (Sanghera, 2005; Taran, 2001; Sassen, 2002).

In modern society, globalization has affected every aspect of everyone’s life. We can enjoy a variety of imported products from all over the world, including a labor force. Capitalists depend on cheap labor to accumulate assets. On the other hand, guest workers deserve benefits from offering labor. Unfortunately, they are sometimes exploited by greedy employers and brokers. Advanced countries obtain great profits from the development of globalization, while the guest worker’s every step on the journey of working abroad is a gamble.
2.2 Push-pull Theory

Push-pull theory is widely applied to explain the phenomenon of immigration, and researchers often use it to explain the human trafficking issue as well (Lee, 2005; Chuang, 2006a; Jones, Engstrom, Hilliard & Diaz, 2007; Pochagina, 2007). Potential trafficking victims are pushed into the situation by poverty, lack of employment opportunities, gender discrimination, etc. On the other hand, they are pulled by developed or industrialized countries that can offer them comparatively high-wage jobs or a better life. However, they may begin their trafficked life in the land of their dreams.

In order to grasp the hope to survive and to support their families, migrant workers look for job opportunities abroad. Their expectation of receiving comparatively higher wages than they could get in their home countries encourages them to leave their familiar motherland and make a living elsewhere. But in fact, the high wage in their mind is somewhat less than that of domestic workers. For example, Thai workers in the construction industry in Japan are paid only about 40% of what Japanese workers would get, yet this amount is as much as ten times what these workers could earn in Thailand (Phongpaichit, Piriyarangsan & Treerat, 1998). In addition, the large debt incurred for brokerage fees always takes them one to two years’ hard work to pay off, so the unreasonable charge for brokerage is swallowing up their earnings. In addition, most countries do not provide the same legitimate rights for foreign laborers as for citizens. If migrant workers have an illegal status, their protection is further neglected by the destination state. As a result, pull factors seem to be attractive, but there exist risk and reverse aspects.

2.3 demand-supply Theory

There are three actors involve in the human trafficking case: the supply side of the trafficked person, the demand side of the user of the trafficked person, and the trafficker. Some examine the problem of human trafficking from the supply side (IOM, 2002), while others argue that the demand side is the key factor (Keeler & Jyrkinen, 1999; O’Connell Davidson & Sanchez Taylor, 2001). Jyoti Sanghera describes it as a ‘demand driven phenomenon’.
The factors of the supply side are mostly the same as the push factors, such as poverty, discrimination, and lack of employment opportunities. Moreover, a desire to migrate abroad and interest in the outside world also fuel aspirations to leave one’s home village for a better life. On the other hand, the demand in the destination country refers to the employers’ huge demand for foreign laborers. The reason employers prefer migrant laborers over local workers is the low wage and flexibility. Due to their foreign status, they are more cooperative in complying with employers’ demands and have little knowledge to defend their rights (Anderson & Davison, 2003). In addition, when a domestic helper or caretaker lives in the same space with an employer all day long, the employer will feel free to relax if she is a foreign laborer due to cultural and language barriers; this, in addition to her lack of ties with the local environment, allows for better protection of household privacy.

Actually, supply and demand factors are closely connected and attributed to the occurrence of human trafficking simultaneously. It is hard to imagine that human trafficking could possibly exist under the influence of only demand or supply factors.

The difficulty of living in the source country pushes people to look for foreign employment opportunities, and the abundant supply of cheap labor provides a crucial element for companies to maintain their global competitiveness. Due to the supply and demand of foreign laborers, traffickers can take chances in order to gain profits from the prosperous market.

2.4 Cultural Factors

Due to gender discrimination, women normally receive unjust treatment and unequal payment. Traditional cultural and social values in Asia further put Asian women into vulnerable situations. For example, filial piety is highly appreciated and regarded as ‘repaying the breast milk’ in Thailand. As a result, in order to financially support families, even though a woman may dislike working or marrying in foreign countries, she might feel obligated to accept her fate. Filipino women are also expected to be sacrificed to support the family, which makes them susceptible to fraudulent offers and becoming victims of trafficking (ILO/IPEC, 1997, 1998a, 1998b, 1998 c; Derks, 1997; IOM, 1997). In some countries, it is the tradition that the middle child is sent to live and work in an urban area with a relative in exchange for the arrangement of education or working opportunities. Traffickers take advantage of this and may
pretend to be employment agents in order to trick the parents into sending their children away with them.

Since the 1970s, migration theories have been developed not only the concerns of individual interests, but also on family and related networks, which play partial roles (Massey, Arango, Hugo, Kouaocui, Pellegrino & Taylor, 1998). Eastern countries especially emphasize group benefit over individual gain. When the family is in need, every family member has the obligation to give a hand at the cost of one’s interest.

2.5 Rational Choice Theory

Rational Choice Theory states that choices made by individuals are motivated by their preferences. Their conduct is based on the information they obtain, and they make a judgment through the analysis and comparison of alternatives. Individuals have to anticipate the outcome of every alternative and choose the one that can bring about the greatest benefit. However, punishment usually accompanies benefits, so they have to take into account both the advantages and disadvantages when making decisions.

In the case of foreign laborers, the laborer is trapped in an impoverished situation with a hopeless future, and searches for another place in which he/she can earn more money than in his/her home territory. Through the process of making up one’s mind to work abroad, there are several decision-making moments. For example, working abroad includes applying for a work visa as a legal foreign laborer, entering into a foreign country by means of a non-work visa, or even smuggling. In addition, he/she has to think over numerous additional factors and select the most favorable country.

An opportunity to seek a better life can be interpreted as a cost-benefit analysis of rational choice. Nevertheless, some researchers consider that rational choice cannot completely explain migration behavior, which has to take account of socioeconomic factors, socio-political factors, cultural values, historical tradition, and environments. They argue that when one is sunk into poverty, for the hope of survival, individuals have no choice but to accept the offer of employment elsewhere. Even though girls are aware that prostitution may be possible, it is the only channel for them to flee the misery and stagnation of their lives (Andrijasevic, 2004). Therefore, it cannot be regarded as real choice; it is the “macro factors that encourage, induce or often, compel migration” (Taran, 2001).

The Western notion of choice assumes that everyone is on an equal playing field
and ignores the imbalances between rich and poor nations, regions, communities, and individuals, and disregards the fact that not everyone has the same opportunity and access to resources and services (Chung, 2006).

2.6 Empirical Research in Taiwan

According to the statistics from the NIA (see Table 1.1), during the period from 2007 to April 2010, two-thirds of human trafficking victims were foreign laborers holding work visas. Since most human trafficking victims are identified when they are detected in illegal circumstances, they are either runaway or irregular foreign laborers. In this chapter, the results of the existing studies will be presented first, followed by the refined research questions for the current study.

2.6.1 Foreign laborers Recruitment Mechanism

In Asia, a host country tends to adopt a guest worker system, but the information between employer and laborer is insufficient. This causes a reliance on broker agencies as the medium (Martin, 1996; Okinishi 1996). The government of Taiwan controls the wage and the number of foreign laborers, which enables brokers to gain large profits in the process of recruitment and placement of foreign laborers. It also intensifies brokers’ dominance and exploitation of foreign laborers. Because the broker industry manipulates information, and because professional knowledge is difficult to obtain, laborers cannot find overseas working opportunities or deal with the complications of traveling abroad by themselves; they can only depend on a broker agency (Tsai & Chen 1997).

According to the Labor Standard Act, foreign laborers must receive basic minimum wages. As a result, labor exporting nations, brokers, and foreign laborers all favor Taiwan’s foreign laborers market. Employment of foreign laborers in Taiwan is only open to limited industries and in limited numbers, and foreign laborers should provide only a complementary labor force. As a result, the supply of foreign laborers is more than the approved quota set by the government. In order to work in Taiwan, foreign laborers rely on labor brokers, who need the cooperation of domestic brokers in Taiwan. Because most employers authorize brokers to recruit foreign laborers, brokers struggle to win permission for foreign laborers employment from employers. With this employment permission in hand, brokers can earn considerable profits. In such situations, the brokerage fee employers should pay becomes free, and may even
be turned into kickbacks. The purpose of brokers is to earn the greatest profits, and these profits come from foreign laborers (Wang, 2007). Lan (2006) found that foreign laborers have to pay higher brokerage fees to work in Taiwan than in other Asian countries. In general, the brokerage fee a foreign laborer has to pay ranges from around NTS90,000 to 220,000, which is equal to 5 to 14 months’ salary in Taiwan. Foreign laborers are the most vulnerable sacrifices under the policy and market operations.

Moreover, Wang (2007) focused on the recruitment of Thai laborers to Taiwan and indicated that Thai laborers were still charged high brokerage fees by labor brokers, even when they were directly recruited by Taiwanese employers. Therefore, the governments of exporting nations and the local privileged broker agencies are the real traffickers of foreign laborers. The export of a labor force cannot be simply explained by push-pull theory. The operation involves complicated interactions among the government, broker agency, employer, and laborer.

If foreign laborers intend to come to Taiwan through legal access as contract workers, they have to pay steep broker fees and be exploited by a labor broker, a broker agency, and a Taiwan broker agency to obtain the job opportunity. Nevertheless, many foreign laborers come to Taiwan by means of visiting, studying, and marriage, and actually engage in working activities. Were they assisted by organized broker agencies? The existing literature only explains contract foreign laborers’ brokerage processes in Taiwan; to the best of the author’s knowledge, no one has empirically studied the channel by which irregular foreign laborers come to Taiwan and the fees they have to pay.

2.6.2 Reasons Why Foreign laborers Choose Taiwan

Salary is the main reason why Taiwan attracts Asian laborers. The regulation of the basic minimum wage raises the average wage that laborers could obtain in Taiwan above those in other Asian countries. Even though foreign laborers have to pay higher brokerage fees, they still choose to work in Taiwan (Lan, 2006; Tsai & Chen 1997). Chang’s study (2001) on the migratory decision of Philippine laborers working in the Hsinchu Science Park found that in addition to the more job opportunities, higher wages, and geographic proximity, they chose Taiwan because of the longer working period and looser recruiting criteria as compared to Japan and Korea. In addition, job opportunities in Hong Kong and Singapore are mostly limited to domestic laborers,
and most opportunities in Japan are for dancers and singers. Furthermore, they are often encouraged by relatives or friends who have worked in Taiwan and were satisfied with the working environment and wages here. However, in Lin's empirical study (2006), which focused on Vietnamese female runaway foreign laborers, interviewees pointed out that the actual income was different from that written on the contract, and they were charged for various fabricated excuses. The interviewees expressed that they were attracted by the wage in Taiwan, but in the end, they were deceived.

It shows that since foreign laborers should receive the same basic minimum wage as domestic laborers, they can earn a higher income in Taiwan than in other Asian countries, which is the key factor that attracts foreign laborers to come to Taiwan. In addition, the working categories open to foreign laborers and the public praise from friends and relatives also increase their willingness to come. But that finding came from research into runaway foreign laborers. No study has probed into the reasons why irregular foreign laborers choose to work in Taiwan.

2.6.3 Factors Causing Foreign Laborers to Flee from Contract Employers

Hsu (2000) considers that push-pull theory could explain legal foreign laborers’ flight. By fleeing contract employers, legal foreign laborers expected to obtain better jobs. The push forces include: (1) a desire to stay in Taiwan for longer than the approved period; (2) the death of the contract employer, combined with the unwillingness of the broker agency to help him/her find another contract employer; (3) improper treatment by an employer; (4) overly long working hours; (5) an excessive workload; and (6) exploitation by a broker agency. As for pull forces, they include: (1) the possibility of extra pay; and (2) a desire that his/her income belong to him/her alone.

Lin (2006) thinks that the “general theory of crime” and “rational choice

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7 According to the Paragraph 1, Article 59 of Employment Service Act, should any of the following circumstances have arisen or existed, the Foreign Worker employed to engage in work as referred to in Subparagraphs 8 to 11 of Paragraph 1 of Article 46 may transfer to work for a new Employer or to engage in new work upon the authorization of the Central Competent Authority:

1. His/Her original Employer or the One who was intended to be taken care of by the employed Foreign Worker has deceased or emigrated;
2. The vessel he/she works on has been seized, has sunk, or has been under repair so as to compel the discontinuation of the work;
3. The discontinuation of the work caused by the fact that His/Her original Employer has shut down the factory, suspended the business, or failed to pay the wage/salary pursuant to the employment contract resulting in the termination thereof;
4. Other than the above, similar circumstances not attributable to the employed Foreign Worker.
theory” could explain foreign laborers’ decision-making on whether to run away or not. The rational choice perspective assumes that offenders seek to benefit in some way from their offending behavior and undertake a cost-benefit analysis of committing a crime. One will evaluate the benefit he/she could get and the cost he/she has to pay before he/she decides to commit the crime. Therefore, in the case of running away foreign laborers, it is considered that they would estimate every cost and then conclude that the gain they could obtain is worth the risk of being arrested.

Hsu (2005) and Chao (2004) interviewed foreign domestic caretakers and domestic workers respectively; they both found that the factors in foreign laborers’ flight were as follows: (1) avoidance of broker fees; (2) unreasonable management and the threat of being sent back by broker and employer; (3) being seduced by a fellow townsman, foreign bride, or illegal broker; (4) the possibility of earning more money; (5) a low income obtained; (6) an excessive workload; (7) bad interaction between laborer and employer; (8) improper treatment from or abuse by employer.

Compared to their lives before running away, foreign laborers reported feeling that a legal employer tended to restrict their movements to prevent them from running away. In contrast, the illegal employer’s demands were much looser (Lin, 2006). The reason for this is that the demand for domestic foreign maids in Taiwan is greater than the supply. In addition, in the case of illegal work, the broker, employer, and foreign laborers are all illegal, so the relationship among the three is particular, thus enabling a runaway foreign maid to possess higher decision-making rights (Chao, 2004). According to a questionnaire survey of illegal foreign laborers (Hsu, 2000), after running away, most foreign laborers’ working conditions were improved, and more than half could increase their income, have more days off, and receive better treatment from illegal employers.

However, from Chao’s field investigation (2004) in an NGO, he observed that some runaway foreign maids were raped by illegal brokers, induced to work in the sex trade, restricted in freedom, or abused by their employers. These victims were afraid to seek help because of their illegal status. If their income was purposely withheld by the illegal employer or was taken by the illegal broker, they could only swallow the pain of doing unpaid work.

Through rational choice, the foreign laborers in the studies above decided to flee contract employers and, indeed, their living conditions after their flight were mostly
improved. It seems that an illegal status was even superior to a legal one. On the other hand, for irregular foreign laborers, their working in Taiwan is illegal from the beginning; how do their fortunes compare to those of contract foreign laborers? Why do they prefer working in Taiwan through illegal channels? Could rational choice also apply to this phenomenon? No study to date has provided an explanation.

2.7 Research Questions

Specific terms used in the thesis have to be clarified first. Those who apply for work visas and remain with the employers permitted by the Council of Labor Affairs are legal foreign laborers. Once they leave their employers without lawful reasons, they become runaway foreign laborers. If they come to Taiwan as tourists, students, or spouses of R.O.C. citizens, but actually have jobs without work permits, they are irregular foreign laborers. Irregular foreign laborers also include smuggled individuals who engage in working activities. Both irregular and runaway foreign laborers are illegal. The terms legal foreign laborers and documented foreign laborers are used interchangeably, and illegal foreign laborers are also called undocumented foreign laborers. For further clarification of these terms, please refer to Figure 2.1.

![Figure 2.1 Classification of foreign laborers](image)

Documented foreign laborers have greater protection under the law than undocumented foreign laborers. In the case of irregular foreign laborers, their illegal

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8 According to article 48 of Employment Service Act, prior to employing foreign worker to engage in work, employer shall apply to the central competent authority for employment permit with relevant documents submitted. However, a foreign worker has married a national of the Republic of China with a registered permanent residence in the territory of the Republic of China and has been permitted to stay are exempted. There are some foreigners bear the intention to work in the name of marriage, which are so-called “fraud marriage, really work”.

status makes them vulnerable and places them at risk of exploitation. However, many migrants still choose to enter Taiwan by irregular methods. If legal entry is possible and protection guaranteed, why do they risk the opposite? Is it because they cannot obtain legal entry? Is illegal entry more profitable than legal entry, which is related to the brokerage process? Do they completely understand the consequences of illegal entry and make a rational choice to enter illegally, or are they deceived by deceitful agencies? What are the plausible reasons to explain human trafficking in Taiwan? Consequently, the research questions were refined as follows.

Particularly, the thesis would like to explain the following research questions.

1. Is the process of coming to Taiwan different for runaway foreign laborers and irregular foreign laborers?
2. Is there any distinction between runaway foreign laborers and irregular foreign laborers in the employment situation in Taiwan?
3. What is the general type of labor trafficking in Taiwan?
4. What is the major root of labor trafficking in Taiwan?
3. Government Responses to Human Trafficking

Undoubtedly, human trafficking is a violation of human rights, and the government should take the responsibility of tackling it. Due to its cross-border feature, several measures are taken internationally to combat this crime. In this chapter, the author will evaluate the relevant government policies and regulations, including border control, prevention of human trafficking, prosecution of traffickers, as well as protection of victims.

3.1 Border Control

Freedom of movement is a fundamental human right. In an era of globalization, cross-border movement is an unavoidable phenomenon, which brings about advantages and disadvantages for the country. On the one hand, opening national borders to tourists can boost a nation’s economy; pulling in high-tech and expert talents can enhance a nation’s research and development industry; the importation of foreign laborers can support a nation to pursue more economic profit. On the other hand, to preserve a nation’s self-interest and protect national security, it is also necessary to control the inflow of foreign nationals and enact certain regulations under international practice.

In the European Union, since the implementation of the Schengen Agreement and the removal of border controls between participating countries, law enforcers have less opportunity to intercept traffickers and identify trafficking victims, making it easier to proceed with the trafficking business. Increasing the control of national borders is considered to be an effective method for combating human trafficking. For example, airlines and shipping companies are liable for carrying undocumented migrants; biometrics, machine-readable passports, or anti-forgery techniques are used to identify each individual; border patrols are enhanced to detect illegal entry (Buckland, 2008).

