

WHAT CAN TAIWAN AND THE UNITED STATES LEARN FROM EACH OTHER'S GUEST WORKER PROGRAMS?

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ABSTRACT

This study argues that employers in newly industrialized societies such as Taiwan, like their counterparts in postindustrial economies such as the United States, practice outsourcing and recruitment of guest workers in the transnational labor market. This case study focuses mainly on female guest workers within the context of the Taiwanese government's guest worker policies. It also discusses the calls for immigration reforms in both Taiwan and the United States to achieve a more reasonable and flexible guest worker program. The article compares and contrasts guest worker programs in Taiwan and the United States and analyzes the positive aspects of each society's guest worker program/proposal that the other society can adopt. Since Taiwanese feminists, human rights activists, and church-based non-governmental organizations (NGOs) have advocated for the revision of immigration policies to safeguard foreign workers' rights, guest workers in Taiwan have become entitled to more legal protection than their counterparts in the United States.

INTRODUCTION

In the era of globalization, social scientists assume that multinational corporations in postindustrial Western economies in the global North are responsible for outsourcing their industries to developing countries and for recruiting workers from developing countries in the global South to work in the global North. This

study questions the simplistic North-South paradigm and argues that capitalists and employers in newly industrialized countries such as Taiwan in the Asia-Pacific region also practice outsourcing and recruitment of guest workers in the transnational labor market. Contemporary Taiwan serves as a case study in our examination of inequalities along the lines of national origin, gender, and class in a non-Western society within the context of the global capitalist system (Lee, 2004; Lin, 2000).

Whereas virtually all the qualitative analyses of U.S. guest worker programs and proposals have compared the U.S. programs with guest worker programs in other Western societies, this study compares the U.S. guest worker program and immigration reform with its counterpart in a non-Western society. The article discusses the ways in which the advocacy of Taiwanese feminists, human rights activists, and church-based NGOs for a reasonable and flexible guest worker program to safeguard workers' rights has resulted in incremental gains for guest workers in Taiwan. Taiwanese feminists' advocacy of guest workers' human rights in general and of equal treatment of female guest workers in particular can serve as a model for American feminists and migrant workers' advocates to adopt.

Definition and Scope of the Study

By definition, low-skilled, temporary foreign workers are referred to as guest workers. In Taiwan, guest workers come from Southeast Asia. In the United States, the majority of guest workers with H-2 visas come from Mexico and Central America. While the United States also imports H-1B temporary workers with high-tech training and higher education from South Asia, the majority of undocumented workers in the United States are low-skilled and low-paid workers from Mexico and Central America. Unlike holders of H-1B visas, low-skilled migrant workers can work in a wide array of labor-intensive and service occupations without higher-education prerequisites or licensing requirements (Bruno, 2008). Since both the U.S. and Taiwanese governments need to address the serious issue of low-skilled undocumented workers in their proposals for immigration reforms, this article focuses on integrating potential solutions in both countries' immigration reform proposals to enable undocumented workers to come out of the shadows. Thus, this study will address only issues pertaining to low-skilled foreign workers in Taiwan and the United States.

Currently, immigration reform remains on the agenda for both the U.S. Congress and the Obama administration. As a case study, Taiwan's guest worker program and immigration policies are compared and contrasted with U.S. immigration policies and reform in order to answer the following questions: What can the U.S. proposals for immigration reform adopt from Taiwan's guest worker program? What can Taiwan's guest worker program adopt from the U.S. Senate's proposal for immigration reform? And what can both governments

do to safeguard the rights of both local workers and guest workers in Taiwan and the United States?

Taiwan's Position in the Global Economy

According to statistical data provided by the Taiwanese government and the World Bank Development Indicators in 2005, the per capita gross national income was \$620 in Vietnam, \$1,260 in Indonesia, \$1,290 in the Philippines, \$1,740 in China, \$2,720 in Thailand, \$7,300 in Mexico, \$14,770 in Taiwan, and \$43,560 in the United States (Government Information Office, 2006; World Bank Development Indicators, 2005-07). Thus, workers in high-income countries such as the United States and low-income countries such as Vietnam may receive widely disparate wages for performing the same tasks. Based on these statistics, Taiwan's per capita income level falls between that of a middle-income country such as Thailand and that of a high-income country such as the United States.