Indeed, increased border control could block some illegal migrants from crossing national borders. Amid growing unemployment, developed countries are pressured to decrease the number of imported laborers in order to protect local workers’ employment opportunities. Nevertheless, low-wage jobs are still vacant, and these

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9 Trafficking in human beings in the European Union: a Europol perspective (June 2009)
attract numerous illegal migrants. Under the strict border control and foreign laborers and immigration policy, migration becomes difficult, and migrants depend on professional, sophisticated, and skilled organizations to assist them in crossing the border. As a result, illegal foreign laborers are vulnerable to further exploitation, and the trafficking business becomes even more prosperous under such mechanisms (AMC, 2000; Andreas, 2000; Chapkis, 2003; Collinson, 1994; Coomaraswamy, 1997; Di Nicola, 2004; Gallagher, 2002; Morrison, 2000; Taran, 2003; Wang, 2009) The emphasis on border control is “security-based, with minimal attention paid to the protection of important rights in the context of a more comprehensive approach” (Cholewinski, 2001).

3.2 Prevention of Human Trafficking

Prevention is better than a cure. To thoroughly protect human rights in the face of the violence of trafficking, the fundamental solution lies in preventing it from happening. In 1990, an information campaign was launched in Central and Eastern Europe to prevent human trafficking and undocumented migration (Nieuwenhuys and Pécoud, 2007). It aims to provide information to people in the sending countries on the causes and consequences of trafficking, and the risk and dangers they may face in the journey of migration, enabling them to make well-informed decisions on migration.

To prevent foreigners from entering Taiwan for the purpose of working through fraudulent marriages, the government carries out marriage interviews for people from Southeast Asia. Once they arrive, their unlawful status and high broker fees may make them vulnerable, and they may become victims of human trafficking. Interviews can be helpful in providing involuntary spouses with the real facts, possibly preventing them from becoming victims of trade marriages (Tsai, 2007).

The information campaign is based on the assumption that potential migrants have no access to adequate and accurate knowledge about the obstacles ahead, so they will be deceived by the fake promise of a better life. If they know more about the risks of migration, they may choose to stay at home, thus eliminating the possibility of trafficking. However, such thinking is not completely correct. There is no question that if there is no cross-border movement of people, cross-border trafficking can be stopped; however, internal trafficking within nations still exists (Sharma, 2003). In addition, though there is currently a lack of information, this lack cannot last for long
(O’Rourke & Williamson, 2000). In the 21st century, people can easily learn from others’ experiences. Therefore, even if the risks of migration are clear and potential migrants are aware of them, they may still proceed with their plans (Phongpaichit, 1999). The problem is not that they know little about migration, but rather that they care little about the possible dangers (Nieuwenhuys & Pécoud, 2007). For instance, a 2003 estimate by IOM victims’ assistance center in Albania showed that more than one third of the women had been trafficked more than twice. IOM (2004) noted, “In the past, the vast majority of victims were not aware of the dangers of trafficking, [but] an increasing percentage of the victims assisted in recent years were in such desperate situations that they were willing to take a calculated risk.”

The idea that potential victims are innocent and can be dissuaded by the publicity of the negative image of migration has underemphasized the influence of the broad socioeconomic environment (Buckland, 2008).

3.3 Prosecution of Traffickers

Prosecution of traffickers is also a preventive tool for attacking human trafficking. When the trafficking networks are cut off and traffickers are convicted and imprisoned, the intermediary of trafficking is broken. It also can be realized by a rational approach that if the penalty of engaging in trafficking business is increased, will traffickers have to take account of it and calculate the cost-benefit effect (Impe, 2000). But the outcome of it is still unknown because crime organizations always revise their techniques and learn how to avoid being caught by law enforcers (Lindstrom, 2007). For instance, instead of severe control methods, traffickers turn to lenient ways to avoid judicial punishment (Wang & Pai, 2008).

To prosecute and convict traffickers, law enforcers need the victims to be willing to testify against their traffickers. This is a challenge because victims often come from countries with corrupt authorities and tend to distrust law enforcers. In addition, traffickers may threaten that if they reveal the truth, they will face dire consequences, such as being incarcerated or deported, or their families will be killed (Bales & Lize, 2007; Wang & Bai, 2008; Tsay, 2007; Wang, 2008; Wang, 2009; Kao, 2009; Sun, 2008). Furthermore, due to psychological and language barriers, victims’ testimony is hard to adopt (Wang, 2008; Shen, 2008). Professional and dependable interpreters are also essential; in addition to the proficiency in both languages, fundamental
knowledge of the law is required (Chen, 2008; Shen, 2008; Kao, 2007).

On the other hand, victims are sometimes unconscious of being victimized (Hsieh, 2008; Chen, 2008; Ku, 2008). They might feel grateful to traffickers for providing them with opportunities to work abroad. Adding to the lack of the experience and awareness of human trafficking, or because of racial and gender discrimination, law enforcers might misidentify the victims as normal law breakers; thus, the chance to uncover the human trafficking case is missed (Wang, 2008; Tsai, 2007; Wang, 2009; Ko, 2009).

One criticism of this approach is that it focuses on the prosecution of traffickers and tends to neglect the protection of trafficking victims (Angel, 2007). If victims refuse to testify, instead of being granted immunity from illegal migration or criminal charges, they face immediate deportation or prosecution. In fact, the victim assistance programs are often conditional on the victims’ cooperation with prosecutors.

### 3.4 Protection of Victims

In most situations, trafficking victims are hidden from the outside world and hesitate to come forward to seek help because they are treated inhumanely as “disposable people” (Bales, 1999) and frightened to be penalized like criminals or illegal aliens. To comfort them, the government should draw up a set of measures to ensure the protection of their human rights, such as assistance with medical care, legal advice, interpreters, psychological counseling, financial counseling, and so on. However, no matter how complete and sound the protection mechanism is, potential victims have to be informed, or they may fear to stand up and be identified as victims, even though they are indeed trafficked.

During the drafting sessions of the Palermo Protocol, two issues drew a great amount of debate. One was the definition of human trafficking, and the other was the protection of the human rights of the trafficking victim. The participating states reached no consensus on whether a victim should be exempted from all liability in illicit activities, such as illegal entry or unsanctioned work. This lack of consensus was probably due to concerns over the “unwarranted use of the ‘trafficking defense’ and a resulting weakening of states’ ability to control both prostitution and migration flows through the application of criminal sanctions” (Chuang, 2006b source from Gallapher, 2001). Here in Taiwan, according to Article 29 of the Human Trafficking
Prevention Act\textsuperscript{10}, “any human trafficking victim who has violated other provisions of the criminal code or administrative regulations as a result of being trafficked may be eligible for a reduction in penalty or absolution of his/her liability.”

Generally speaking, the Palermo Protocol compels the State Party to abide by procedural stipulations or fundamental protection measures. Nevertheless, Article 7 states that “each State Party shall ‘consider’ adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.” This provision allows each state to take selective measures in assisting victims. The reason is that the supporting measures are costly; in consideration of the differences in economic situations and resources of each State Party, it would have been inappropriate to make it an obligation and to apply it to each State Party.

Regarding the rendering of victims’ residential status in the identifying countries, most developed countries (which are often also destination countries) are opposed to this stance for fear of the increase in the motivation of trafficking and illegal migration. On the contrary, source countries prefer that protection be provided to victims as well as possible (Ke, 2008). The Human Trafficking Prevention Act dictates that if the trafficking victim’s personal safety may be threatened after his/her repatriation back to his/her home country because of the assistance in the investigation or trial, the victim may be allowed to stay or be granted residency. After continuous legal residency in Taiwan for 5 years and over 270 days per year, they may also apply for permanent residency. To encourage victims to assist in the prosecution of traffickers, during the legal stay or residency, the victims are allowed to apply for work permits\textsuperscript{11}, which not only enables victims to be economically independent, through the process of working, but also enables them to enjoy the fruits of their labors and affirms the meaning of life (Kao, 2009). Nevertheless, whether the victim’s assistance in a judicial trial should be a requirement attached to residency permission remains to be discussed (Ko, 2009).

In the 2009 TIP report, Taiwan was ranked in Tier 2, the same as Japan, Singapore, and Hong Kong. Regarding the protection aspect, all three countries were

\textsuperscript{10} The Human Trafficking Prevention Act has been in effect since June 1, 2009.

\textsuperscript{11} Paragraph 4, Article 28 of Human Trafficking Prevention Act stipulates that “The human trafficking victim in respect of paragraphs 1 and 2 may apply for a work permit at the central labor affairs competent authority without being subjected to the restrictions set forth in the Employment Service Act and Article 11 of the Act Governing Relations between People of the Taiwan Area and Mainland Area, and the period in which he/she can work shall not exceed the period of his/her stay or residency.
recommended to “provide trafficking victims legal alternatives to the removal to nations where they may face hardship or retribution” as well as to “provide employment opportunities while in shelters or assisting in trials.”

Though the Palermo Protocol grants States some decision-making rights to act on their own, the TIP report applies unified criteria to judge every country. The government of Taiwan has completed the enactment of laws and regulations to provide essential assistance and protection for human trafficking victim, but the effects remain unknown.
4. Research Design

To properly deal with the research questions, this study involved both qualitative and quantitative methods. The author collected knowledge and data by literature review, questionnaire survey, and in-depth interview.

Labor trafficking and sex trafficking are the prime types of human trafficking in Taiwan. According to the statistics in Table 1.1 above, the total number of victims being placed from 2007 to April 2010 was 510. Among these, 406 (79.6%) were victims of labor trafficking, and the other 104 (20.4%) were victims of sex trafficking. This shows that victims of labor trafficking outnumbered those of sex trafficking. Focusing on labor trafficking, holders of work visas numbered 266, and non-holders numbered 140.

Rarely do victims seek help actively; most are discovered by relevant authorities under illegal circumstances. They are identified as victims during the process of record taking and then placed in a shelter. For this reason, this study tries to grasp the clues to human trafficking in Taiwan by understanding the illegal foreign laborers who have been arrested. The questionnaire survey was conducted first. To complement the shortcomings of a structured questionnaire, in-depth interviews were also conducted to further clarify the situations of laborers and labor trafficking in Taiwan.

4.1 Data Collection Methods

The details of the data collection methods and the process of implementation will be presented below.

1. Questionnaire Survey

Subjects can be classified into two types, as exhibited in Figure 4.1. One is runaway foreign laborers who came to Taiwan with work visas but left their contracted employers without lawful reasons; the other is irregular foreign laborers who held non-work visas or even immigrated illegally to Taiwan in order to work without permission from the authorities.
Foreigners are temporarily detained by the NIA if they conform to Article 38 of the Immigration Act\textsuperscript{12}. Therefore, illegal foreign laborers are all kept in NIA detention centers before they are deported. As the author works in the NIA as an executive officer, she intended to conduct the empirical research with formal approval, including administering the questionnaire survey and interviewing the detainees in the detention centers personally. Unfortunately, the request was denied. Therefore, the author could only ask a colleague in the Yilan detention center to handle the distribution and collection of the questionnaires. The interviews of the detainees had to be canceled. According to the organization chart of the NIA, there are five detention centers: the Yilan detention center, Taipei detention center, Hsinchu detention center, Nantou detention center, and Lienchiang detention center. Principally, the detainees in the Yilan detention center were arrested by the Taipei City brigade, Taipei County brigade, Keelung City brigade, Yilan County brigade, Hualien County brigade, and Taitung County brigade. The detention capacity in the Yilan detention center is comparatively large (140 for male and 260 for female) among these five detention centers. However, since all the detention centers are available for both Mainlanders and foreign nationals, and the number of the detainees is up due to a crackdown by

\[\text{Figure 4.1 Population/Sample of the research}\]

\textsuperscript{12} National Immigration Agency can detain aliens temporarily and order them to do labor service if they meet one of the following circumstances:
1. Are to be deported as a penalty but have not yet completed the procedure for exiting the State.
2. Have illegally entered the State or overstayed their visits or the period of residence.
3. Are wanted by a foreign government.
4. Are considered, on the basis of facts, to be in need of temporary detention.
relevant authorities, the numbers and the types of targets are uncontrollable. As of April 30, 2010, the total number of detainees in Yilan detention center was 298, including 111 Mainlanders and 187 foreign nationals (see Table 4.1). The gender proportion of foreign detainees was quite uneven.

Table 4.1 The statistics of present detainees in every detention center

<table>
<thead>
<tr>
<th>Detention center</th>
<th>Detaining Capacity</th>
<th>Present detainees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Yilan</td>
<td>140</td>
<td>260</td>
</tr>
<tr>
<td>Shinchu</td>
<td>80</td>
<td>320</td>
</tr>
<tr>
<td>Taipei</td>
<td>128</td>
<td>128</td>
</tr>
<tr>
<td>Nantou</td>
<td>124</td>
<td>200</td>
</tr>
<tr>
<td>Lienchiang</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>492</td>
<td>916</td>
</tr>
</tbody>
</table>

Source: National Immigration Agency, Ministry of the Interior

In order to make the questionnaire understood by the interviewees, it was translated into Thai, Vietnamese, and Indonesian. Since the author was unable to enter the detention center with a translator to administer the questionnaire in person, the pretest was conducted from May 16 to May 18 with the help of a colleague working in the detention center. When collecting the pretest questionnaires, the author modified the questions slightly according to the responses. After that, the questionnaire was conducted in the morning of May 25, while the participants were resting in their bedrooms. There are three districts in the Yilan Detention Center; each consists of 4 to 8 bedrooms and 40 to 80 detainees. Different nationalities are included in every bedroom. The questionnaire was distributed according to interviewees’ nationalities through the administrator of the district. A total of 190 questionnaires were collected, of which 23 were considered invalid as judged by the integrity of the responses. For example, more than half of the answers to the questions were blank or were filled out recklessly, such as over 100 years old or all blanks checked. Most of the invalid samples were from male Vietnamese detainees in one specific district. Ordinarily, those subjects also demonstrated bad behavior in the detention center.
2. In-depth Interviews
At first, the author planned to interview human trafficking victims with the approval of the agency to gain access to the asylum of human trafficking victims. The result was the same as mentioned above. As a result, the author asked friends and colleagues who were acquainted with personnel working in the asylum as social workers. In the past, illegal foreign laborers arrested by the police were detained in the temporary detention center of the police bureau or in the San-shia foreign detention center. At that time, the issue of human trafficking was not receiving much attention. Trafficking victims were not placed separately from illegal foreign laborers until the NIA was set up in 2007 and human trafficking cases received proper attention. As distinguished from those in a detention center, victims in a shelter are allowed to engage in activities freely. Social workers provide guidance and assistance in order to gain a better understanding of the victims. By interviewing the social workers, the author was able to look into the problem of human trafficking in a closer manner.

To protect the victims’ personal safety and privacy, the author cannot state the location of the asylum or the names of the interviewees. Table 4.1 provides a rough description of the interviewees and an introduction of the interviews conducted.

Table 4.2 Summary of in-depth interview conducted

<table>
<thead>
<tr>
<th>Code</th>
<th>Gender</th>
<th>Social work experience (years)</th>
<th>Date</th>
<th>Method</th>
<th>Time used (minutes)</th>
<th>Location of shelter</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>Female</td>
<td>8</td>
<td>5/27</td>
<td>By phone</td>
<td>70</td>
<td>Northern Taiwan</td>
</tr>
<tr>
<td>S2</td>
<td>Female</td>
<td>5</td>
<td>5/27</td>
<td>By phone</td>
<td>50</td>
<td>Northern Taiwan</td>
</tr>
<tr>
<td>S3</td>
<td>Female</td>
<td>6</td>
<td>5/28</td>
<td>In person</td>
<td>150</td>
<td>Northern Taiwan</td>
</tr>
<tr>
<td>S4</td>
<td>Female</td>
<td>1</td>
<td>6/2</td>
<td>By phone</td>
<td>20</td>
<td>Northern Taiwan</td>
</tr>
<tr>
<td>S5</td>
<td>Female</td>
<td>2</td>
<td>6/2</td>
<td>By phone</td>
<td>20</td>
<td>Northern Taiwan</td>
</tr>
<tr>
<td>S6</td>
<td>Female</td>
<td>6</td>
<td>6/2</td>
<td>By phone</td>
<td>25</td>
<td>Eastern Taiwan</td>
</tr>
<tr>
<td>S7</td>
<td>Male</td>
<td>18</td>
<td>6/7</td>
<td>By phone</td>
<td>30</td>
<td>Northern Taiwan</td>
</tr>
</tbody>
</table>
4.2 Questionnaire Design

Due to their illegal status, illegal foreign laborers are more vulnerable than legal foreign laborers and subject to exploitation. Illegal foreign laborers can be classified into two groups: runaway foreign laborers and irregular foreign laborers. Theoretically, runaway foreign laborers hold legal work visas, and the process of coming to Taiwan should be lawfully protected. They fled their employers to escape high broker fees, to escape maltreatment from employers, or due to the urging of a townsman. Yet, irregular foreign laborers take illegal channels to work in Taiwan from the very beginning. To understand the relationship between the types of visas held in Taiwan, the method of finding work in Taiwan, and the employment situation in Taiwan, a structured questionnaire was designed (see Appendix 1).

The questionnaire survey had two main objectives: First, to determine whether the process of coming to Taiwan differed between runaway foreign laborers and irregular foreign laborers; and second, to determine whether any distinction could be found between runaway foreign laborers and irregular foreign laborers concerning their employment situations in Taiwan. These two questions are operationalized as Table 4.3.

Table 4.3 The Questionnaire Design

<table>
<thead>
<tr>
<th>Research Questions</th>
<th>Operational Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the process of coming to Taiwan different between runaway foreign laborers and irregular foreign laborers?</td>
<td>1. Channel of coming to Taiwan.</td>
</tr>
<tr>
<td></td>
<td>2. Payment of coming to Taiwan.</td>
</tr>
<tr>
<td></td>
<td>3. Method of affording the payment of coming to Taiwan.</td>
</tr>
<tr>
<td></td>
<td>4. Comparison of actual payment and nominal fee.</td>
</tr>
<tr>
<td></td>
<td>5. Comparison of actual income and nominal earnings.</td>
</tr>
<tr>
<td>Is there any distinction between runaway foreign laborers and irregular foreign laborers concerning the employment situation in Taiwan?</td>
<td>1. Considerations of choosing country for working abroad.</td>
</tr>
<tr>
<td></td>
<td>2. Advantages of Taiwan as a labor importing country.</td>
</tr>
<tr>
<td></td>
<td>3. Expected length of stay in Taiwan.</td>
</tr>
<tr>
<td></td>
<td>4. Assessment of personal experience in Taiwan.</td>
</tr>
<tr>
<td></td>
<td>5. Evaluation of working in Taiwan.</td>
</tr>
</tbody>
</table>
Hsu’s questionnaire for illegal foreign laborers (2000) was used as the main reference for the questionnaire design of this thesis. In Hsu’s research, among 195 questionnaires retrieved, 71.1% of respondents held work visas; in other words, in Hsu’s research, 71.1% of the respondents were runaway foreign laborers. However, Hsu did not distinguish runaway foreign laborers from other irregular foreign laborers in the analysis. Therefore, this thesis attempts to further explore the differences between irregular foreign laborers and runaway foreign laborers.

1. Basic information

Some basic information was gathered first, such as gender, age, educational attainment and nationality (Q1-Q4). Next, the type of visa used to come to Taiwan was determined in order to gain information on the foreign laborers’ status in Taiwan (Q5), and then the duration of illegal stay in Taiwan was acquired in order to determine how long illegal workers could hide from authorities (Q6). In Hsu’s questionnaire survey, 27.4% of the illegal foreign laborers had stayed in Taiwan for more than 3 1/2 years. Because the total period of stay of runaway foreign laborers in Taiwan includes the durations before and after running away, in order to make the question more meaningful, it was modified from total duration to illegal stay in Taiwan. This allowed discussion of whether the time on the lam differs between runaway foreign laborers and irregular foreign laborers. Next, they were asked what kinds of jobs they had done in Taiwan (Q7) in order to determine the trends in the demand in the foreign labor market. Finally, they were asked about their working experience abroad to determine any relevance to the type of visa granted for entry to Taiwan (Q8).

2. Process of coming to Taiwan

The goal of this section is to determine the relationship between brokerage process and foreign laborers’ access to Taiwan. According to Hsu, 72.9% of illegal foreign laborers came to Taiwan through the assistance of a broker agency. In this paper, we asked about the channel of coming to Taiwan first (Q1) to confirm from whom they received assistance and whether there existed a specialized agency dealing with illegal brokerage to Taiwan. The next question inquired about the brokerage fee (Q2). Hsu found that 24.5% of illegal foreign laborers made payments of less than NT$ 30,000 to come to Taiwan, and 31.3% had paid in excess of NT$ 100,000. The price variation was quite huge. But it is unknown whether this is related to nationality or entry visa. The next question asked how the foreign laborers afforded the payment.
to come to Taiwan (Q3). Debt-bondage is a normal form of human trafficking; if the foreign laborers could not afford the payment in advance and borrowed it from a broker agency, then once they arrived in Taiwan, the broker may have controlled the foreign laborers’ movement and further exploited them in order to exact repayment. Often, worker expectations and repayment terms are based on exaggerated and false representations by recruiters regarding wages the workers can expect to earn in their new jobs. Once at an overseas worksite, such high levels of indebtedness can make workers vulnerable to exploitation by unscrupulous employers, who subject workers to terms much less favorable than promised at the time of recruitment (such as much longer hours, less pay, and harsher conditions).

Next, the author tried to determine if the foreign laborers had been deceived about the fee they had to pay and the income they could earn in Taiwan (Q4-Q7). To recruit foreign laborers to Taiwan, brokers may exaggerate the earnings in Taiwan or fabricate various excuses to charge additional fees. Using these four questions, it was possible to determine if foreign laborers were exploited naively or if they already recognized the unreasonable payment in advance and still chose to accept it.

3. Viewpoint on working abroad

This section sought to determine if illegal foreign laborers’ considerations of coming to work in Taiwan were related to the entry visa they chose to hold. Therefore, it was necessary to ask about considerations in choosing a country for overseas work first (Q1), followed by questions about the advantages of Taiwan as a labor importing country (Q2). Next, in Hsu’s research, if not arrested, 44.4% of illegal foreign laborers hoped to permanently reside in Taiwan. For those who would not like to stay in Taiwan for a long time, 33.47% hoped to stay for 1-3 years, 7.4% hoped to stay for 4-6 years, and 7.4% hoped to stay for 7-10 years. The goal of foreign labor policy is to avoid foreign laborers becoming immigrants in another form. However, once they successfully escape arrest by government authorities, the possibility for them to become immigrants is quite high. According to NIA records, hundreds of ROC nationals marry illegal foreign laborers each year. Thus, the questionnaire asked about the period illegal foreign laborers expected to stay in Taiwan (Q3). Then, because the public praise from friends and relatives may influence foreign laborers’ willingness to come, the questionnaire asked about their evaluation of coming to Taiwan (Q4) and whether they would recommend that their friends or relatives come (Q5) in order to determine whether it is worth taking the risk to illegally work in
Taiwan.

4.3 Interview Questions

The government of Taiwan’s intervention in the recruitment of foreign laborers and control of the mobility of labor force causes the suppression of legally imported foreign laborers. For guest workers, legal status and employment contract ties more closely resemble enslavement mechanisms than protection measures (Lan, 2006). There are too many unreasonable regulations that violate the rights and interests of foreign laborers, so they can only “run away” to escape the mechanism (Wang, 2009). This may be the reason why irregular foreign laborers came in the name of non-working purposes. In other cases, irregular foreign laborers may not intend to work in Taiwan originally; the motivation of working illegally gradually appears during the period of visiting or studying. Thus, the motivation of holding a non-work visa was verified first (Q1). Next, in Hsu’s research, the medium for finding illegal work included illegal foreign laborers, Taiwanese co-workers, legal foreign laborers, and broker agencies. The answer “others” accounted for 28.7%; however, due to the structured questionnaire design, the channel was unknown, so that was the next question asked in the interview (Q2).

When being exploited, did illegal foreign laborers try to seek help actively, and did they clearly know that they were being victimized before being identified (Q3)? They might hesitate to do so due to their illegal status. A lack of opportunity might also have been a significant factor, or they may have preferred to work in poor conditions rather than return to their home countries, or expected to gain a real profit after the end of the unreasonable treatment. The question about the obtainment of job and employment situations (Q4) sought to determine the idea of accessibility of jobs and working conditions while they were placed. The next question asked for the victims’ feelings about governmental protection measures (Q5). The following question addressed the influence of the experience of being victimized (Q6). For instance, the victims may have become afraid or may still have had a high desire to work abroad, even returning to Taiwan after their return to their homeland. In addition, could the experience of victimization make them immune from being trafficked again, and how?

In order to fight against human trafficking, governments often enact stricter
border controls as a solution. Here in Taiwan, the Ministry of Foreign Affairs formulated the regulation that marriage visa applicants from specific Southeast Asia countries should be interviewed. The author also asked for the interviewees’ opinions about this (Q7). Could such regulations decrease the number of fraudulent marriages and the possibility of their being exploited? Or might it imply that marriage immigrants are suspects and violate the freedom to establish a family (Ku, 2008; Wang, 2009)? Finally, the author asked about the key factors of labor trafficking in Taiwan (Q8).
5. Situations of Illegal Foreign laborers in Taiwan

A total of 167 participants filled out the questionnaire completely. Most of them were female and a great majority were runaway foreign laborers who held working visas. Before bringing up the research results, it should first be stated that the sample with regard to male and irregular foreign laborers was so limited that they might not well illustrate the situations of illegal foreign laborers in Taiwan.

SPSS statistical software package was used to calculate the descriptive statistics. In this chapter, the situation of illegal foreign laborers is presented based on the data from questionnaires and interviews.

5.1 Basic Information

This research included gender, age, educational attainment, nationality, type of visa for entrance to Taiwan, duration of illegal activities, and overseas working experience. The analysis was as follows.

(1) Gender

Among the respondents, 27 (16.6%) were males and 136 (83.4%) were females. The percentage of females was much higher than that of males. As shown in Table 4.1, on April 30, the total number of detainees in Taiwan was 786, comprising 303 males and 483 females.

(2) Age

Among the respondents, 55 persons (35.5%) were aged from 26 to 30; the next age bracket was 36 to 40 years old, numbering 34 persons. Aged below 40 were 131 persons in all (84.5%).

(3) Educational attainment

Among the respondents, 117 persons had completed high school, by far the highest proportion (77%). Next was primary school, which 20 persons had completed (13.2%). Only 12 persons (7.9%) had completed college/university. Cross-analysis between educational attainment and nationality showed that all those from the Philippines had completed high school or above. Some of the respondents from Vietnam, Indonesia and Thailand had completed their elementary education. The cross-analysis of educational attainment and type of visa to Taiwan showed that the percentage of college/university graduates for non-work visa holders was moderately...
higher than the average (33.3%).

Table 5.1 Cross-tabulation between educational attainment * nationality

<table>
<thead>
<tr>
<th>Vietnam</th>
<th>Indonesia</th>
<th>Thailand</th>
<th>Philippine</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Elementary</td>
<td>5</td>
<td>12</td>
<td>3</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>High school</td>
<td>29</td>
<td>52</td>
<td>2</td>
<td>11</td>
<td>96</td>
</tr>
<tr>
<td>College/University</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>Graduate</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

(4) Nationality

Among the respondents, there were 73 Indonesians (51%) ; Vietnamese numbered 44 persons (30.8%). Thais and Filipinos numbered 10 and 13, respectively.

Table 5.2 Basic information of respondents

<table>
<thead>
<tr>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>27 (16.6%)</td>
<td>136 (83.4%)</td>
<td>163</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age</th>
<th>≦25</th>
<th>26-30</th>
<th>31-35</th>
<th>36-40</th>
<th>≧41</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>14 (9%)</td>
<td>55 (35.5%)</td>
<td>28 (18.1%)</td>
<td>34 (21.9%)</td>
<td>24 (15.5%)</td>
<td>155</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Educational attainment</th>
<th>None</th>
<th>Elementary</th>
<th>High school</th>
<th>College/University</th>
<th>Graduate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 (1.3%)</td>
<td>20 (13.2%)</td>
<td>117 (77%)</td>
<td>12 (7.9%)</td>
<td>1 (0.7%)</td>
<td>152</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Vietnam</th>
<th>Indonesia</th>
<th>Thailand</th>
<th>Philippine</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>44 (30.8%)</td>
<td>73 (51%)</td>
<td>10 (7%)</td>
<td>13 (9.1%)</td>
<td>3 (2.1%)</td>
<td>143</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of visa</th>
<th>Working</th>
<th>Tourist</th>
<th>Student</th>
<th>Marriage</th>
<th>Smuggled</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>140 (88.1%)</td>
<td>5 (3%)</td>
<td>1 (0.6%)</td>
<td>9 (5.7%)</td>
<td>1 (0.6%)</td>
<td>3 (1.9%)</td>
<td>159</td>
</tr>
</tbody>
</table>
(5) Type of visa for entrance to Taiwan

Most respondents held work visas to Taiwan (N=140, 88.1%) among which only one came to Taiwan through a direct-hiring process. The others were assisted by broker agencies. Nine held marriage visas, and 5 held tourist visas. Based on cross-tabulation analysis, among the 9 marriage visa holders, 8 were Thai, while 3 of the 5 tourist-visa holders were Indonesian. The one who held a student visa was Vietnamese, and the one who was smuggled in was Filipino. Among male respondents, 17 (68%) held work visas, while among females, 121 (91.7%) held work visas. Markedly more females than males held working visas.

(6) Type of jobs in Taiwan

106 respondents (64.2%) had worked as domestic helpers in Taiwan. Judging from the cross-tabulation analysis, among work visa holders, domestic helper was the greatest percentage (72.7%). For non-work visa holders, manufacturing workers comprised the greatest percentage (40%), while domestic helpers were the least.

Table 5.3 Cross-tabulation between visa * job

<table>
<thead>
<tr>
<th>Job*</th>
<th>Construction</th>
<th>Manufacturing</th>
<th>Domestic helper</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>11 (7.9%)</td>
<td>11 (7.9%)</td>
<td>101 (72.7%)</td>
<td>16 (11.5%)</td>
<td>139</td>
</tr>
<tr>
<td>Non-work visa</td>
<td>4 (26.7%)</td>
<td>6 (40%)</td>
<td>1 (6.7%)</td>
<td>4 (26.7%)</td>
<td>15</td>
</tr>
</tbody>
</table>

Note: ‘*’ stands for a question with multiple answers.

13 To protect the right of employer and foreign laborers, ease foreign laborers's financial burden for working in Taiwan, comply with international human rights, and meet the public’s expectation, the Council of Labor Affairs simplified the direct hiring process and set up a direct hiring service center on December 31, 2007.
(7) Illegal period in Taiwan

With regard to the illegal period in Taiwan, 93 (76.2%) had lived illegally for no more than 3 years, 16 (13.1%) had done so for 4 to 6 years, 11 (9%) for 7 to 10 years, and 2 (1.7%) for more than 10 years. According to cross-tabulation analysis, 83 (82.2%) of the runaway foreign laborers (work visa holders) were arrested within 3 years of flight, while only 43.8% of the irregular foreign laborers were found by law-enforcement officers within 3 years. One possibility is that the irregular foreign laborers had arranged to work illegally since entering Taiwan. Without a contract with employers, they could switch jobs freely through experienced brokers. As a result, their lives in Taiwan were comparatively stable, and the chance of being arrested was lower. Runaway foreign laborers, on the other hand, intended to work with contract employers but fled due to maltreatment or in order to escape from high brokerage fees. Consequently, their lives after fleeing were relatively poorly-planned and risky.

Table 5.4 Cross-tabulation between visa * illegal period in Taiwan

<table>
<thead>
<tr>
<th>Years</th>
<th>Visa</th>
<th>3-6</th>
<th>7-10</th>
<th>11+</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>83 (82.2%)</td>
<td>12 (11.9%)</td>
<td>4 (4.0%)</td>
<td>2 (2.0%)</td>
<td>101</td>
</tr>
<tr>
<td>Non-work visa</td>
<td>7 (43.8%)</td>
<td>3 (18.8%)</td>
<td>6 (37.5%)</td>
<td>0</td>
<td>16</td>
</tr>
</tbody>
</table>

(8) Overseas working experience

A total of 59 respondents (41%) had overseas working experience, and 85 (59%) had never worked abroad. For Indonesian respondents, those with overseas working experience outnumbered those without overseas working experience. But Vietnamese, Thai, and Filipino respondents were the opposite. In these groups, 47 work visa holders (39.2%) had overseas working experience, and 5 non-work visa holders (29.4%) had overseas working experience. For those with overseas working experience, 90.7% had only been to one country, and 62.2% had worked abroad within the past 3 years.
Table 5.5 Cross-tabulation between overseas working experience * nationality

<table>
<thead>
<tr>
<th></th>
<th>Vietnam</th>
<th>Indonesia</th>
<th>Thailand</th>
<th>Philippine</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>5</td>
<td>42</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>No</td>
<td>23</td>
<td>31</td>
<td>7</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>28</td>
<td>73</td>
<td>9</td>
<td>11</td>
<td>3</td>
</tr>
</tbody>
</table>

Table 5.6 Overseas working experience

<table>
<thead>
<tr>
<th>Country</th>
<th>1</th>
<th>2</th>
<th>≧3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>39 (90.7%)</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Years</th>
<th>≤3</th>
<th>4-6</th>
<th>≧7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>23 (62.2%)</td>
<td>10</td>
<td>3</td>
</tr>
</tbody>
</table>

5.2 Process of coming to Taiwan

(1) Being assisted by whom in coming to Taiwan

Of the work visa holders, 119 work visa holders (97.5%) came to Taiwan with the aid of broker agencies. Of the non-work visa holders, 55.6% of them mainly came to Taiwan with the assistance of friends or relatives either in native country or Taiwan.

From the responses from interviewees, it was found that some intended to work in Taiwan but did not apply for work visa for the following reasons:

(a) Avoidance of brokerage fees: Foreign laborers with work visas were mostly recruited to Taiwan through broker agencies. Ahead of coming to Taiwan, they had to pay a large broker fee. However, if they held non-work visas, the pre-payment avoided, with no salary deduction while in Taiwan.

(b) Higher wage: The demand for foreign laborers in Taiwan is greater than the legalized supply. Foreign laborers are highly sought after to do some hard-working jobs or to work as domestic caretakers; however, if the employers do not reach the requirements set by the government, they will employ illegal foreign laborers. Actually, hiring foreign laborers is much cheaper than hiring domestic labor; furthermore, it is unnecessary to pay
employment stabilization fees\textsuperscript{14} to the government if employers hire illegal foreign laborers. So it is reasonable that illegal foreign laborers receive higher pay than legal foreign laborers because of the above-mentioned reasons.

(c) Simpler application procedures: The process of applying for work visa as a foreign laborer is complicated, and applicants must meet some requirements. Therefore, they choose to come by means of other visa application processes, such as marriage, study, or visit.

(d) Lack of knowledge: Some were told that they could not apply for a work visa to enter Taiwan; instead, they could work as foreign spouses of R.O.C. citizens. They were not aware of the illegality of fraudulent marriage.

Cross-tabulation analysis showed that most of the work visa holders (95.5\%) were told that the monthly wage in Taiwan was around NT$15,001 to 20,000. But the actual wage was no more than NT$ 5,000 (58.8\%), and the next highest was NT$15,001 to 20,000 (26.8\%). As for non-work visa holders, they were also told they would receive a monthly wage of NT$15,001 to 20,000 (57.1\%), but there was no obvious centralization about their actual wage. It was noticeable that the actual monthly wage for work visa holders was no more than NT$20,000, but half of the non-work visa holders could earn more than NT$20,000. This seems to echo the results of the interview, that non-work visa holders would be higher paid than work-visa holders.