In Taiwan, a newly industrialized society in transition to becoming a consumer-oriented service economy, the number of female professionals and white-collar service workers exceeded the number of female blue-collar workers for the first time in the 1980s. As more young single women obtained higher education, they preferred white-collar jobs in the professional and service sectors to blue-collar factory work. As a response to labor shortages and soaring labor costs, Taiwanese factory owners in labor-intensive and pollution-generating industries began to outsource their factory production to mainland China and Southeast Asia in the late 1980s and continued to do so thereafter. In so doing, they reduced Taiwan's industrial pollution and also took advantage of the less expensive labor in mainland China and Southeast Asia (Kung, 1994).

GUEST WORKERS IN TAIWAN, 1989 TO THE PRESENT

As Taiwanese industries were outsourced overseas, an increasing number of Southeast Asians went to Taiwan with tourist visas and worked as undocumented workers to meet the needs of the island's labor shortages. In order to provide a legal channel for foreign workers to seek employment in Taiwan, the Taiwanese government, in 1989, issued a limited number of temporary work visas to workers from Southeast Asia to work in national construction projects. In 1992, the national legislature passed the Employment Services Act to permit temporary guest workers from certain Southeast Asian countries to work in Taiwan's manufacturing, construction, and service sectors. These jobs involve dangerous or difficult labor-intensive manual work and night shifts. Since the 1990s, the primary sources of guest workers in Taiwan have been the Philippines, Indonesia, Thailand, and Vietnam (Lan, 2005). According to Anru Lee's analysis of the

mutually reinforcing relationship between patriarchy and industrial capitalism, Taiwanese capitalists have exploited female foreign workers' marginal status and transient labor in order to maintain low wages in Taiwan's female-dominated electronics, textile, and garment industries. Using this strategy to achieve savings in labor costs, male industrial capitalists who have opted to keep their factory production in Taiwan rather than outsourcing it have still been able to maximize their capital accumulation (Lee, 2004).

In the years immediately after 1989, the guest workers in Taiwan were Southeast Asian males who worked in the construction and manufacturing sectors. In the last decade, the numbers of female guest workers engaging in domestic services and factory work have increased. While male guest workers are laborers in the manufacturing, construction, and fishing industries, the majority of female guest workers are factory workers, maids, and caretakers of children, the disabled, the chronically ill, and the elderly. Whereas guest workers in the manufacturing, construction, and fishing industries are eligible for legal protection under Taiwan's Labor Standards Law, maids and caretakers in households are not covered by the legislation and are thus paid lower wages than factory workers (Lan, 2005). This disparity is indicative of gender inequity in the workforce.

Southeast Asian Women as Domestic and Caretakers in Taiwanese Households

On average, foreign domestics and caretakers are paid half the monthly salaries of their Taiwanese counterparts. From the mid-1990s to 2000, the average monthly wage of a foreign domestic in Taiwan was equivalent to around US\$500 (Loveband, 2006). In the Philippines, the average monthly wage of a domestic was US\$40. In the United States, the monthly wage of a domestic was around \$1,000. These wage differentials for those performing the same household tasks meant that Filipina maids who worked in either Taiwan or the United States could afford to pay their female relatives or Filipina domestics back home to take care of their children and their household chores while they worked abroad (Lan, 2006; Parrenas, 2006).

Due to Taiwan's family-centered Confucian ideology, the Taiwanese government preferred families to hire caretakers to provide care for their preschool children and the elderly rather than subsidize the costs of day care centers and nursing homes in the public sphere. Prior to the introduction of foreign labor, Taiwanese families expected married women to bear the primary responsibility for housework, child rearing, and care for the elderly. After the introduction of domestic workers from Southeast Asia in 1992, middle-class families had the option of hiring foreign caretakers to perform these tasks. These domestic helpers alleviated the burdens of middle-class women and enabled them to focus on their careers or enjoy more leisure (Awakening Foundation,

2006). More than 130,000 female workers from Southeast Asia have been hired as either domestics or caretakers in Taiwanese households. They constitute one-third of all foreign workers in contemporary Taiwan (Huang, 2005; Loveband, 2006).