Table 5.7 Cross-tabulation between visa * the monthly wage promised before entering Taiwan

<table>
<thead>
<tr>
<th>Monthly wage (NT$)</th>
<th>≤5000</th>
<th>501-10000</th>
<th>10001-15000</th>
<th>15001-20000</th>
<th>20001-25000</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>1 (1.5%)</td>
<td>1 (1.5%)</td>
<td>1 (1.5%)</td>
<td>64 (95.5%)</td>
<td>0</td>
<td>67</td>
</tr>
<tr>
<td>Non-work Visa</td>
<td>1 (14.3%)</td>
<td>1 (14.3%)</td>
<td>0</td>
<td>4 (57.1%)</td>
<td>1 (14.3%)</td>
<td>7</td>
</tr>
</tbody>
</table>

\textsuperscript{14} Employment stabilization fees vary according to the category of foreign laborers. At present, the fee ranges from TWD600 to TWD3,000 per month.
Table 5.8 Cross-tabulation between visa * the actual monthly wage in Taiwan

<table>
<thead>
<tr>
<th>Monthly wage (NT$)</th>
<th>≤5000</th>
<th>5001-10000</th>
<th>10001-15000</th>
<th>15001-20000</th>
<th>20001-25000</th>
<th>&gt;25000</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>33 (58.9%)</td>
<td>6 (10.7%)</td>
<td>2 (3.6%)</td>
<td>15 (26.8%)</td>
<td>0</td>
<td>0</td>
<td>56</td>
</tr>
<tr>
<td>Non-work visa</td>
<td>1 (16.7%)</td>
<td>0</td>
<td>1 (16.7%)</td>
<td>1 (16.7%)</td>
<td>2 (33.3%)</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

Some Indonesian overseas Chinese had relatives or friends in Taiwan, so they came with tourist visas and then found jobs here. Those who came by means of fraudulent marriage even maintained their marital status in their home countries. Since the household registration system in Southeast Asian countries is incomplete, the certificate of single status issued by a government could be untrue. Just like S1 said,

Indonesia is quite big and it is pretty easy to apply for single status certificate. Just apply in Jakarta will be OK because the computer connection is not established, though you are married in your home town, you are unmarried in Jakarta.

Table 5.9 Cross-tabulation between visa * channel to Taiwan

<table>
<thead>
<tr>
<th></th>
<th>Broker agency</th>
<th>Friends or families in home country</th>
<th>Friends or families in Taiwan</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>119 (97.5%)</td>
<td>1 (0.8%)</td>
<td>1 (0.8%)</td>
<td>1 (0.8%)</td>
<td>122</td>
</tr>
<tr>
<td>Non-work visa</td>
<td>2 (11.1%)</td>
<td>4 (22.2%)</td>
<td>6 (33.3%)</td>
<td>6 (33.3%)</td>
<td>18</td>
</tr>
</tbody>
</table>

(2) Method of paying brokerage fee

If the brokerage fee foreign laborers have to pay comes from a bank loan and the government signs a contract with the bank about the loan interest and repayment method, foreign laborers do not have to borrow the money from broker agencies, which may charge them high interest, and the loan is deducted from their monthly wage. Then the huge debt will turn out to be the reason for human trafficking because
the income foreign laborers receive is not equivalent to the labor force they offer. Among respondents, the majority of work visa holders (55.3%) paid brokerage fees from bank loans. Others borrowed from friends or relatives (22.7%) and broker agencies (14.7%). As to non-work visa holders, the payment generally came out of personal savings and loans from friends or relatives (30.4%) respectively; 21.7% took out a loan from a bank.

Concerning nationality, quite a lot Indonesian laborers borrowed money from broker agencies. Based on the statistics on human trafficking victims from 2007 to October 2009, among the labor trafficking victims who held Taiwan work visas, 115 out of 185 victims (62.2%) were Indonesian. Compared to the data released by the CLA, on April 30, 2010, Indonesian laborers accounted for 40.4% of all foreign laborers in Taiwan. Thus, the percentage of Indonesian laborers being exploited is comparatively high, and the reason is probably because they tend to borrow money from broker agencies.

Table 5.10 Cross-tabulation between visa * the method of paying the fee to Taiwan

<table>
<thead>
<tr>
<th>Method of Paying Fee</th>
<th>Personal savings</th>
<th>Borrowed from friends or relatives</th>
<th>Bank loan</th>
<th>Borrowed from manpower agency/broker</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>150</td>
</tr>
<tr>
<td></td>
<td>8 (5.3%)</td>
<td>34 (22.7%)</td>
<td>83 (55.3%)</td>
<td>22 (14.7%)</td>
<td>3 (2%)</td>
<td></td>
</tr>
<tr>
<td>Non-work visa</td>
<td>7 (30.4%)</td>
<td>7 (30.4%)</td>
<td>5 (21.7%)</td>
<td>0</td>
<td>1 (4.3%)</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: A question for multiple answers.

Table 5.11 Cross-tabulation between nationality * the method of paying the fee to Taiwan

<table>
<thead>
<tr>
<th>Method of Paying Fee</th>
<th>Personal savings</th>
<th>Borrowed from friends or relatives</th>
<th>Bank loan</th>
<th>Borrowed from manpower agency/broker</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>1</td>
<td>14</td>
<td>29</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Indonesia</td>
<td>10</td>
<td>14</td>
<td>36</td>
<td>21</td>
<td>1</td>
</tr>
<tr>
<td>Thailand</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>
Owing to the high flight rate among Indonesian laborers, the government of Taiwan froze the import of Indonesian laborers on August 1, 2002. When the ban was lifted on December 20, 2004, in order to develop the systematic and transparent mechanism of the export of Indonesian laborers, the Indonesian labor department wanted the payment for Indonesian laborers going to Taiwan to be handled by financial institutions, and it further designated a specific bank to provide monetary loans and remittance services for Indonesian laborers going to Taiwan. Nevertheless, S2 expressed that,

Some Indonesian laborers were unaware of this and in addition to the agreement between Indonesia and the government of Taiwan about the brokerage payment, brokers charged them extra money.

As for the Vietnamese laborers, S3 indicated that,

The government of Taiwan regulates that the brokerage fee cannot be deducted from salary, so they mortgaged their house or land. One said that the broker considered the carpet his father bought when working in the Middle East nice and then took it away.

### 5.3 Viewpoint on working abroad

(1) Considerations of choosing country for working abroad

Foreign laborers go abroad to work for economic reasons; thus, whether they are work visa holders or non-work visa holders, the prime consideration is a higher salary; the next is better protection of human rights. For work visa holders, the higher salary accounts for 45.8%, better protection of human rights accounts for 29%, and cheaper broker fees accounts for 10.7%. As for non-work visa holders, higher salary accounts for 28.9%, better protection for human rights accounts for 15.6%, and having friends or relatives there accounts for 13.3%. The reasons for choosing Taiwan as a working
location were also the higher salary and better protection of human rights. For work visa holders, as many as 70.2% chose Taiwan for the higher salary; better protection for human rights and cheaper broker fees accounted for 9.9% and 7.1%, respectively. The reasons non-work visa holders came to Taiwan also varied: the higher salary, 28.9%; better protection for human rights, 19.5%; and having friends or relatives here, 14.6%. This proves that the high salary in Taiwan is indeed the most attractive incentive luring foreign laborers to work here. With regard to the protection of human rights, Taiwan also has a good reputation.

Table 5.12 Cross-tabulation between visa * considerations in choosing a country for overseas work

<table>
<thead>
<tr>
<th></th>
<th>Cheaper broker fee</th>
<th>Having friends or relatives there</th>
<th>Similar culture</th>
<th>Less penalty for illegal working</th>
<th>Geographical proximity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>17 (10.7%)</td>
<td>7 (4.5%)</td>
<td>9 (5.8%)</td>
<td>0</td>
<td>1 (0.6%)</td>
</tr>
<tr>
<td>Non-work visa</td>
<td>2 (4.4%)</td>
<td>6 (13.3%)</td>
<td>4 (8.9%)</td>
<td>3</td>
<td>4 (8.9%)</td>
</tr>
</tbody>
</table>

Note: A question with multiple answers.

Table 5.13 Cross-tabulation between visa * reasons for choosing Taiwan as a working location

<table>
<thead>
<tr>
<th></th>
<th>Cheaper broker fee</th>
<th>Having friends or relatives there</th>
<th>Similar culture</th>
<th>Less penalty for working illegally</th>
<th>Geographical proximity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>10 (7.1%)</td>
<td>6 (4.3%)</td>
<td>4 (2.8%)</td>
<td>0</td>
<td>4 (2.8%)</td>
</tr>
<tr>
<td>Non-work visa</td>
<td>2 (4.9%)</td>
<td>6 (14.6%)</td>
<td>4 (9.8%)</td>
<td>2 (4.9%)</td>
<td>3 (7.3%)</td>
</tr>
<tr>
<td>---------------</td>
<td>----------</td>
<td>-----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Higher salary</th>
<th>Better protection of human rights</th>
<th>Easier to get a visa</th>
<th>Easier to obtain illegal employment opportunities</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>99 (70.2%)</td>
<td>14 (9.9%)</td>
<td>1 (0.7%)</td>
<td>3 (2.1%)</td>
<td>141</td>
</tr>
<tr>
<td>Non-work visa</td>
<td>12 (29.3%)</td>
<td>8 (19.5%)</td>
<td>4 (9.8%)</td>
<td>0</td>
<td>41</td>
</tr>
</tbody>
</table>

Note: A question with multiple answers.

Nevertheless, they were recruited in the rural areas through the local brokers and lived in deep poverty with limited information. Even though they would like to choose a better place to work, it was uncertain if they would have the chance. As S3 said,

It depends, take Indonesia for example, it has 15,000 small islands, once the job opportunity was offered, everyone rushes to grab it.

(2) Predetermined stay in Taiwan

Based on cross-tabulation analysis shown in Table 5.14, if not for being arrested, 62.2% of the work visa holders would like to stay in Taiwan for as long as possible. Non-work visa holders who had the same idea accounted for 56.3%. Only 20.2% of the work visa holders wished to stay in Taiwan for less than 3 years; plans to stay for 7 to 10 years and 4 to 6 years accounted for 8.4% and 17.8%, respectively. As for non-work visa holders, 37.5% intended to stay for less than 3 years, and 6.3% wanted to stay for 7 to 10 years. This indicates that work visa holders wished to stay in Taiwan for longer periods than did non-work visa holders. The reason might be that work visa holders had already paid expensive brokerage fees; in order to pay back the money, they could hardly earn any money of their own until the third year in Taiwan. Consequently, only if they worked longer in Taiwan could they repay the fees. Non-work visa holders, however, did not need to pay brokerage fees in advance, so the pressure to work a certain period of time to cover the cost was nonexistent. S5 expressed that the reason she worked in Taiwan by fraudulent marriage was that she would not want to stay for very long; the contract of a foreign laborer was too lengthy.
(3) Evaluation of working in Taiwan

A total of 64.1% of the work visa holders said that considering the cost effect, it had been worth it to come to Taiwan this time, but only 33.3% of the non-work visa holders thought it worthwhile. Of the work visa holders, 56.3% deemed that they would suggest friends or relatives to work in Taiwan; however, only 16.7% of non-work visa holders would do this. This is consistent with the previous result that if they did not find it cost-effective to work in Taiwan, they would tend not to recommend that friends or relatives come. Even so, judging from the percentage of the cost effect and advising friends or relatives to come, it was found that in spite of the impression that working in Taiwan was cost-effective, some still would not suggest that friends or relatives come.

Table 5.15 Cross-tabulation between visa * cost effect and recommending Taiwan to friends or relatives

<table>
<thead>
<tr>
<th></th>
<th>Cost effect</th>
<th>Recommend friends or relatives to Taiwan</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Worthwhile</td>
<td>Not worthwhile</td>
<td>Total</td>
</tr>
<tr>
<td>Work visa</td>
<td>75 (64.1%)</td>
<td>42 (35.9%)</td>
<td>117</td>
</tr>
<tr>
<td></td>
<td>(56.3%)</td>
<td>(43.7%)</td>
<td></td>
</tr>
<tr>
<td>Non-work visa</td>
<td>6 (33.3%)</td>
<td>12 (66.7%)</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>(16.7%)</td>
<td>(83.3%)</td>
<td></td>
</tr>
</tbody>
</table>

It was uncertain whether they would tell the truth about their conditions in Taiwan to their friends, relatives or townsmen. S3 expressed that,

They would like to save face when they went back, so they just mentioned good
aspects of being in Taiwan, as for those bad experiences, they tended to swallow them without speaking out.

S4 also had similar viewpoints:

It is for sure that they would bring some information back; nevertheless, whether they would describe the reality here was another story.
6. Labor Trafficking Cases in Taiwan

The process and means of labor trafficking is variable, but there are some common characteristics. After interviewing the personnel working in the shelter for trafficking victims, the author presents the situation of labor trafficking in Taiwan.

6.1 General Type of Labor Trafficking in Taiwan

(1) Trafficking results from high brokerage fees.

Contract foreign laborers had to pay US$7,000 to 9,000 for brokerage fees, so in order to pay back the fees, they dared not to express their complaints for fear of being deported, even though their employers made unreasonable demands. S5 noted their feelings that,

Their salary had been deducted for long and they were going to earn real money soon. For them, just they endured doggedly further then they could get the pay they deserved.

Hence, to repay the high brokerage fees, foreign laborers tend to put up with the suffering until they can pay off the debt. S2 interpreted their thoughts as follows:

For the sake of the bank loan, they could only tolerate whatever happened. Once the debt was paid off, they felt less burden and had more courage to speak their minds.

Since money was deducted from foreign laborers’ salaries to pay the brokerage fee, in order to escape the brokerage fee, they might run away from their employers; however, their interests and rights might be less protected if they ran away and acquired an illegal status. S3 said that,

Employers knew that they were illegal and dared not to report him, so sometimes they paid while sometimes they did not.

The government of Taiwan stipulates that foreign laborers can be employed in
Taiwan for 3 years at most\textsuperscript{15}. Once the time is up, they have to leave Taiwan for at least one day and then come back to work; for this reason, foreign laborers have to pay high brokerage fees again. Some re-employed foreign laborers had friends in Taiwan, so they ran away soon after they arrived in Taiwan to escape the brokerage fees. S1 said that,

He blamed the maltreatment by employers. However, it was only an excuse because he just took advantage of a broker agency to bring him to Taiwan and intended to run away to work illegally.

Though some foreign labor export nations have set up normalized brokerage fees, some brokers still charge extra payments. Added to the shortage of information in rural areas, local people do not understand government regulations well, and the government does not eradicate the unlawful charges, so the actual brokerage fee does not comply with government regulations. S3 stated that,

(Indonesian) Brokers told them that gold was everywhere in Taiwan. A local broker went to the countryside to provide a quota of foreign laborers in Taiwan and everyone strived for the opportunity. Who paid the most would get it.

It was common that the fees foreign laborers were required to pay after arriving in Taiwan was greater than the amount they were told in their home countries. Table 6.1 indicates that 69.8% of work visa holders and 72.2% of non-work visa holders

\begin{footnotesize}
\textsuperscript{15} According to Paragraph 2, Article 52 of Employment Service Act, “Where a Foreign Worker is employed to engage in work as referred to in Subparagraphs 8 to 10 of Paragraph 1 of Article 46, the duration of the Permit therefore shall not exceed two (2) years; upon the expiration of which the Employer may apply for one (1) time for extension thereof; the extended duration shall not exceed one (1) year. Should some major and special circumstances occur, the Employer may apply for a further extension thereof. The Executive Yuan shall promulgate the duration of such further extension. However, in the event of a major construction, the duration of such further extension shall not exceed six (6) months. Paragraph 4 of the same Article stipulates that, “An employed Foreign Worker who has violated no laws or regulations within the duration of the Employment Permit, and has departed from the territory of the Republic of China due to the termination of employment, or the expiration of the Employment Permit, or an employed Foreign Worker who failed the health examinations, but accepted medical treatment thereafter at his/her national country and then passed health examinations therein, may re-enter the territory of the Republic of China to engage in work. However, as for a Foreign Worker who engages in work as referred to in Subparagraphs 8 to 10 of Paragraph 1 of Article 46, such re-entry may be allowed only after one (1) day following his/her departure, but the aggregate duration in which such Foreign Worker engages in work in the said territory shall not exceed nine (9) years.
\end{footnotesize}
encountered the situation mentioned above. There was no obvious difference between work visa or non-work visa holders; about one-third to one-fourth had to pay some fees that they did not know about in advance. S5 expressed that,

They were not notified that some items of payment were necessary until they arrived in Taiwan. For example, by the name of deposit, the salary they would get was put in the bank, yet it was uncertain whether the money would be returned. In addition, the salary was deducted by fabricating excuses.

Table 6.1 Cross-tabulation between visa * whether the fee foreign laborers were required to pay after arriving Taiwan was the same as the amount they were told in their homelands

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>35 (30.2%)</td>
<td>81 (69.8%)</td>
<td>116</td>
</tr>
<tr>
<td>Non-work visa</td>
<td>5 (27.8%)</td>
<td>13 (72.2%)</td>
<td>18</td>
</tr>
</tbody>
</table>

(2) Contract foreign laborers are exploited and illegal foreign laborers would be in a worse situation if they were under the control of traffickers.

In Taiwan, some people would like to hire comparatively low-waged foreign laborers; however, since they are not qualified to apply for employment permission, they resort to hiring illegal foreign laborers. Consequently, many job positions are vacant for illegal foreign laborers. Illegal employers do not need to pay employment stabilization fees, so they sometimes would rather to pay more than the basic wage to hire illegal foreign laborers. Nevertheless, the wage foreign laborers deserved was mostly embezzled by brokers, and foreign laborers actually got very little. If they complained to the brokers, the brokers would compare them to contract foreign laborers. Since illegal foreign laborers were already paid more than contract foreign laborers, the brokers refused to offer reasonable payment. It was found that both contract foreign laborers and illegal foreign laborers were exploited and that illegal foreign laborers could be more vulnerable in the labor force market.

It was common that the actual wage foreign laborers obtained in Taiwan was different from what they were told in their homelands. Table 6.2 shows that for 53.3% of work visa holders and 43.8% of non-work visa holders, the wage in Taiwan
matched the amount they were told before entry.

In Indonesia, people bid for job opportunities; thus, in order to lure them to offer high prices, brokers usually exaggerated the reality. S3 gave an example that,

Brokers told them that gold was everywhere in Taiwan...

Table 6.2 Cross-tabulation between visa * whether the actual wage foreign laborers obtained in Taiwan matched the amount they were told before entry

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work visa</td>
<td>64 (53.3%)</td>
<td>56 (46.7%)</td>
<td>120</td>
</tr>
<tr>
<td>Non-work visa</td>
<td>7 (43.8%)</td>
<td>9 (56.2%)</td>
<td>16</td>
</tr>
</tbody>
</table>

(3) Employers failed to abide by the regulations in assigning jobs or offering wages.