Taiwan's Labor Standards Law stipulated that laborers' pay should not be below the minimum wage and that their work hours should not exceed 44 hours per week. Workers are also eligible for a week of annual leave and are covered under labor insurance. Because foreign domestics and caretakers in private households are not eligible for legal protection under the Labor Standards Law, it is not uncommon for live-in maids and caretakers to be on duty 16 hours a day. Because they are confined within their employers' households without any eyewitnesses to their treatment, some have endured physical abuse, sexual harassment, and sexual assault by their employers. Although there are government agencies in each city providing the opportunity for guest workers to seek legal advice and file complaints about their employers, not all the Taiwanese staff members in these service centers for guest workers are sufficiently proficient in foreign workers' native languages to offer effective assistance. Due to the language barrier and their fear of deportation, foreign domestics and female factory workers have opted not to report incidents of sexual assault or physical abuse to law enforcement agencies (Awakening Foundation, 2006; Lan, 2005).

Evolution of Taiwanese Feminists' Perspectives on the Importation of Guest Workers

Back in the 1990s, Taiwanese feminists opposed the importation of foreign workers, including domestics, to Taiwan. They argued that only women from wealthy families could afford to hire domestic helpers. Importing domestics and caretakers from overseas would deprive Taiwanese domestics of their job opportunities (Lin, 2000). By relegating domestic labor and care work to economically disadvantaged women from overseas, the Taiwanese government was evading its responsibility to provide state-subsidized child care and elderly care facilities to alleviate career women's double burden. The feminists also argued that hiring foreign domestics did not fundamentally alter the gender division of labor in the household (Lan, 2005). Instead of importing foreign domestics and caretakers, feminist groups urged the Taiwanese government to create more day care and elderly care facilities and legislate flexible work hours for mothers with preschool children (Lin, 2000).

As the number of foreign domestics and caretakers in Taiwan rose from 50,000 in the 1990s to 130,000 in the new millennium, Taiwanese feminists began to realize that the policy of importing guest workers is here to stay. They modified their views toward female guest workers and began to advocate for the improvement of their living and working conditions.

THE ADVOCACY OF NONGOVERNMENTAL ORGANIZATIONS AND FEMINISTS FOR GUEST WORKERS AND THE TAIWANESE GOVERNMENT'S RESPONSE

Although virtually all foreign domestics are women from Southeast Asia, they tend to socialize with other migrant workers of their own particular linguistic, religious, and national backgrounds during their days off (Lan, 2005). In order to promote foreign migrant workers' solidarity, Taiwanese feminists in Awakening Foundation, the Taipei Awakening Association, and activists from other nongovernmental organizations, allied with the Taiwan International Workers' Association (TIWA)—an advocacy organization for foreign migrants' rights—to facilitate dialogue among foreign workers from the Philippines, Indonesia, Thailand, and Vietnam. These nongovernmental advocacy groups urged the government to make foreign domestics and caretakers a category of workers eligible for legal protection under the Labor Standards Law. In 2006, a coalition of domestic employers, labor brokers, and disabled persons in Taiwan voiced their opposition to the inclusion of caretakers in private households in the Labor Standards Law. The Alliance of Disabled Persons argued that disabled individuals and their families would not be able to pay foreign caretakers higher wages. As long as there is a shortage of affordable state-subsidized living and care facilities for the disabled and the elderly, disabled people have no choice but to rely on foreign caretakers (Chen & Chen, 2006).

In 2003, a coalition of church-based NGOs for migrant workers' rights, TIWA, and feminist groups formed the Promotion Alliance for Household Service Act (PAHSA) to urge the Taiwanese government to pass a household service law to ensure the legal protection of domestics and caretakers. In order to achieve a compromise between the rights of foreign domestics and their employers, the Council of Labor Affairs, an executive cabinet-level body in the Taiwanese government, has been conducting a social-cost analysis before deliberating with the legislative branch of the government to reach a consensus on the stipulations of this bill (Department of Labor Standards, 2006).

Beginning in the early 1990s, guest workers were required to pass health examinations both before and after their entry to Taiwan. Those who tested positive for illegal drugs, sexually transmitted diseases, and other contagious diseases were barred from entering the country. Female guest workers were also required to take a pregnancy test. If they were found to be pregnant or tested positive for contagious diseases or HIV/AIDS, they were either barred from entry or were deported. In response to the protests of migrant-labor rights advocates and Taiwanese feminist groups against the gender double standard of these health examinations, the government eliminated pregnancy tests for female guest workers in 2003, in order to conform to the stipulations of the Gender Equality in Employment Act, which had been passed in 2001. As Taiwanese citizens are eligible for universal health care insurance, the Taiwanese

government, in 2004, introduced a policy that gave guest workers the right to participate in the national health care insurance program. According to the health insurance policy, the employer is responsible for 60% of a guest worker's insurance premium, the worker is required to contribute 30%, and the government 10%. Taking advantage of the government's reluctance to monitor employers' conduct in private households, some employers of foreign domestics have not paid their share of their employees' health insurance premium. Legally, female guest workers are no longer required to return to their country of origin after becoming pregnant. In actuality, pregnant guest workers either choose to return home before the termination of the contract or are pressured by their employers to do so. Although it is illegal for employers to confiscate guest workers' passports, some employers keep the workers' passports in order to control their mobility and prevent them from running away. The gap between the legal stipulations and the social reality is indicative of the inadequacy of law enforcement in safeguarding guest workers' rights in present-day Taiwan (Lan, 2005).

In order to advocate for reforms in immigration policies and improve the treatment of foreign workers, PAHSA, feminist organizations, and human rights advocates allied with foreign workers to stage a mass rally in Taipei in December 2005. They protested against the six-year limit on the duration of employment for guest workers in Taiwan and the mandatory use of private labor brokers as the only legal channel to secure workers' visas. These brokers often charge guest workers unreasonably high fees to secure their work visas and entry to the host country. It often takes guest workers at least a year to pay off their debts to labor brokers in Taiwan and in their countries of origin. The demonstrators demanded the abolition of the system of private labor brokers and advocated for the right of guest workers to apply directly to the Taiwanese government for their entry and workers' visas. They also called for the right of foreign workers to change their employers without going through a labor broker in Taiwan. They demanded that foreign workers should have the right to establish labor unions and to engage in collective bargaining (Loveband, 2006; Wang, 2006).

As a concession to the demands of the demonstrators, the Council of Labor Affairs announced in 2007 that a guest worker already working in Taiwan is now permitted to directly negotiate a transfer from his or her former employer to a new employer without having to go through a private labor broker (Council of Labor Affairs, 2007). However, a guest worker is permitted to leave his or her first employer and enter into a contractual agreement with a second employer only after the first contract expires. That is, a guest worker still has to rely on an employer's sponsorship to acquire and retain the right to work in Taiwan. In response to the demands of employers and labor-rights advocates, guest workers and their employers are now given the option of applying directly to the Council of Labor Affairs for work permits without having to hire a labor broker (Bureau of Employment and Vocational Training, 2008).

When the policy of admitting guest workers to Taiwan was first introduced in the early 1990s, a worker was permitted to stay in Taiwan for two or three years only, without the option of returning to the island. The short period of workers' stay in the country precluded the possibility of any pay raises and any opportunity to join labor unions. As a concession to transnational migrants' labor organizations and feminist groups' advocacy for a more reasonable and flexible guest worker program, the government, in 2002, permitted workers without criminal records or contagious diseases to apply for reentry to Taiwan for three more years after the initial three-year contract expires (Lan, 2005). In 2007, the government extended the maximum duration of stay for guest workers to nine years, providing that the worker can maintain suitable full-time employment. If a guest worker can secure continuous employment, s/he is permitted to sign a contract with the employer for three years. When the contract expires, the guest worker is required to leave Taiwan for at least one day and then reenter the country to sign a new contract with his or her employer (Council of Labor Affairs, 2007).

In the final analysis, the current guest worker policy in Taiwan is the result of the government's attempt to reach a compromise between the state's need to control guest workers and the demands of Taiwanese employers, migrant-labor rights advocates, and feminist groups. In order to satisfy the demands of feminists and migrant-labor rights advocates, the government, in 2003, eliminated gender biases in the health examinations of guest workers (Lan, 2005). Meanwhile, transnational labor-rights activists and feminists advocated for the elimination of the six-year statutory limit for each guest worker's stay. Instead of creating the possibility of guest workers' de facto permanent residency as guest worker advocates had hoped, the government compromised with the advocates' demands by extending the maximum duration of stay to nine years. On the other hand, the legal protection of foreign domestics and caretakers has not been included in the Labor Standards Law. Although foreign workers and domestics are generally paid lower wages than their Taiwanese counterparts, they do not enjoy the same rights to join and organize labor unions (Wang, 2006).