Employers were regulated to assign jobs to foreign laborers in accordance with the contract. Even if jobs beyond the scope allowed by the government were assigned, if they not entail too great a workload, for the sake of making money, foreign laborers would accept them speechlessly. But sometimes such jobs went beyond a reasonable scope. For example, employers applied for foreign laborers as domestic caretakers and then assigned them to nursing care institutions. They originally took care of the patients one by one, but in the end, some foreign laborers were responsible for ten or more elderly patients. They could not receive overtime pay even when working 12 hours a day and were forced to work 16 hours a day. Because the CLA holds that it is difficult to define domestic helpers’ working time, the household workers were excluded from the Labor Standards Law. As a result, they have no official days off or overtime pay. Furthermore, the Labor Standards Law regulates that the ordinary work day is 8 hours long, but many factories calculate the work week as 6 days long. Consequently, foreign laborers had to work more than 96 hours in two weeks, or they would not obtain overtime pay.

16 Considering that household workers deal with domestic chores and caring for the sick, such a job is case-oriented and has diversified characteristics. It is difficult to distinguish working hours, stand-by hours, and off hours. The suitability of the involvement of official power in private areas, the vulnerability of the families being cared for, and the influence and the impact on the families should be taken into account. Therefore, the opinions on whether the Labor Standards Law applies to household workers are still varied.
6.2 Labor Trafficking Victims in Taiwan

(1) Vague distinctions exist between labor trafficking and pay disputes.

For contract foreign laborers, if they are exploited or underpaid by employers, such conditions conform to the circumstances of labor trafficking. Nevertheless, if they are identified as trafficking victims, they are obliged to participate in judicial procedures. Though they are entitled to work during the period of being placed, they have to appear in court. This requirement will affect work management, so they are not favored by employers. Furthermore, they have to exit Taiwan once the judicial process is finished, as much as half a year or a year later. Considering they may be exploited and placed for 6 months upon entering Taiwan, the total working period will be shorter than the expected 3 years. Thus it is harmful to foreign laborers’ rights and interests. Instead, by changing of employers, they are allowed to work in Taiwan for 3 years at most. Hence, as long as the employers intend to return the wages owed, foreign laborers will not sue their employers. To protect the interests and rights of foreign laborers, such cases should not be handled as human trafficking cases. S2 expressed that,

Foreign laborers would suffer if they had to face the court because people usually had a bad impression of appearing in court, whether you are plaintiff or defendant. We certainly wish the case is simplified, since this would be beneficial to foreign laborers. Just offering foreign laborers what they deserved and returning what they were owed. Unless the employers were very bad, tortured them, and refused to pay back (their wages) …

(2) Foreign laborers’ mental states and experiences vary country by country.

As aforementioned, the percentage of Indonesian contract foreign laborers was higher than that of other nations. In addition to the unreasonable salary deduction by brokers, the reasons might also be related to Indonesia’s traditional culture. Due to Indonesia’s work ethic and kindness, they are more favored by Taiwanese employers, especially foreign laborers in the social-welfare category. According to statistics from April 30, 2010, released by the CLA, 70.5% of social-welfare foreign laborers were Indonesian. Speaking of Indonesian foreign laborers’ characteristics, S1 pointed out that,
In the traditional culture in Indonesia, Indonesians respected Chinese and were accustomed to being domestic helpers of Chinese. They obeyed Taiwanese employers because they were used to being under the control of the Chinese.

S3 said that,

Indonesian foreign laborers did not have the tendency to run away and were obedient unless they could not stand it anymore ... because of the environment, culture and lack of cognition. Some Indonesian foreign laborers had only an elementary school level of education or could only sign their names. They were required to have certain educational requirements by the government of Taiwan, but the documents were counterfeited, some with changed ages and some with altered names. Contract foreign laborers did so, not to mention irregular foreign laborers.

Six million Philippine citizens work overseas, so the overseas employment administration is set up to protect them. Since their average level of education was comparative high, they realized their interests and rights better. S3 indicated that,

The brokerage fee Filipino foreign laborers had to pay was the least, NT$ 90,000, and the government intervened, so the payment was almost the same. Furthermore, brokers had to compensate if 2 years of work was not guaranteed.

Non-government organizations in Cambodia have engaged in widespread information campaigns well in the past few years, so foreign laborers are also aware of their interests and rights. The Thailand Trade and Economic Office started to pay attention to their foreign laborers in Taiwan after the Kauhsiung MRT incident. Moreover, the wages in Thailand are catching up to those in Taiwan gradually, especially the wage level of skilled laborers. Therefore, the government of Thailand tends to discourage people from working as foreign laborers in Taiwan unless they have less than a junior high school education and cannot find employment in Thailand. S3 pointed out that the Thai government even paid for foreign laborers’ technology skills training in Taiwan. Those who passed the training would obtain a junior high school graduation certificate. Thai trafficking victims could also be subsidized with
NT$200 a day by the Thailand Trade and Economic Office. Because of the positive actions taken by that government, there were fewer human trafficking cases involving Thai people.

Concerning the government of Vietnam, S3 noted that,

The Vietnam government was the broker itself. It employed local brokers to recruit laborers and provided insufficient information. Foreign laborers even had to pay national tax...the Vietnam Economic and Cultural Office in Taipei was not willing to protect their citizens in Taiwan. Instead, it meant the government of Taiwan had done a good job.

With regard to the high flight rate of Vietnamese foreign laborers, S3 noted that,

The possibility was that since Vietnam had been at war for years, the Vietnamese were used to leading a vagrant life. ... They were calculating, so if they were ordered to take care of the disabled as well as do domestic chores, they were unwilling...

According to the cross-tabulation analysis between nation and the fees foreign laborers were required to pay after arriving in Taiwan, 39.4% of Indonesians expressed that the amount was not the same as what they were told in the their home countries. For Vietnamese and Thais, the numbers were 33.3% and 20%, respectively. There was no extra charge for Filipino foreign laborers.

Table 6.3 Cross-tabulation between nation * whether the fee foreign laborers were required to pay after arriving in Taiwan was the same as the amount they were told in their homelands

<table>
<thead>
<tr>
<th></th>
<th>Vietnam</th>
<th>Indonesia</th>
<th>Thailand</th>
<th>Philippine</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>16 (66.7%)</td>
<td>43 (60.6%)</td>
<td>8 (80%)</td>
<td>13 (100%)</td>
<td>3 (100%)</td>
</tr>
<tr>
<td>No</td>
<td>8 (33.3%)</td>
<td>28 (39.4%)</td>
<td>2 (20%)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>71</td>
<td>10</td>
<td>13</td>
<td>3</td>
</tr>
</tbody>
</table>
Based on the cross-tabulation analysis between nation and the actual wage foreign laborers obtained in Taiwan, only 48.5% of Indonesian foreign laborers indicated that the amount matched what they were told before entry. For Thais and Vietnamese, the amounts were 50% and 57%, respectively. In contrast, 88.9% Filipino foreign laborers obtained the same wage as they were told in Philippine.

Table 6.4 Cross-tabulation between nation * whether the actual wage foreign laborers obtain in Taiwan matched the amount they were told before entry

<table>
<thead>
<tr>
<th></th>
<th>Vietnam</th>
<th>Indonesia</th>
<th>Thailand</th>
<th>Philippine</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>17 (57%)</td>
<td>33 (48.5%)</td>
<td>5 (50%)</td>
<td>8 (88.9)</td>
<td>0</td>
</tr>
<tr>
<td>No</td>
<td>13 (43%)</td>
<td>35 (51.5%)</td>
<td>5 (50%)</td>
<td>1 (11.1%)</td>
<td>2 (100%)</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>68</td>
<td>10</td>
<td>9</td>
<td>2</td>
</tr>
</tbody>
</table>

(3) Foreign laborers work hard or receive occupational training during the period of being sheltered.

According to the Human Trafficking Prevention Act, trafficking victims were allowed to apply for work permits during the period of being sheltered. Their purpose in coming to Taiwan was to make money. During this period, no money would be deducted from the wages, and they worked in an eased mental state. As a result, they generally felt satisfied during the sheltered period and even hoped to remain sheltered longer. S2 described their situation thus:

Salary was about NT$20,000 and they were supplied board and lodging. One worried whether one was supposed to leave and whether one could sign on to stay longer?

The case of S3 handled was thus:

Her weight increased 4 kilograms in the first month of being sheltered. Her father told her that her fate was already good! NT$1,000 a month was provided, and it was unnecessary to pay for meals and living...free activity was allowed and they paid only a little to see doctors.
S7 also expressed that victims cherished the employment opportunities during the period of being sheltered, so they worked extraordinarily hard to make money, since they would have to return home once the judicial investigation was completed.

However, it was not necessarily easy to find a job near the location of the shelter. In some places, there were many employment opportunities, while in other places, there were few. Because the type of job was not limited to the scope regulated by the Employment Services Act, and the shelter center helped them to find jobs, the process of finding jobs was comparatively smoother than when they were illegal. S3 said that,

Their wages were based on the Labor Standards Law and they were ready to work overtime. Moreover, employers did not have to apply for foreign laborers employment permission, so they would rather hire trafficking victims and pick them up.

However, shelters would stand up for victims’ working rights and coordinate the employment issues, which sometimes annoyed employers. S7 encountered such a situation:

The boss of the factory noticed that we assisted the victim with employment, so he refused to hire her.

Besides assisting in the arrangement of jobs, shelters also provided language and computer training to teach them with skills which would enable them to find jobs easily. In addition, there were classes, such as psychology, music, Labor Standards Law instruction, and trafficking case sharing, to familiarize them with relevant regulations.

Because victims lived in poverty in their homelands, if there were chances for them to come to Taiwan again, most of them would like to return. Once they had a better understanding of their interests and rights, they might escape being trafficked once more, and they could spread the information as well. S3 said,

Victims were like seeds sown; when more and more people knew how to protect themselves, they were less scared.
6.3 Root of Labor Trafficking in Taiwan

On the basis of the results of the interviews, the causes of labor trafficking in Taiwan were revealed and are listed according to importance.

(1) Labor exporting nations did not set up systematic and transparent brokerage fees.

When labor exporting nations practically control the overseas employment brokerage fees, trafficking cases in the labor importing nations occurred less. For example, the Philippine government has standardized the payment of brokerage fees and allows no under the table charges, so labor trafficking cases are rare. The Indonesian government also requires that brokerage fee be paid through bank loans to limit the range of brokerage fees; however, in addition to the standardized payment, brokers charge extra fees, with the result that the labor force offered is apparently unequal to the income obtained, and labor trafficking cases arise. As a result, the attitudes of labor exporting nations toward the control of brokerage fees are the prime factor affecting the occurrence of labor trafficking.

(2) Broker agencies played mean tricks.

Once foreign laborers violated the regulations in Taiwan, they would be prohibited from entering Taiwan for a period of time. However, in order to assist these foreign laborers to return to work, broker agencies would utilize illegal channels to import them, such as changing their names and dates of birth. As for contract foreign laborers, they were often incited by brokers to run away. S1 pointed out that,

Broker agency took advantage of Indonesian Chinese to lure them…They snuck into the hospital and told contract foreign laborers with sympathy that it took great pains to take care of the sick, and then asked if they would like better jobs.

Foreign laborers paid brokerage fees, so broker agencies had a responsibility to assist them in communicating, coordinating, and mediating disputes with the employer; however, broker agencies paid no attention to them. S1 said that,

The interpreter of the broker agency told her that you had to be patient because

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17 According to Paragraph 4 of Article 2 of The Contract for Private Employment Services Institutions Engaging in Oversea Manpower Agency Operation to Govern Employment Service Items Appointed by Foreign Worker Regarding Item 1.8 to 1.10 of Article 46 of Employment Services Act.
you made up your own mind to come… When foreign laborers asked the broker to
negotiate with the employers, he refused, for the employer already treats you well.

S7 mentioned the brokers’ worst deeds:

They were exhausted and controlled the freedom of movement, and then reflected
it on the broker. They received no help but were threatened with being deported.

S3 also talked about brokers’ ill behavior:

Brokers would instruct employers not to allow foreign laborers to use cell
phones and not to give them days off. So they could only use indoor telephones
provided by employers without preferential prices.

Foreign laborers also had a poor impression of the police, so for fear of getting in
trouble, brokers would teach foreign laborers not to believe the police or tell the truth
to the police because they themselves were illegal. S5 pointed out that,

Brokers told them that it would be better not to make contact with the police
because police were terrible and if arrested by the police, they might…

(3) Foreign laborers lack recognition of their interests and rights.

Foreign laborers come to Taiwan because there are no employment opportunities
or they could earn little in their homelands. As a result, though their wages were cut a
lot by the brokers, they were not conscious of the unreasonable conditions. Moreover,
runaway foreign laborers or irregular foreign laborers would think that traffickers
treated them well because they provided them with jobs and enabled them to make
money. S1 mentioned that,

Illegal foreign laborers thought that brothers and sisters treated them well
because they got paid every month. Only if they were unpaid or beaten would
they feel victimized.

Few trafficked foreign laborers sought help actively; instead, they were identified
as trafficking victims when they were caught and questioned by the police. Furthermore, they only had the idea that they were victims, but they did not understand the reasons. Those who appealed to relevant institutions just felt exhausted and had not been paid. They rarely understood the concept of human trafficking.

(4) Marriage visa interviews were not implemented practically.

In recent years, the cases of “fraudulent marriage for the purpose of engaging in work” have been increasing. Though foreign diplomatic missions carry out marriage visa interviews aimed at foreign spouses from Southeast Asian countries, the execution is questionable. S3 said,

Those who came by means of fraudulent marriage said that they did not have to go to the foreign diplomatic mission in person. Even if they went personally, they did not know what happened because everything proceeded in Mandarin. Some came from Jakarta and said that they only took photos with fake husbands, and that everything was handled by brokers.

Talking about the fraudulent marriage, S5 expressed that,

Those from Indonesia said that they came with fake husbands and the whole process seemed smooth.

On the other hand, S6 had a different opinion about the marriage visa interview abroad, pointing out that,

Traffickers knew clearly how to pass the interview; as a result, strengthening the enforcement of the marriage visa interview would indeed stop real marriage applicants from entering Taiwan. Instead, this provided those a channel to come to Taiwan.

6.4 Comparisons with Other Studies

The research results of this thesis were generally consistent with those of previous studies. Theoretically, it is considered that push-pull theory, demand-supply theory,
and rational choice theory could explain the causes of labor trafficking in Taiwan.

Push-pull theory refers to foreign laborers being trapped in poverty and thus forced to seek employment opportunities in other nations. Though the wage they obtained was unequal to that of domestic laborers, to escape from the desperate life, they had no choice but to work abroad. In this research, it was found that foreign laborers’ wages were protected by the Labor Standards Law. Even if a large brokerage fee was required before entering Taiwan, compared to the stagnation in the homeland, the job opportunities in Taiwan were quite attractive. Furthermore, they were already identified as trafficking victims because the labor force offered was out of proportion to the income obtained; nonetheless, they still hoped to return again for work.

Concerning rational choice, in the process of working abroad, foreign laborers were considered to conduct a cost-effect analysis before making a decision. Based on the research results, it was discovered that both runaway and irregular foreign laborers chose Taiwan because of the higher wages and better protection of human rights. Irregular foreign laborers did not apply for work visas in order to escape paying high brokerage fees, to obtain higher pay, and to take advantage of the simpler visa application procedures.

In the demand-supply theory, “supply” means that the search for better lives by people in foreign labor exportation nations resulted in an abundant supply of foreign labor. On the other hand was the dying “demand” for a cheap labor force. This research found that in addition to contract foreign laborers, runaway foreign laborers and irregular foreign laborers comprised a cheap labor force. The reason was that some employers could not meet the requirements for the employment of foreign laborers and then resorted to hiring illegal foreign laborers. The basic reason for the occurrence of labor trafficking in Taiwan was that since there was no public medium between supply and demand, most of the employment relationships were facilitated through broker agencies, both those in labor exporting and those in importing nations. In Taiwan, the CLA has set up a contract for private employment service institutions engaging in overseas manpower agency operation to govern employment service items appointed by foreign workers (see Appendix 3) as a measure to establish transparent and standard brokerage fees. In addition, foreign laborers are required to sign affidavits for wage/salary and expenses incurred before entering the ROC for employment (see Appendix 4), which record clearly the loan made and brokerage fees paid overseas to prevent foreign laborers from having to make extra payments.
However, in order to get the job opportunity abroad, and because of a lack of information, foreign laborers could only follow the brokers’ directions, and the additional charges were not prevented. Furthermore, foreign laborers were not allowed to change employers at will; to make money and avoid being deported, foreign laborers were obliged to endure unreasonable labor conditions or run away. Under the unequal relationship between employers and laborers, labor trafficking cases arose. As a result, in the process of the recruitment of foreign laborers, if the involvement of brokers could be reduced, foreign laborers may be able to escape exploitation by brokers. Meanwhile, if foreign laborers are permitted to change employers in Taiwan, their position in the employment relationship could be promoted. Illegal foreign laborers were even more vulnerable, and the possibility of being exploited was higher.

19 Because the change of employer should obtain the agreement from the employer, if it were foreign laborers in the manufacturing or constructing industry, once the foreign laborers were transferred, employers’ employment quota of foreign laborers will be abolished, so in fact it is difficult to change employers.
7. Conclusions and Suggestions

In the final chapter, the author will present the research conclusions and propose some suggestions for reference.

7.1 Summary

The research findings are concluded as follows.

(1) With regard to the process of coming to Taiwan, runaway foreign laborers mostly came with the assistance of broker agencies. In the case of irregular foreign laborers, they were assisted by friends or relatives in their native countries or in Taiwan. Most runaway foreign laborers could only afford the brokerage fees through bank loans, while irregular foreign laborers paid their way with personal savings or loans from friends or relatives. Indonesian runaway foreign laborers accounted for the largest number of people who borrowed from broker agencies. Some Vietnamese runaway foreign laborers expressed that they mortgaged their houses or land to come to Taiwan. The prime reasons that they applied for non-work visas to work in Taiwan was that it was unnecessary to pay brokerage fees before entry; employers might pay higher wages; the application procedures were simpler; and they were unaware of the illegality.