GUEST WORKERS' RIGHTS IN THE UNITED STATES

As is the case in Taiwan, documented guest workers in the United States do not enjoy the same right as U.S. workers to join labor unions or engage in collective bargaining. Guest workers from Mexico and Central America rely on their employers to petition for the visas they need to work in the United States. Thus, a guest worker's legal right to work in the host country is tied to a single employer. Employers also have the power to fire a guest worker and deport him/her with impunity. It is not uncommon for employers to confiscate guest workers' passports. Due to their lack of civil rights, guest workers have little choice but to accept minimum wages and substandard working conditions

(Marshall, 2007). According to the arguments of labor-union activists, the importation of guest workers has the adverse effect of driving down the wages and lowering the workplace standards of local workers in industries where guest workers are prevalent. Proponents of guest worker programs contend that the legalization of guest workers can dissuade employers from hiring undocumented workers to meet labor shortages in dangerous and difficult jobs that local workers will not do (Elmore, 2007; Lichtenstein, 2007; White, 2007).

From 1964 to 1986, it is estimated, 10 million undocumented workers entered the United States to seek jobs in various sectors of the U.S. economy. In an attempt to control and regulate the flow of undocumented workers, the U.S. Congress passed the Immigration Reform and Control Act (IRCA) in 1986. In order to encourage undocumented workers to come out of the shadows, IRCA granted 2.7 million undocumented agricultural workers the right to permanently reside in the United States. Those eligible for the amnesty had to provide documentary proof that they had resided continuously in the United States for at least five years. To deter employers from hiring undocumented workers, IRCA imposed sanctions against employers who hired foreign workers without proper authorization by the Department of Labor (DOL) and the United States Immigration and Naturalization Service (INS) (Elmore, 2007; Lichtenstein, 2007; White, 2007).

To reduce the number of undocumented workers and provide a legal channel for foreign workers to come to the United States to work on a temporary basis, IRCA created the H-2A and H-2B categories of guest worker visas. Together, these are known as H-2 temporary work visas. Employers contact foreign recruiters in a labor-supplying country to find people the employers can sponsor to work in the United States (Elmore, 2007; White, 2007).

Once an employer decides whom to hire, he or she then files a petition for labor certification at the DOL on behalf of the guest worker. First, however, the employer is required to make an attempt to hire a U.S. worker. After the employer has demonstrated that no U.S. worker is available to do the job, the DOL will then grant labor certification, permitting the employer to hire the guest worker. The case then moves to the INS, which either approves or denies the application for the H-2 visa (Elmore, 2007; Lichtenstein, 2007; White, 2007). No guest workers are eligible for adjustment of their temporary work status to permanent residency in the United States. If a guest worker would like to return to the United States to work after his or her contract expires, the worker must engage in circular migration, returning to his or her country of origin and reapplying for a visa with an employer's sponsorship (Elmore, 2007; Lichtenstein, 2007). Circular migration was implemented as a way to deter guest workers from overstaying their visas.

H-2A visas are issued to agricultural workers, whereas H-2B visas are issued to nonagricultural guest workers. Annually, around 50,000 H-2A visas and 89,000 H-2B visas are granted to guest workers. Each year, however, approximately half a million undocumented low-skilled workers enter the United States to seek employment. This shows that the federal government's attempts to curb

illegal immigration through workplace raids, employer sanctions, and border enforcement have not been successful. Clearly, the demand for low-wage workers in the U.S. economy far exceeds the number of H-2 visas issued per year. In view of this, coupled with the fact that the H-2 certification process is time consuming and burdensome, many U.S. employers have opted to hire undocumented workers to solve their labor shortages (Elmore, 2007; Lichtenstein, 2007).

Of the two types of H-2 visas, H-2A provides guest workers with more legal protection. It is the only type of H-2 visa that the DOL monitors for workplace violations and employment abuses. Once the visa is granted, a worker is eligible to work in the United States for one year. Contingent upon continuing employment, the one-year visa can be renewed annually for three consecutive years. Based on the stipulations of the H-2A visa, an employer is required to offer guest workers wages no less than the minimum wage set by the DOL for agricultural workers. An employer is also required to offer meals, housing, transportation, and workers' compensation. If an H-2A visa holder's rights are violated, s/he has the option of filing a complaint with the DOL. The federal government is mandated to subsidize the worker's legal fees. But, as guest workers' legal ability to work in the United States is tied to their employers, these workers lack the freedom to change jobs; this makes it impossible for guest workers to file complaints about workplace violations. Also, as a foreign worker, an H-2A visa holder is excluded from the legal protections provided by the federal Migrant and Seasonal Agricultural Workers Protection Act and the National Labor Relations Act. H-2A workers are not eligible for health insurance or any federally subsidized social benefits, with the exception of Medicaid for emergency care (Elmore, 2007; Lichtenstein, 2007; White, 2007).

While there is some, albeit limited, legal protection available to H-2A visa holders, the legal stipulations for H-2B visa holders are not as clearly stated. There is no minimum wage standard for H-2B visa holders. An employer simply has to state the nature, wage, and working conditions of the job and mention that the wage s/he pays is equivalent to the prevailing wage in the industry. Because the DOL does not require employers to reimburse H-2B workers' expenses in paying for a recruiter, applying for a visa, and traveling to the United States, guest workers have no choice but to work for months in order to pay off their debts (Elmore, 2007).

Among the H-2B visa holders, male workers tend to be employed in industries such as fishery, forestry, agriculture, landscaping, construction, and repairs. Both men and women work in jobs associated with agriculture, cleaning, food preparation and processing, and the provision of services in resorts and hotels and on cruise liners (Elmore, 2007). Among H-2B visa holders, jobs as hotel chambermaids and as domestics and caretakers in private households are female dominated. Domestics work long hours in the isolation of their employers' households. Their lack of contact with the larger society in a foreign country makes them especially vulnerable to employer abuse. Domestics in the United

States are excluded from the legal protections provided by the National Labor Relations Act and the Occupational Safety and Health Act (Elmore, 2007). They are virtually without legal protection.

Prospects for Comprehensive Immigration Reform in the United States

The number of undocumented workers who cross the U.S. border from Mexico far exceeds the number of temporary worker visas issued by the U.S. government. It is estimated that the undocumented population in the United States has reached 12 million, including over 6 million from Mexico. In a further attempt to encourage undocumented workers to come forward, the U.S. Senate passed the Comprehensive Immigration Reform Act (CIRA) in 2006. This increased the number of guest worker visas to deter future illegal immigration (Lichtenstein, 2007; White, 2007).

In the act, the Senate divided the undocumented population into three categories, depending on duration of stay in the United States. Tier one would consist of undocumented persons who have resided in the U.S. for at least five years; these persons would also have to prove that they have worked in the United States for at least three of the five years. To qualify for permanent residency, an undocumented worker in tier one would have to submit an application form; pay application-processing fees, a \$2,000 fine, and all the back taxes that are owed; receive a clearance from the federal government certifying that the applicant has no history of criminal activities; pass a health examination; and pass a civics and English proficiency test (Lichtenstein, 2007).

According to the stipulations of CIRA, tier two would consist of undocumented persons who can prove that they have resided in the United States for between two and five years. Individuals who belong to this tier would be eligible for the Deferred Mandatory Departure Program (DMD). After filing the DMD application and paying the \$1,000 fee, the worker would be required to leave the United States and return later. Upon the DMD applicant's return, s/he would be eligible for a guest worker visa. Since guest workers are classified as non-immigrants, they are not eligible for any government-funded benefits and have to buy health insurance for their families. However, the DMD applicant would be eligible for legal adjustment to immigrant status to achieve permanent residency after eight years—the length of time the applicant would need to wait until the backlog of legal permanent residency applications has been cleared. Finally, tier three would consist of the 2 million undocumented workers who have resided in the United States for less than two years. They would be legally required to leave the United States and apply for guest worker visas from their countries of origin. Depending on the labor demand in the United States and the availability of guest worker visas, the U.S. Citizenship and Immigration Services (CIS—which replaced INS in accordance with the Homeland Security

Act of 2002) would reserve the right to accept or deny a guest worker application (Lichtenstein, 2007; White, 2007).