(2) Concerning the employment situation in Taiwan, the situation was more serious for irregular foreign laborers than for runaway foreign laborers in that they were required to pay additional fees in Taiwan, exceeding the amount they were told in their homelands. But the difference was not obvious; the proportion was consistently about one third. Meanwhile, they were also paid less than they were told, and the proportion was about 50%, though it was a bit higher in irregular foreign laborers than in runaway foreign laborers. About 82% of the runaway foreign laborers were found by relevant authorities within 3 years of flight. As for irregular foreign laborers, only 43.8% were caught within 3 years. Runaway foreign laborers held more positive views of working in Taiwan than did irregular foreign laborers, as illustrated by the higher proportion of runaway foreign laborers who considered it worthwhile to come to Taiwan and would recommend that friends or relatives come.

(3) The general type of labor trafficking resulted from high brokerage fees, so a
system of standard and transparent brokerage fees should be set up. It was found that there were wide national variations in the percentage of labor trafficking cases; therefore, foreign labor exporting nations play a key role in the crackdown on labor trafficking. For example, labor trafficking in Indonesian foreign laborers was much more common due to the failure of the Indonesian government to propose sound regulations related to the payment of brokerage fees. It was also found that as compared to the foreign laborers of other nations, it was more frequent that the payment required of Indonesian foreign laborers and the wages they were paid were not equal to what they were told before coming to Taiwan. Consequently, labor trafficking in Taiwan results from inaction in labor exporting nations, and the fight against human trafficking depends on cooperation between nations.

(4) Contract foreign laborers could not change employers at will. In order to pay back steep high brokerage fees, they could only endure employers’ unreasonable demands. In addition, broker agencies did not perform their duties well. Though expected to act as the intermediary between employer and labor, the broker agencies instructed employers to exploit foreign laborers. Lacking the ability to protect themselves, the laborers fell victim to labor trafficking.

(5) The fight against labor trafficking in Taiwan should begin with improving the payment of brokerage fees in the labor exporting nations. In addition, the government should instill the employment regulations into employers and foreign laborers and allow foreign laborers to change employers willingly. As a result, foreign laborers would not need to accept employers’ arbitrary demands for fear of being deported, nor would they need to flee maltreatment from employers. Furthermore, the number of illegal foreign laborers is increasing, and there are too many to arrest because of the failed foreign labor policy. Taking into account domestic laborers’ employment rights and the need to hire foreign laborers, and then finding a balance, is the fundamental way to address the problem of illegal foreign laborers and prevent them from being exploited because of their illegal status. Finally, improving the process of visa applications to detect cases of fraudulent marriage could be an effective way to prevent irregular foreign laborers from being controlled or exploited by traffickers.

7.2 Policy Implications

Labor trafficking of foreign laborers in Taiwan has existed since the first importation
of foreign laborers in 1991. Through the past two decades, foreign labor policy has been modified to ensure better protection of human rights, which also explains the foreign laborers’ decisions to come here. Based on the research findings, some policy suggestions concerning contract foreign laborers and irregular foreign laborers, respectively, will be listed as references for government authorities.

7.3.1 Concerning Contract Foreign Laborers

(1) Standard and transparent payment of brokerage fees was set up in foreign labor exporting nations.

A wide gap was found between the fact and recognition of both the payment of brokerage fees and the actual wages for foreign laborers. Contract foreign laborers in Taiwan should receive the basic wage; however, the brokerage fees were so high that the wages they deserved were withheld to pay off the debt. As a result, they earned very little for the first 2 years after entry. Though the CLA has set up domestic standards of the payment of brokerage fees, without similar mechanisms established in labor exporting nations, the standards are ineffective. Therefore, the CLA should actively communicate and sign agreements with labor exporting nations and oblige them to regulate brokerage fees. It was found from this research that there existed national variations concerning the seriousness of labor trafficking in Taiwan. Being a labor importing nation, Taiwan is supposed to have the right to demand that labor exporting nations develop relevant improvement measures. This is similar to the freeze on importation of Indonesian and Vietnamese foreign laborers due to a serious problem with laborer flight in the past. If a specific nation is reluctant to meet Taiwan’s needs, Taiwan might once again force foreign nations to take action by freezing the import of foreign laborers. Nevertheless, Taiwan’s particular diplomatic position may complicate foreign labor policy, and it would be a major challenge to unhook foreign labor policy from foreign affairs policy.

(2) Enable foreign laborers and employers to be familiar with employment regulations

From the research, it was found that foreign laborers did not understand their interests and rights. Even in the face of maltreatment by employers, in order to earn money in Taiwan, they could only accept their fates. As for employers, they mostly recruited foreign laborers through brokers and were unfamiliar with the employment regulations. Broker agencies often emphasized the guidance of language and skills in prevocational training for foreign laborers, and instructed employers in how to control
foreign laborers. If regulations concerning the employment of foreign laborers and the appeal hotlines provided for foreign laborers were not publicized well by the government, then these efforts were all in vain. Therefore, the government should compel both foreign laborers and employers to receive lectures on their rights and obligations and establishing labor-employer relationships based on equality.

(3) Exact stern penalties for broker’s illegal actions.

Brokers are the medium for the recruitment of foreign laborers, and they should play the role of coordinator between employers and foreign laborers. However, this research found that out of self-interest, brokers often neglected their responsibilities; moreover, they suggested that employers not allow foreign laborers days off to prevent exposure to improper temptations of the outside, and not to allow foreign laborers to use cell phones in order to restrict contact with others. With regard to foreign laborers’ dissatisfaction, brokers ignored complaints, providing no positive feedback, and also threatened them with deportation. Furthermore, brokers might entice foreign laborers away from employers or arrange for them come to Taiwan through illegal channels only to take advantage of their illegal status and exploit them. These illegal acts make the brokers the evil roots of the spoiled foreign labor market in Taiwan. To eradicate the roots, stern penalties should be exacted when ill deeds are discovered.

(4) Increase the incentives for direct hiring.

The CLA opened direct hiring of foreign laborers on December 31, 2007\(^\text{20}\), but since it took effect, there have been only about 7,000 direct hiring applications, accounting for about 20% of total hires. In the questionnaire survey of the research, only one participant was directly-hired foreign laborer. It was obvious that cases of directly-hired laborers becoming runaways were comparatively rare. Therefore, to relieve foreign laborers’ burden of high brokerage fees, as well as to decrease the rate of worker flight, the percentage of direct hiring of foreign laborers should be increased.

\(^{20}\) The costs that employers could save from direct hiring are foreign laborers recruitment fees of NT$17,280 and 3 years’ management fees of NT$ 6,000; foreign laborers could save brokerage fees of NT$ 17,280 and 3 years’ service fees of NT$60,000.

The Direct Hiring Service Center provides the following advantages:

1. Save time: Foreign workers may return to their homelands and then enter Taiwan within one day.
2. Pay less: Employers and foreign workers do not need to pay on-site fees (placement, handling service fees, etc.).
3. Ease & Efficiency: A special service window prevent inconvenience.
(5) Allow foreign laborers to change employer by free will

If foreign laborers are unable to change employers, even when facing terrible labor conditions or exploitation, they dare not to complain for fear of being deported. They can only accept their fates or choose to flee the employer. Under the pressure of human rights groups, the CLA allows foreign laborers to change employers under a certain condition, which is the agreement among the foreign laborers, original employer, and future employer.

Nonetheless, if the foreign laborers work in the manufacturing or constructing industry, once the foreign laborers are transferred, employers’ employment quotas of foreign laborers will be abolished; therefore, the regulation is somewhat impractical. This research found that the causes of foreign laborers’ flight included awful working conditions. Therefore, to prevent foreign laborers from absconding and to reduce their vulnerability in the employment relationship, the CLA should consider providing more flexibility for changing employers to enable foreign laborers to quit the employment contract and transfer to another employer.

While allowing foreign laborers to change employers at will could protect foreign laborers’ human rights, it may influence employers’ interests because of the cost of hiring foreign laborers and the complicated procedures. In addition, if foreign laborers cannot find another employer after quitting the employment contract, the total number of foreign laborers in Taiwan would increase unsteadily. These factors should also be considered.

7.2.2 Concerning Irregular Foreign Laborers

(1) Reinforce the examination of marriage visa applications.

Though foreign diplomatic missions carry out interviews for marriage visa applicants from Southeast Asian nations, trafficking victims who entered on fraudulent marriage visas mentioned that they were not in fact interviewed, or they were interviewed in Mandarin. If foreign diplomatic missions could indeed implement interviews, it would be a good opportunity to provide information about penalties for fraudulent marriages and the possibility of being controlled and exploited. Hence, those intending to gain entry by fraudulent marriage may be deterred, and such cases of trafficking can be prevented.
However, such marriage interviews should be administered by disciplined officers, and critical and unreasonable questions should be avoided. Otherwise, actual married couples may be denied visas, leading to another form of discrimination against Southeast Asian marriage immigrants.

(2) Strengthen the crackdown on illegal foreign laborers to prevent illegal immigration.

It was found from the research that for both runaway foreign laborers and irregular foreign laborers, if not for being caught by relevant authorities, more than half intended to stay in Taiwan permanently. Though the illegal foreign laborers were discovered in the end, it was possible that they had already set up a family comprising ROC citizens due to their long stay in Taiwan. Illegal foreign laborers will be restricted from entering Taiwan for a certain number of years after being deported. Nevertheless, with regard to human rights and family unity, the NIA provides lenient punishments specific to spouses of ROC citizens. According to statistics from the NIA, hundreds of illegal foreign laborers marry ROC citizens each year. The principle of foreign labor policy is to prevent them from becoming immigrants, but in fact, there are numerous cases of illegal foreign laborers becoming foreign spouses. Though it is partly due to the duplicate of the source nation of foreign laborers and foreign spouses, the ineffectiveness of the crackdown on illegal foreign laborers is also responsible; as illustrated by the research findings, one quarter of the illegal foreign laborers could escape arrest for more than 3 years.

(3) Increase the punishment for illegal foreign laborers and illegal employers

Statistics from the CLA show that at the end of May 2010, there were 133,045 male foreign laborers and 231,744 female foreign laborers. Statistics from the NIA show 7,654 male runaway foreign laborers and 23,904 female runaway foreign laborers at the same time. Female foreign laborers mostly work in the social welfare industry, which is equal to domestic helpers.

In June 2010, a famous English tutor said on an entertainment program that she had ordered her domestic caretaker to clean the dog hair away, which aroused public

21 The statistics released from the Department of Household registration, MOI, from 2001 to May 2010, indicate that 110,016 ROC citizens are married to spouses from Southeast Asian nations.
attention about the issue of illegal employment of foreign laborers. Actually, quite a few rich people illegally hire foreign laborers, and on the other side, foreign laborers illegally serve as domestic helpers in wealthy families to escape steep brokerage fees. In the illegal employment of foreign laborers, approximately NT$7,000 in brokerage fees can be saved.\(^2\)

The reason why there are so many female runaway foreign laborers is that it is difficult to detect illegal foreign laborers within a household. Besides, Taiwan’s employment market provides illegal foreign laborers with job opportunities. According to the Employment Services Act, both illegal foreign laborers and illegal employers should be punished with penalties or criminal sentences; however, once arrested by authorities, illegal foreign laborers usually express that they cannot afford the penalty, so the NIA can do nothing but deport them. As for illegal employers, unless the government holds empirical evidence, they will not be penalized without a confession from the foreign laborer. Without severe punishment meted out to illegal foreign laborers and employers, illegal employment of foreign laborers cannot be deterred, and illegal foreign laborers continue to abound in Taiwan.

(4) Establish a computer database concerning illegal foreign laborers as a reference for policy making.

To master the business and manage it well, government institutions should have relevant information subject to professional analysis; thus, an empirical basis for policy making would be set up. Currently, many official websites provide authoritative statistics or conduct regular analysis, which is reported to the public. Nevertheless, when the research was conducted, relevant statistics concerning illegal foreign laborers or human trafficking cases were almost nonexistent; the website of the NIA provided only limited information. If the NIA could collect the basic information about illegal foreign laborers being found and hence analyze the type and conditions, it would be valuable information for research into illegal foreign laborers and human trafficking.


\(^3\) According to Employment Service Act, foreigners work in Taiwan without work permit shall be fined at least NT$ 30,000 and NT$ 150,000 at most. Illegally employ foreign worker shall be fined NT$ at least 150,000 and NT$ 750,000 at most, and if violate the same provision once more within 5 years shall be punished at most 3 years imprisonment or detainment and/or fined NT$ 1,200,000.
trafficking, and it would also be beneficial for research development and policy making.

7.3 Research Limitations and Implications for Future Research

7.3.1 Research Limitations

This research did not gain the official approval or assistance from the NIA, so the participants of the questionnaire survey were not screened in advance, and some important characteristics of the participants were too similar. For instance, 88.3% were female, and 88.1% were runaway foreign laborers. Because the percentages of male and irregular foreign laborers were low, the results of this research could be biased. In addition, the author could not dispatch the questionnaire with the interpreter on the spot, so lack of data may have influenced the completeness of the analysis. Moreover, the interviewees were all from northern or eastern Taiwan; it is unknown if the victims or shelters in other locations differ greatly or not at all.

7.3.2 Implications for Future Research

Though it has been 20 years since the practice of importing foreign laborers began in Taiwan, the difficulty of contacting foreign laborers has limited the amount of empirical research; that which has been conducted has focused mostly on runaway foreign laborers. This is the first research to focus on irregular foreign laborers as the subjects and to compare them to runaway foreign laborers. It is regrettable that the research samples of irregular foreign laborers were so small. To increase the value of the research, the participants of the two groups should be balanced as much as possible. Therefore, if the NIA intends to conduct research by itself or to authorize other academic institution to do so in the future, initial classification of participants is needed before the distribution of questionnaires in order to select a proper sample for the research purposes. In such a case, the imbalance among participants could be prevented.

Interviewees had doubts about the enforcement of marriage visa application interviews because those victims were not interviewed practically in foreign diplomatic mission. They also questioned the examination of foreign workers’ affidavits for wage/salary and expenses incurred before entering the Republic of
China (see Appendix 4) for employment from the CLA. They noted that the affidavit was not written in the foreign laborers’ native languages, so even though they signed it, they did not understand the content. However, civil servants from relevant authorities were not interviewed, so the practical situation is unknown. As a result, it would be better to include civil servants as interviewees when conducting research related to government policy.

24 To prevent foreign laborers from being charged extra payments and provide convenience to following investigations about illegal fees, the CLA requires that foreign laborers sign the foreign worker’s affidavit for wage/salary and expenses incurred before entering the Republic of China with details of any loans taken out and brokerage fees paid in the native country. Afterwards, the affidavit is compared with the salary slip (see Appendix 5) to determine whether extra charges occur. If the broker agencies violate the regulations and demand further payment, those in Taiwan will be punished by the CLA, and information on the foreign broker agency will be transferred to the foreign government.
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Hi, the questionnaire was designed from Peichuan Wu, a graduate student at National Chengchi University in Taipei. The information received from this survey is for research purpose only and will be used in a master’s thesis. All answers will be coded anonymously, so please feel free to complete each question. The questionnaire will only take you a few minutes and thanks for your kindly assistance.

Instruction: Please check the appropriate box □ and fill in the blanks if necessary.

I. Basic Information

(1) Gender: □ Male □ Female
(2) Age: ___
(3) Educational Attainment: □ None □ Elementary □ High school □ College/University □ Graduate
(4) Nationality: □ Vietnamese □ Indonesian □ Thai □ Filipino □ Malaysian □ Others: ______
(5) Type of visa: □ Work visa □ Through manpower agency □ Direct-hired by prior employer □ Tourist visa □ Student visa □ Marriage Visa □ Smuggle □ Others: ______
(6) How many years have you been illegal in Taiwan (runaway, overstay, work without working permit or smuggle)? _____years
(7) What kinds of job have you done in Taiwan? (You may have more than one answer)
□ Construction worker □ Manufacture worker □ Domestic helper □ Others: ______
(8) Except for this time in Taiwan, how many countries have you been to work and in total for how many years?
___countries; ___years
□ Never worked abroad before
II. Brokerage Process

(1) Who assisted you coming to Taiwan?

□ Manpower agency / Broker     □ Friends or relatives in home country
□ Friends or relatives in Taiwan     □ Others: ________

(2) How much broker/introduction fee did you have to pay for coming to Taiwan?

________ Vietnamese dong  
________ Indonesian rupiah  
________ Thai baht  
________ Philippine peso  
________ New Taiwan dollar  
________ US dollar  
________ Other currency: ________  

□ Can not remember     □ None

(3) How did you afford the fee for coming to Taiwan? (You may have more than one answer)

□ Personal savings  
□ Borrowed from friends or relatives  
□ Bank loan

□ Borrowed from manpower agency / broker  
□ Others: ________

(4) After entering Taiwan, were you charged extra money that you were not told in your country?

□ Yes     □ No

(5) Before coming to Taiwan, how much money were you told you could get here?

□ NT$______ per month  
□ The money I get would fluctuate according to the period I stay in Taiwan  
Details: ________

(6) How much money were you paid in Taiwan?

□ NT$______ per month  
□ The money I get would fluctuate according to the period I stay in Taiwan  
Details: ________

(7) Were you paid as you were told in your country?

□ Yes     □ No
III. Viewpoint on Working Abroad

(1) Before working abroad, what factors would you consider when choosing country?  
(You may have more than one answer)

☐ Cheaper broker fee
☐ Having friends or relatives there
☐ Similar culture
☐ Less penalty for illegal working
☐ Geographical proximity
☐ Higher salary
☐ Better protection for human right
☐ Easier for getting visa
☐ Easier for obtaining illegal employment opportunities
☐ Others: __________________________

(2) What factor made you choose Taiwan for working location?  (You may have more than one answer)

☐ Cheaper broker fee
☐ Having friends or relatives in Taiwan
☐ Similar culture
☐ Less penalty for illegal working
☐ Geographical proximity
☐ Higher salary
☐ Better protection for human right
☐ Easier for getting visa
☐ Easier for obtaining illegal employment opportunities

(3) If you were not arrested, how long do you wish to stay in Taiwan?

☐ As long as possible
☐ ___ years

(4) Concerning about the cost and benefit, do you think it worthwhile for coming to Taiwan this time?

☐ Yes ☐ No

(5) Would you recommend your friends or relatives come to Taiwan for working?