In order to reduce the number of undocumented workers in the underground economy, CIRA would create the H-2C visa for a new category of guest workers. Annually, 200,000 H-2C visas would be made available to meet the labor demand in the United States. In a fashion similar to the hiring process for H-2A and H-2B workers, a private labor recruiter would serve as the broker matching a guest worker with an employer based on the employer's needs. To qualify for the temporary work position, an applicant would have to submit documentary proof that s/he has received a job offer from a U.S. employer. The employer would have to testify that s/he is hiring a guest worker to fill a position only after an attempt has been made to hire a local worker. Meanwhile, the guest worker would have to pay the application fee and receive health and security clearance from the CIS. In an improvement in the protection of guest workers' rights, H-2C visa holders would not be tied to their employers as H-2A and H-2B workers have been. After an H-2C visa holder's contract with his or her employer is terminated, the worker would be free to sign a new contract with a new employer. Typically, an H-2C visa would allow a worker to stay in the United States for three years. If a worker could prove continuous employment, the visa could be extended to a total of six years. However, s/he would be required to leave the United States after three years and then return to resume work. An H-2C visa holder who wished to be reunited with his or her family could apply for an H-4 visa for a spouse and children. After working in the United States for four years, an H-2C visa holder would be eligible to apply for permanent residency, if s/he and the employer could prove that there is a lack of U.S. workers available to take the job. But if an H-2C visa holder were to lose his or her job and could not find new employment within two months, s/he would be required to leave the country (Lichtenstein, 2007; White, 2007).

In order to enhance the legal protection of H-2A agricultural workers, the Senate attached an amendment to CIRA requiring the DOL to establish a process for the receipt, investigation, and resolution of workers' complaints against their employers. Those workers who file complaints against their employers would be eligible to switch to another employer without risking deportation. In order to meet the labor demands of agricultural industries in the United States, CIRA would establish a new category of agricultural guest worker visa known as "the blue card." Within five years, 1.5 million blue cards would be issued to enable agricultural workers to work in the United States. As nonimmigrants, blue-card visa holders would not be eligible for any public benefits. A blue-card visa holder who applied for permanent residency would be eligible for state-funded benefits upon achieving legal immigrant status (White, 2007).

Despite the passage of CIRA in the Senate in 2006, the House of Representatives and the Senate could not come to a consensus on the details of immigration

reform. In all, 90% of the Democrats in the U.S. Senate supported CIRA on the issues of importing guest workers and creating a path to citizenship for most undocumented workers. The Republicans in the Senate were divided between pro-business moderates, who supported the expansion of the guest worker program, and conservative nationalists, who opposed the program. The Republican opponents of CIRA contended that rewarding undocumented workers with guest worker status and a path to citizenship would be tantamount to rewarding law breakers. CIRA would only encourage more guest workers to overstay their visas (Bruno, 2008; Hunt, 2006; Marshall, 2007). In 2006, the Republican-dominated House of Representatives also favored a border enforcement only policy over a comprehensive immigration reform bill. In the end, the only bill to pass in both the House and the Senate was the Secure Fence Act (SFA), the only immigration reform bill to be signed into law by President George W. Bush during his administration. Although President Bush supported segments of the Senate-sponsored CIRA, SFA contains no legal provision for the setting up of a reasonable legal channel for undocumented workers to come out of the shadows; nor does it include legal provisions for reforming and expanding the guest worker program. The only legal provision of SFA was the building of an additional 700 miles of fencing along the U.S.-Mexico border and the implementation of new technology to detect illegal crossings of undocumented workers (Lichtenstein, 2007; White, 2007). In response to the passage of the law, critics of SFA argued that building additional miles of fencing along the border will not deter illegal immigration, since undocumented workers will just use alternative routes to enter the United States.