☐ Yes ☐ No
Apa kabar,
Saya Wu Pei Juan, mahasiswa S1 Universitas Nasional Chengchi, angket ini diperlukan sebagai bahan penelitian pembuatan makalah pada akhir pelajaran, seluruh data dan jawabannya akan dirahasiakan, dengan demikian Anda tidak perlu khawatir menjawab pertanyaan ini. Saya berharap Anda dapat meluangkan waktu untuk membantu mengisi angket ini, sebelumnya saya mengucapkan banyak terima-kasih!.

Cara menjawab : Silahkan memberi tanda dalam kotak atau mengisi pada lajur yang tersedia.

I. Data Pribadi
(1) Jenis Kelamin : □ Pria  □ wanita
(2) Umur : ___
(3) Pendidikan : □ Tidak ada. □ SD □ SMP
□ Akademi/Universitas. □ S2
(4) Warganegara : □ Vietnam □ Indonesia □ Thailand
□ Filipina □ Malaysia □ Lainnya : ________
(5) Jenis Visa : □ Visa kerja.
□ Melalui badan penyalur tenaga kerja.
□ Langsung direkrut oleh pemberi kerja.
□ Visa turis.
□ Visa sekolah.
□ Visa nikah.
□ Menyelundup.
□ Lainnya : ________
(6) Berapa lama Anda di Taiwan secara ilegal ( kabur, ijin tinggal kedaluwarsa, kerja ilegal atau menyelundup) ? ___Tahun
(7) Apa jenis pekerjaan Anda di Taiwan? (Jawaban dapat lebih dari 1).
□ Buruh bangunan. □ Buruh pabrik.
□ Perawat Lansia dalam rumah tangga. □ Lainnya : ________
(8) Sebelum datang ke Taiwan kali ini, apakah Anda pernah bekerja di luar negeri?
Berapa negara? Tahun berapa?
Negara ________; Tahun ________
□ Belum pernah bekerja di luar negeri.

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II. Proses Penyaluran Kerja / Agen

(1) Siapa yang membantu Anda datang ke Taiwan?


☐ Kerabat di Taiwan. ☐ Lainnya : ________

(2) Demi bekerja di Taiwan, berapa biaya yang Anda bayar kepada badan penyalur tenaga kerja/Agen atau biaya mengenalkan pekerjaan?

☐ ______ Dollar Vietnam/ Dong.
☐ ______ Rupiah.
☐ ______ Dollar Thailand/Bath.
☐ ______ Dollar Filipina/Peso.
☐ ______ Dollar NT.
☐ ______ US.
☐ ______ Dollar lainnya : ________

☐ Lupa. ☐ Tidak.

(3) Bagaimana Anda membayar biaya kedatangan ke Taiwan? (Jawaban dapat lebih dari 1).

☐ Tabungan pribadi.
☐ Meminjam kepada kerabat.
☐ Meminjam Bank.

☐ Badan penyalur tenaga kerja/Agen mewakili pembayaran terlebih dahulu.

☐ Lainnya : ________

(4) Setelah tiba di Taiwan, apakah Anda diminta membayar uang yang jumlahnya lebih besar dari pada saat diberitahu di Indonesia?

☐ Ya. ☐ Tidak.

(5) Saat di Indonesia, apakah Anda diberitahu penghasilan bekerja di Taiwan?

☐ ______ NT per bulan.

☐ Sesuai lamanya bekerja di Taiwan, uang yang diterima jumlahnya tidak sama.

Jelaskan : ________________

(6) Kenyataannya setelah di Taiwan berapa jumlah uang yang Anda terima?

☐ ______ Nt per.

☐ Sesuai lamanya bekerja di Taiwan, uang yang diterima jumlahnya tidak sama.

Jelaskan : ________________

(7) Uang yang Anda terima di Taiwan apakah sesuai dengan yang dijanjikan saat di Indonesia?

☐ Ya. ☐ Tidak.
III. Pandangan mengenai bekerja di luar negeri.

(1) Pada saat Anda memilih bekerja di suatu negara, apakah memikirkan faktor lainnya? (Jawaban dapat lebih dari 1)

☐ Biaya badan penyalur tenaga kerja/agen lebih rendah.
☐ Ada kerabat di negara tersebut.
☐ Kebudayaan yang tidak berbeda jauh.
☐ Hukuman bagi pekerja ilegal lebih ringan.
☐ Letaknya berdekatan dengan negara asal.
☐ Gaji lebih tinggi.
☐ Terjaminnya hak manusia.
☐ Proses pengajuan Visa mudah.
☐ Memiliki kesempatan lebih mudah untuk mencari pekerjaan ilegal.
☐ Lainnya: 

(2) Apa alasan Anda memilih bekerja di Taiwan? (Jawaban dapat lebih dari 1)

☐ Biaya badan penyalur tenaga kerja/agen lebih rendah.
☐ Ada kerabat di Taiwan.
☐ Kebudayaan yang tidak berbeda jauh.
☐ Hukuman bagi pekerja ilegal lebih ringan.
☐ Letaknya berdekatan dengan negara asal.
☐ Gaji lebih tinggi.
☐ Terjaminnya hak manusia.
☐ Proses pengajuan Visa mudah.
☐ Memiliki kesempatan lebih mudah untuk mencari pekerjaan ilegal.

(3) Kalau bukan karena tertangkap, Anda berencana berapa lama tetap berada di Taiwan?

☐ Semakin lama semakin baik.
☐ ____ Tahun.

(4) Biaya yang Anda keluarkan dengan hasil yang Anda dapat selama bekerja di Taiwan, apakah layak menurut Anda?

☐ Ya. ☐ Tidak.

(5) Apakah Anda akan merekomendasikan kerabat Anda untuk bekerja di Taiwan?

☐ Ya. ☐ Tidak.
Chào bạn, tôi tên là Ngô Bội Quyên, tôi đang học lớp thạc sĩ Trường Đại học Quốc gia Chính trị. Bạn đánh giá này chỉ là tham khảo và nghiên cứu luận văn mà thôi, cứ không để tiết lộ bất kỳ thông tin cá nhân nào ra ngoài, tất cả tài liệu có được đều dùng phương thức xác danh để bảo cáo, bạn hãy yên tâm mà trả lời. Mong bạn vui lòng đánh ra vai phột để diễn bản đánh giá này, rất cảm ơn sự công tác của bạn!

Phương thức điện và đáp: Hãy đánh đầu móc hoặc viết vào ô против □ với câu trả lời phù hợp của bạn.

I. THÔNG TIN CÁ NHÂN CƠ BẢN

<table>
<thead>
<tr>
<th>(1) Giới tính:</th>
<th>□ Nam □ Nữ</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Tuổi tác:</td>
<td>___</td>
</tr>
<tr>
<td>(3) Trình độ văn hóa:</td>
<td>□ không □ tiểu học □ trung học □ chuyên khoa cao đẳng / đại học □ sô nghiên cứu</td>
</tr>
<tr>
<td>(4) Quốc tịch:</td>
<td>□ Việt Nam □ Indonesia □ Thái □ Philipin □ Malaysia □ các nước khác: ___</td>
</tr>
<tr>
<td>(5) Thẻ loại thị thực:</td>
<td>□ Thị thực di công tác</td>
</tr>
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<td></td>
<td>□ Thông qua công ty môi giới làm thủ tục nhập cảnh Đài Loan</td>
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<td>□ Tuyển dụng trực tiếp</td>
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<td>□ Thị thực di du lịch</td>
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<td>□ Thị thực theo di dân kết hôn</td>
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<td></td>
<td>□ Vượt biên</td>
</tr>
<tr>
<td></td>
<td>□ Hình thức khác: ___</td>
</tr>
</tbody>
</table>

(6) Bạn đã bồ ra ngoài làm việc phi pháp bao lâu rồi? (chạy trốn, ở lại quá hạn, lao động ngoài vòng pháp luật hoặc vượt biên) ___ năm

(7) Bạn làm công việc, nghề gì tại Đài Loan? (phúc chọn)

□ Công nhân xây dựng □ Nghiệp chế tạo sản xuất

□ Khách sạn công
□ những công việc khác: ___

(8) Lần này bạn đến Đài Loan lao động, trước đó bạn có đi lao động ở nước ngoài lần nào chưa? Nếu có, bạn đi qua mấy nước rồi? mấy năm?

Quốc gia nào __________ mùa năm __________

□ Trước đó chưa lần nào đi lao động ở nước ngoài
II. Quá trình môi giới

(2) Bạn thông qua phương thức nào đến Đài Loan?

☐ Công ty môi giới  ☐ Bà con bạn bè đồng hương giới thiệu
☐ Bà con bạn bè ở Đài Loan giới thiệu  ☐ các phương thức khác: ________

(2) Để sang Đài Loan lao động, bạn đã phải trả bao nhiêu phí thủ tục / phí giới thiệu cho môi giới?

________ tiền Viên Nam
________ tiền Indonesia
________ tiền Thái Lan
________ tiền Philipin
________ tiền Đài
________ tiền Đô Mỹ
________ tiền tệ khác: ________

☐ Không nhớ  ☐ không

(3) Bạn dùng phương thức gì để trả chi phí đến Đài Loan? (phức chọn)

☐ Tài khoản cá nhân
☐ Tiền mặt của bạn
☐ Vay nợ ngân hàng

☐ Mỗi giới thiệu mượn trước
☐ Phương thức khác: ________

(4) Sau khi đến Đài Loan, bạn có bị yêu cầu phải trả chi phí nhiều hơn khi còn ở Việt Nam mà bạn đã biết không?

☐ Có  ☐ không có

(5) Khi còn ở Việt Nam, bạn có hay biết gì đến việc tiền thu nhập tại Đài Loan là bao nhiêu không?

☐ Tiền lương một tháng, tiền Đài tệ:

☐ Tính theo thời gian ở Đài Loan bao lâu mà tính tiền lương, không có nhất định là bao nhiêu tiền lương cụ thể như: ghi chi tiết __________________________

(6) Ở Đài Loan bạn nhận được tiền lương thực tế là bao nhiêu?

☐ Một tháng tiền Đài tệ ________

☐ Tính theo thời gian ở Đài Loan bao lâu mà tính tiền lương, không có nhất định là bao nhiêu tiền lương cụ thể như: ghi chi tiết __________________________

(7) Bạn nhận được số tiền thật tế có đúng như mức tiền lương được thông báo trước do khi bạn còn ở Việt Nam hay không?

☐ Đúng  ☐ không đúng
III. Sứ đánh giá của bạn về việc di xuất khẩu lao động

(1) Trước khi mà bạn lựa chọn đi lao động ở nước ngoài, sứ lựa chọn của bạn sẽ dựa vào những yếu tố nào? (phúc chọn)

☐ Phí môi giới ré
☐ Bên kia có bé con bạn bè
☐ Văn hóa tương đồng
☐ Đối với tôi lao động phi pháp xử罚 nhợ
☐ Vị trí địa lý Đài Loan gần với nước mình
☐ Tiền lương cao
☐ Có sự đảm bảo về nhân quyền
☐ Xin thị thực dễ dàng
☐ Đủ dàng tìm được công việc ngoài vòng pháp luật
☐ ý kiến khác:

(2) Vì sao bạn lựa chọn đi lao động tại Đài Loan? (phúc chọn)

☐ Phí môi giới ré
☐ Bên kia có bé con bạn bè
☐ Văn hóa tương đồng
☐ Đối với tôi lao động phi pháp xử罚 nhợ
☐ Vị trí địa lý Đài Loan gần với nước mình
☐ Tiền lương cao
☐ Có sự đảm bảo về nhân quyền
☐ Xin thị thực dễ dàng
☐ Đủ dàng tìm được công việc ngoài vòng pháp luật

(3) Nếu như không phải bị bắt, bạn dự tính ở lại Đài Loan bao lâu?

☐ Càng lâu càng tốt
☐ _________ năm

(4) Theo bạn, về sứ đánh giá làn này bạn đến Đài Loan, đối với số tiền mà bạn kiếm được với số tiền mà bạn đã chi ra, bạn cảm thấy có đằng giả của nó không?

☐ Có  ☐ không có

(5) Nếu cho phép, bạn có kiến nghị bà con hay bạn bè của bạn đến Đài Loan lao động không?

☐ Có  ☐ không có
สวัสดีค่ะ ดิฉันชื่ออูเพยแจวน เป็นนักศึกษาระดับปริญญาโทของมหาวิทยาลัยเจงซือ แบบสอบถามนี้ทำเพื่โอกาสวิจัยประกอบปริญญาโท จะจับข้อมูลทั้งหมดจะใช้เป็นผลของการวิจัย ทั้งนี้ท่านอาจจะไม่ต้องการให้รายละเอียดที่ส่วนตัว ขอให้ได้ประโยชน์ในการตอบคำถามเหล่านี้ ขอขอบคุณคุณล่วงหน้าค่ะ

วิธีตอบแบบสอบถาม: กาเครื่องหมายถูกในช่อง□ หรือเขียนลงในช่องว่าง

I.ข้อมูลพื้นฐาน

(๑) เพศ: □ชาย □หญิง
(๒) อายุ: ___ปี
(๓) การศึกษา: □ไม่ได้เรียน □ประถม □มัธยม □อุดมศึกษา/มหาวิทยาลัย □ปริญญาโท
(๔) ตระกราดภาษา: □ไทย □อินโดนีเซีย �□อื่น: ______
(๕) ประเภทวีซ่า: □วีซ่าทำงาน □วีซ่าท่องเที่ยว �□วีซ่าที่ได้รับทั้งหมด? (เลือกข้าวได้)
(๖) คุณเคยทำงานที่ไหนหรือที่ทำงานอย่างถูกกฎหมายอย่างน้อยกี่ประเทศ? (เลือกข้าวได้)
(๗) คุณอยู่ในไต้หวันอย่างผิดกฎหมายเป็นเวลานานเท่าใด? (หลบหนี, อยู่เกินกำหนด, ทำงานอย่างผิดกฎหมายหรือเข้าเมืองอย่างผิดกฎหมาย) __________ปี
(๘) ก่อนมาไต้หวันครั้งนี้ คุณเคยไปทำงานต่างประเทศไหม?ถึงหมดกี่ประเทศ?กี่ปี?
□ยังไม่เคยไปทำงานต่างประเทศ
□อื่นๆ: _______
II. ข้อตกลงบริษัทรับจัดหางาน

(1) ใครเป็นผู้แนะนำคุณมาได้หวั่น?
☐บริษัทรับจัดหางาน ☐ญาติมิตรของไทย
☐ญาติมิตรที่ได้หวั่น ☐อื่นๆ________

(2) เพื่อที่จะมาทำงานที่ได้หวั่น คุณจำเป็นต้องบริการจัดหางาน
ค่าแนะนาเป็นจำนวนเงินเท่าไร?
________ต้องเวียดนาม
________รูปเป็นอันตรีนิชัย
________บาทไทย
________เปโซฟิลิปปินส์
________ดอลลาร์ได้หวั่น
________ดอลลาร์เปรู
________เงินสกุลเอื่อ: ________
☐ไม่ได้ ☐ไม่ได้จ่าย

(3) คุณจ่ายค่าบริการในการมาได้หวั่นอย่างไร? (เลือกข้ามได้)
☐เงินสะสมส่วนตัว
☐ยืมเงินญาติมิตร
☐กู้เงินจากธนาคาร
☐บริษัทรับจัดหางานจ่ายแทนคุณ
☐อื่นๆ: ________

(4) เมื่อคุณถึงได้หวั่นแล้วคุณต้องจ่ายจำนวนเงินมากกว่าที่ตกลงกับตอนที่อยู่เมืองไทยมากไหม?
☐ใช่ ☐ไม่ใช่

(5) ตอนที่อยู่เมืองไทยคุณได้มีข้อมูลว่าเมื่อมาทำงานได้หวั่นจะได้รับค่าตอบแทนเท่าไร?
☐ได้เงินและ________ดอลลาร์ได้หวั่น
☐ขึ้นอยู่กับระยะเวลาที่อยู่ได้หวั่นว่าจะได้รับเงินไม่เท่ากัน
รายการย่อสูงสุด: ______________________

(6) คุณอยู่ที่ได้หวั่นได้รับเงินค่าตอบแทนจริงเป็นจำนวนเงินเท่าไร?
☐ได้เงินและ________ดอลลาร์ได้หวั่น
☐ขึ้นอยู่กับระยะเวลาที่อยู่ได้หวั่นว่าจะได้รับเงินไม่เท่ากัน
รายการย่อสูงสุด: ______________________

(7) เมื่อคุณอยู่ที่ได้หวั่นคุณได้รับเงินค่าตอบแทนเท่ากับจำนวนเงินที่ตกลงกับตอนอยู่ที่มีอยู่เมืองไทยไหม?
☐ใช่ ☐ไม่ใช่
III.ความคิดเห็นเกี่ยวกับการไปทำงานในต่างประเทศ

(๑) เหตุผลไหนที่จูงใจคุณมากที่สุดในการเลือกประเทศที่จะไปทำงาน (เลือกข้าวได้)
   □ ค่าบริการจัดหางานต่ำ
   □ มีญาติมิตรทำงานที่นั้น
   □ วัฒนธรรมคล้ายคลึงกัน
   □ ข้อลงโทษในการทำงานผิดกฎหมายค่อนข้างเบา
   □ ที่ตั้งของภูมิประเทศใกล้เคียงกัน
   □ เงินเดือนค่อนข้างสูง
   □ ด้านสิทธิมนุษยชนดีกว่า
   □ การขอวีซ่าง่ายกว่า
   □ โอกาสในการหางานที่ผิดกฎหมายง่ายกว่า
   □ อื่นๆ : ____________________________

(๒) เหตุผลข้อใดที่ทำให้คุณเลือกจะมาทำงานที่ไต้หวัน (เลือกข้าวได้)
   □ ค่าบริการจัดหางานต่ำ
   □ มีญาติมิตรทำงานที่ไต้หวัน
   □ วัฒนธรรมคล้ายคลึงกัน
   □ ข้อลงโทษในการทำงานผิดกฎหมายค่อนข้างเบา
   □ ที่ตั้งของภูมิประเทศใกล้เคียงกัน
   □ เงินเดือนค่อนข้างสูง
   □ ด้านสิทธิมนุษยชนดีกว่า
   □ การขอวีซ่าง่ายกว่า
   □ โอกาสในการหางานที่ผิดกฎหมายง่ายกว่า

(๓) หากยังไม่ถูกจับกุม คุณตั้งใจจะอยู่ที่ไต้หวันนานเท่าใด?
   □ ยิ่งนานยิ่งดี
   □ ปี

(๔) คุณคิดว่าการมาได้วรรณครั้งนี้คุ้มไหม? หากเปรียบเทียบค่าบริการที่จ่ายไปกับเงินค่าตอบแทนที่ได้มา
   □ คุ้ม    □ ไม่คุ้ม

(๕) คุณคิดว่าจะแนะนำญาติมิตรมาทำงานที่ไต้หวันไหม?
   □ แนะนำ    □ ไม่แนะนำ
Appendix 2

Interview Questions

1. Why did irregular foreign laborers apply for non-work visa to Taiwan?
2. What was the process of foreign laborers’ coming to Taiwan?
3. Did foreign laborers ask for help actively when they were exploited and how about their understanding of being victimized?
4. How about trafficking victims’ employment situation when they are placed?
5. How about trafficking victims’ feelings about government’s protection measures?
6. What is the influence of victimized experience on victims? How about their willingness of working in Taiwan again or are they immune from being re-victimized in the future?
7. Is the regulation of marriage interview effective on minimizing human trafficking in Taiwan?
8. What are the roots of labor trafficking problems in Taiwan?
Appendix 3

The Contract for Private Employment Services Institutions Engaging in Oversea Manpower Agency Operation to Govern Employment Service Items Appointed by Foreign Worker Regarding Item 1.8 to 1.10 of Article 46 of Employment Services Act

This Contract is carried back by Party A for review on the ____ day of ____, 20____.

(This Contract shall be reviewed by Party A for at least 3 days before entering the Republic of China)

Contractor:  (Full Name) ____ (hereinafter referred to as Party A)

(Full Name of Private Employment Services Institution) _________ (hereinafter referred to as Party B)

For employment services that have been authorized by Party B to Party A, both Parties mutually agree to enter this Contract with the terms and conditions as follows:

Article 1: This Contract is valid from the ____ day of ____, 20____ through the ____ day of ____, 20____.

(If agreed upon by both parties, this Contract may be extended in writing signed by both parties prior to the termination date.)

Article 2: Service Items

1. Party B shall notify Party A of laws and/or regulations, folk customs, salaries, welfares, legal expense withholding and working rights and interests in the R.O.C.

2. Party B shall render assistance in making arrangements for pick up/delivery of Party A to the work location designed by employer and for the repatriation upon the expiration of the validity of the employment permit or termination of the employment.

3. Party B shall contact or visit Party A □ one time □ two times □ three times □ four or more times (____ times) □ per month □ every two months □ every three months by phone or in person to provide services of
translation, counseling, pressure relief, living accommodation, management, etc.

4. Party B shall assist Party A in communicating, coordinating and mediating the dispute with Employer as well as translate the rules of work and daily activity management set up by the employer into Party A’s mother language, so that he/she can familiarize and understand.

5. After Party A enters the R.O.C., Party B shall assist Party A in going to the National Immigration Agency, Ministry of the Interior to take fingerprints and to register residence within a timeframe specified in the Immigration Act.

6. Party B shall notify Party A of the processes for the medical checkups and for submitting the results to the competent authority of the local government for reference.

7. When Party A is involved in accident, the assistance shall be rendered by Party B as follows:

   (1) In the event Party A suffers seriously injury or death in an accident, Party B shall provide free negotiation services; assist the employer of Party A in contacting the family members of Party A to come to Taiwan for handling follow-up works; or assist with the repatriation of Party A and repatriate the remains of the Party A and his/her personal belongings to his/her country of origin.

   (2) Party A shall bear the expenses in connection to the assistance provided by Party B.

8. In the event of repatriation as a result of Party A’s violation of law or regulation, Party B shall assist Party A in leaving the country.

Article 3: Service Fees NT$____ per month for the first year, NT$_________ per month for the second year and NT$___ per month for the third year.

(Party B may collect from the Party A a maximum amount of NT$1,800 per month for the first year; NT$1,700 per month for the second year; and NT$1,500 per month for the third year. As for a Foreign Worker who has completed 2 years or more of employment Contract, gone back to the his/her home country , and is re-processed for return and employment to the same employer, may be charged a maximum of
Article 4: Expense and Refund

1. Payment:
   (1) Party A shall pay the service fees to Party B by ☐ cash, ☐ wire transfer or ☐ others____ before ____per month.
   (2) Party A shall pay for the expenses of health examination, residence permit and extension. The expenses under this subsection shall be paid to Party B at the time services are rendered.
   (3) Receipt or invoice shall be issued by Party B while collecting service fees. Each receipt or invoice shall be maintained for a period of 5 years.

2. Party B shall, in accordance with Article 2 (2), render assistance in making arrangement for party B to be picked up and shall not impose any transportation fees for pick-up service on Party A.

Article 5: Party A's Obligation

Party A shall make timely payment for the service fees to Party B after the services are rendered under this Contract.

Article 6: Party B’s Obligation

1. Party A shall be well-informed of the terms and conditions of this Contract by Party B before making this Contract.
2. Party B shall perform the services set forth in this Contract.
3. Party B shall not charge for additional fees other than those specified in the relevant regulations.

Article 7: Establishment, Modification, Termination and Compensation

1. This Contract takes effect on the day signed by Party A and Party B. Modification, addition or deletion of this Contract shall be not be valid and binding unless in writing signed by the Parties hereto.
2. Either Party may terminate this Contract at any time upon written notice of termination provided to the other Party.
3. In connection to the previous provision, the Party that ends the Contract shall be liable for reimbursement if such termination causes damage to the
other Party. However, conditions or circumstances not attributable to both
Parties or attributable to the period when Party A is being placed in the
shelter shall be exempted from this provision.

4. When either Party fail or delay to perform its obligations under this
   Contract resulting in damages to the other Party, he/she shall held the
   liable for damages or loss.

5. This Contract terminates by expiration of its term.

Article 8: Any Advertisement and attachments published by Party B for engaging in
oversea manpower agency operation shall be deemed as a part of this
Contract.

Article 9: Confidentiality

1. Party B shall keep Party A’s personal information confidential, and not misuse
   that information in anyway.

2. For Party B’s violation of the previous provision that cause the damage or loss
to Party A, Party B shall be liable for reimbursement.

Article 10: Notice

1. All notices or other communications given by one Party to the other hereunder
   shall be in writing, delivered by registered mail to the addresses specified in
   this Contract. A written notice shall be given to the other Party in case of any
   changes.

2. The address specified below shall be deemed to be the valid address to which the
   communication or notice can be delivered. A notice shall be deemed received
   by the addressee on the 5th day which it is sent by registered mail in case of a
   change of address without prior notice (s).

Article 11: Jurisdiction

Both Parties agree that any disputes in connection with this Contract shall be
submitted to the jurisdiction of the ________ district court as the court of first
instance trial. However, applicable rules set up by jurisdiction of the court in
regard to Code of Civil Procedure shall not be exempted.

Article 12: Other Items
Other unspecified conditions shall be settled in accordance with the relevant laws and regulations, custom and the principle of reciprocal and veracity.

Article 13:
This Contract is made in two copies, one for each Party. Both Parties shall not request to retract the Contract of the other Party. In case of any divergence, the Chinese text shall prevail.
Appendix 4

Foreign Worker’s Affidavit for Wage / Salary and Expenses Incurred before Entering the Republic of China for Employment

1. I (Full Name: ________; Nationality: ____; Passport Number: ____ ) have fully understood that the period in which I am permitted to work in the territory of the Republic of China (hereinafter R.O.C.) shall not exceed three (3) years, and the extension of employment term for another three (3) years, will depend on my Employer and I, who will agree to make such extension taking into account my working performance and my Employer’s needs, and that those matters including *inter alia*. The regular and overtime wage/salary to be paid for my services in R.O.C. shall be governed by the Labor Standards Law, if applicable or by the Labor Contract, if the said Labor Standards Law is not applicable.

2. All the expenses incurred by foreign worker’s home country, prior to the arrival in R.O.C. are listed as follows:

   (1) Placement Fee: ____ dollars in the currency of the Labor-Exporting Country (NTS______).

   (2) Regulation Fees and Other Fee(s) in Taiwan:

<table>
<thead>
<tr>
<th>ITEMS</th>
<th>AMOUNT (Labor-Exporting Country Currency)</th>
<th>ITEMS</th>
<th>AMOUNT (Labor-Exporting Country Currency)</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>
| TOTAL                  | ____ dollars in the currency of the Labor-Sending Country (NTS______)

3. Among the expenses as referred to in Article 2, I have paid ____________ dollars
in the currency of my Country (NT$______) prior to my arrival in R.O.C., and as for the rest (Creditor) has made to me a loan with interest totaling____dollars in the currency of the Labor-Sending Country (NT$______).

The amount above-mentioned is confirmed and signed by ____________.

The items and expenses incurred in Taiwan are filled out according to the regulations of Labor-sending country as well as confirmed and verified by the Labor-Exporting Country.

____________________________________ Date: ________

4. Loan (s) Related to Work in R.O.C.: **Please specify in detail the creditor (s), the item (s), the purpose (s), and the amount thereof**

<table>
<thead>
<tr>
<th>ITEM (S)</th>
<th>PURPOSE (S)</th>
<th>CREDITOR (S)</th>
<th>AMOUNT (in the currency of the Labor-Sending Country)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td></td>
<td>__________________</td>
<td>dollars in the currency of the Labor-Sending country (NT$______)</td>
</tr>
<tr>
<td>Terms of Payment (Required)</td>
<td>_____ Installments of NT $ __________ Each</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. I have fully understood the following relevant laws and regulations governing the expenses in R.O.C. **Should there be any change or amendments in the relevant laws and/or regulations, the new laws and/or regulations shall govern**: 

(1) Service Fees:

A. The highest monthly payment is NT$1,800 for the First (1st) Year, NT$1,700 for the Second (2nd) Year, and NT$1,500 for the Third (3rd) Year.

B. For Foreign workers who were previously employed in Taiwan for 2 consecutive years and was repatriated to her home country due to the expiration of the employment permit but has come back to Taiwan again to the same employer, the worker shall be charged NT$1,500 the most for service charge.
C. No Broker / Agency is allowed to charge more than three (3) months’ Service Fees in advance.

(2) Regulated Fees 【Should there be any change or amendments in the relevant laws and/or regulations, the new laws and/or regulations shall govern】:
A. Health Insurance Fee: NT$_______ per month.
B. Labor Insurance Fee: NT$_______ per month (according to the relevant laws and regulations, only fishery or business entities with five (5) or more employees are required to participate in Labor Insurance; Business entities with less than five (5) workers and those working at family category are not so required to participate in Labor Insurance).
C. Residence Permit Fee: NT$_______ per year.
D. Income Tax: Those who stay in R.O.C. for less than one hundred and eighty-three (183) days in one calendar year, the monthly pay is NT$_____; those who stay in R.O.C. over one hundred and eighty-three (183) days in the one calendar year, the monthly pay is NT$_____.
   (1) The foreign worker shall pay tax according to the regulations of Income Tax.
   (2) The employer is not required to withhold the income tax of the foreign worker.
   (3) The foreign worker can file for the income tax return by himself/herself or by his/her authorized representative; Furthermore, rebate for income tax shall be given through assigned bank account or treasury check.
E. Employees’ Welfare Fund: Monthly NT$____ (This apply to companies with Welfare Committee and should be itemized separately).

6. I have fully understood that the agreement with Employer prior to R.O.C. as follows:
A. Monthly wage/salary is NT$______.
B. Board and lodging fee: Monthly NT$______.
C. Ticket fees: NT$____ paid by□ Employer, □Foreign Worker; Return Ticket fees: NT$____ paid by □Employer, □Foreign Worker.

7. The items signed by Affiant are as follows:
1. I HEREBY CONFIRM THAT THIS AFFIDAVIT IS CORRECT & TRUE.
Employee Signature: ______
Affiant’s Passport Number (REQUIRED): __
Date: ______/____/____ (YYYY/MM/DD)

2. FOR ARTICLES 5 TO 6 OF THIS AFFIDAVIT, I HAVE FULLY UNDERSTOOD THAT I SHALL NOT WITHHOLD ANY EXPENSES/FEES OR WHATSOEVER AMOUNT FROM THE WAGE/SALARY OF THE FOREIGN WORKER EXCEPT AS OTHERWISE STIPULATED BY THIS AFFIDAVIT OR LAWS OR REGULATIONS.
R.O.C. Employer: (Signature) ______
Person-In-Charge/Representative: ____________________ (Signature)
Date: ______/____/____ (YYYY/MM/DD)

3. THIS ORGANIZATION HEREBY VERIFIES ARTICLES 2 TO 4 WRITTEN IN THIS AFFIDAVIT AND FULLY UNDERSTANDS THE FEE REGULATIONS.
Verification Code Number: __________
Foreign Human Resources Agency: ____________________ (English Name)
Person-In-Charge/Representative: ____________________ (Signature)
Date: ______/____/____ (YYYY/MM/DD)

4. THIS ORGANIZATION HEREBY VERIFIES ARTICLES 4 TO 5 WRITTEN IN THIS AFFIDAVIT AND FULLY UNDERSTAND THE FEE REGULATIONS.
Permission Code Number: __________
Private Employment Service Agency In R.O.C.: __________
Person-In-Charge/Representative: ____________________ (Signature)
Date: ______/____/____ (YYYY/MM/DD)

Note:
1. Three original copies of this Affidavit shall be provided, one kept by the employer
in accordance to the Governing Regulations of Foreign Worker Employment, one submitted to the Local Authority of R.O.C. to be filed within three days, and one kept by the foreign worker, for reference.

*2. The contents contained in this Affidavit shall not be changed or amended that will be disadvantageous to the interest of foreign worker.

*3. The Private Employment Service Agency in R.O.C. shall not receive or collect any amount from the loan or be assigned by the creditor written in Article 4 of this Affidavit to act on their behalf. Those who violate Paragraph 5 of Article 40 of the Employment Services Act shall be fined or charged for the additional expenses. The loan incurred by the foreign worker in Taiwan shall be exclusively collected by the creditor specified in this Affidavit and the collected amount shall be consistent with that specified in this Affidavit.

*4. The Private Employment Service Agency in R.O.C. cannot collect the expenses listed in Article 5 of this Affidavit without authorization from the employer or the foreign worker. Likewise, they will be liable if they didn’t pay for fees collected from the worker to the designated agencies or has collected in excess of the amount stated herein. Such act is violation to Clause 5 of Article 40 of the Employment Services Act and shall be penalized accordingly.

5. Any amendments or changes in the monthly wage previously agreed by the foreign worker and employer and amendments or changes in the amount of health insurance fee, labor insurance fee, income tax and employees’ welfare fund, shall be recalculated according to the related regulations.

6. Payment of wages shall be done according to the contract, required deductions such as health insurance premium, labor insurance premium, income tax, fees for meals and accommodation should be itemized clearly. In addition to the items and amount paid by the foreign worker, the employer shall directly pay the wages by cash to the foreign worker. Should other form of paying the salary be applied, all related documents shall be provided to the foreign worker and employer for safekeeping.

7. The Foreign Human Resources Agency or the Human Resources Agency in R.O.C. that collect the expenses and fees related to employment service shall provide an official receipt. Those who violate this provision shall be punished according to the law.

8. If the foreign worker changes the employer, the new employer shall sign an Affidavit with the Private Employment Service Agency in R.O.C. All the expenses and loan incurred by the foreign worker prior to their arrival in Taiwan must not be filled out in Affidavit. If the foreign worker has not paid for the foreign loan before being hired by the new employer, the credit and debt specified in the Affidavit are still valid.

9. Should the Foreign Human Resources Agency or the Human Resources Agency in R.O.C. failed comply with the charging of fees in accordance with the applicable laws and regulations or should the Employer failed to pay the wage/salary in accordance with the Labor Contract, the Foreign Worker may file a complaint to the Council of Labor Affairs of Executive Yuan of the Republic of China, each complaint will be treated with full confidentiality and the protection of the rights and benefits of the Foreign Worker in R.O.C shall be prioritized. The hotlines for complaints are:

24-hour Protection Line for Foreign Worker: 1955
Foreign Worker Service Station in Taoyuan Airport: 03-3989002  Foreign Worker Service Station in Kaohsiung Airport: 07-8036804

10. Any actions resulting to forging of the Affidavit or false representation of the contents herein, shall subject the Affiants to relevant discipline or punishments in accordance with the relevant provisions of R. O. C.
Appendix 5

Salary Slip

_____ Year _____ Month
Salary Slip (Sample)

Name : ______________

Passport : ______________

Payday : __Yr__Mo__Date

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount (currency)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary</td>
<td>□NT$ □__Other ____please describe</td>
</tr>
<tr>
<td>Overtime Pay</td>
<td></td>
</tr>
<tr>
<td>Other (please describe)</td>
<td></td>
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<tr>
<td>Other (please describe)</td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
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</tbody>
</table>

Deduction

National Insurance
Labor Insurance
Income Tax
Board and Housing
Employee’s Benefit

Derived from the penalty of court or administrative authorities
<table>
<thead>
<tr>
<th>Subtotal</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Total</td>
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</table>

<table>
<thead>
<tr>
<th>Paid By</th>
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</tr>
</thead>
<tbody>
<tr>
<td>□Cash</td>
<td></td>
</tr>
<tr>
<td>□Note (remittance, check, promissory note)</td>
<td></td>
</tr>
<tr>
<td>□Other (please describe)</td>
<td></td>
</tr>
</tbody>
</table>

Signature: ______________________

Employers’ Signature: ______________________

Note:

1. Foreign workers shall pay national insurance fee, labor insurance fee, or income tax according to the law.
2. Board and housing fees should be settled and stipulated on the employment contract before foreign workers enter Taiwan, and the amount should be reasonable.
3. Employers should not deduct tax for domestic helpers; Employers of business category workers shall deduct tax according to the law.
4. Employer should pay in cash expect for the due amount of workers; If salary were paid by other way, please write down (remittance, check…) and give related certificate to workers and self.
5. This slip should be given to the foreign workers while paying the salary. And the employers should keep the salary slips for five years.
6. If the employers are not able to give salary slip in both Chinese as well as foreign workers’ mother tongue or pay full amount of salary, ones are subject to be abolished the recruitment permit or employment permit and be fined $60,000 up to $300,000 NT dollars; and the following application will be imposed restrictions for 2 years.