In its determination to strengthen border control and safeguard national security against post-9/11 terrorist infiltration, the Republican-dominated House of Representatives passed House Resolution 4437—the Border Protection, Anti-Terrorism, and Illegal Immigration Control Act of 2005. It stipulated mandatory sentences for smugglers of undocumented workers. Starting in 2012, employers would be required to verify the authenticity of the social security identification of all employees. The law would impose a \$40,000 maximum fine on employers who hire illegal immigrants. Unlike the Senate-sponsored CIRA, HR 4437 would not offer undocumented workers a path to citizenship (Hunt, 2006).

After the Democrats' victory in the Congressional election of 2006, the House of Representatives proposed House Resolution 1645, the Security through Regularized Immigration and a Vibrant Economy Bill of 2007 (STRIVE Bill). Like the Senate-sponsored CIRA, H.R. 1645 proposed to establish a new H-2C guest worker program to allow nonagricultural foreign workers to perform temporary labor or work in service jobs in the United States for three years. If the worker could maintain employment in the United States, s/he could extend the stay for another three years. Meanwhile, the guest worker would have the option of applying for permanent residency with the support of his or her employer (Bruno, 2008).

While several pro-labor union congressional Democrats opposed H.R. 1645 on the grounds that an expanded guest worker program would threaten local workers' job security and wages, House Republicans opposed the legalization of undocumented workers' status. Notwithstanding the opposition to comprehensive immigration reform by some House members from both parties, the introduction of H.R. 1645 and its resemblance to the Senate-sponsored CIRA is indicative of the possibility of some common ground between the House and the Senate in their future deliberations on a comprehensive immigration reform bill.

With the inauguration of President Barack Obama in January 2009 and the Democratic majority in both the House and the Senate, there is renewed hope that comprehensive immigration reform can once again be put on the national agenda. Meanwhile, the Congressional Hispanic Caucus is reminding Congress and the Obama administration that the majority of U.S. citizens would like to see comprehensive immigration reform to fix the nation's broken immigration policy (Douglas, 2009).

On the other hand, the nation's unemployment rate reached 10% in 2009. As a result of the severe economic recession, U.S. workers are increasingly worried about their job security and the economic competition from legal immigrants, guest workers, and illegal immigrants. In order to prioritize U.S. workers' job security, an independent federal government agency should be created within the U.S. Department of Labor to conduct nationwide labor market surveys and analyze the annual statistics on all major sectors of the U.S. economy, to ascertain the actual number of guest workers needed in specific occupational categories. Assigning this responsibility of setting annual quotas for importing guest workers to an independent government agency within the executive branch of the federal government is more feasible than relying on the U.S. Congress to set quotas, since Congress can be influenced by the powerful business lobby, which favors an increase in the number of guest workers in order to keep wages low (Marshall, 2007).

Instead of increasing the importation of guest workers from abroad based on the estimated quota set by the U.S. Senate in CIRA, the Obama administration should improve the enforcement of the existing legal provisions for the H-2 guest workers; impose heavy fines on employers who hire illegal immigrants; and apprehend and prosecute illegal traffickers in arms, persons, and narcotics across the U.S.-Mexico border (Marshall, 2007). An improvement in law enforcement should enhance public safety and national security (Wasem, 2007).

Since it is unrealistic to deport 12 million undocumented persons from the United States, the comprehensive package of immigration reform should focus on revising CIRA to encourage undocumented workers to come forward in exchange for temporary guest workers' visas. A percentage of these undocumented workers who come forward and meet specific legal requirements should be eligible for the adjustment of their legal status from guest worker status to permanent residency in the future, contingent upon the ability of the U.S. economy

to absorb additional population. This approach would be consistent with President Obama's commitment to giving eligible undocumented workers a chance to earn U.S. citizenship (Dorsey & Diaz-Barriga, 2007).

Instead of increasing the number of guest workers recruited from abroad, who can potentially compete with local U.S. workers, the Obama administration should focus on granting undocumented workers already in the United States temporary work visas. Since the majority of the members of the American public support comprehensive immigration reform, it is conceivable that the Democratic-dominated Congress and the Obama administration will take action to promote their versions of comprehensive reform between the present and the election of 2012.

The Democrats are mindful that the support of Hispanic voters was an essential component of their victories in the elections of 2006 and 2008. Introducing a comprehensive immigration reform bill will likely sustain Hispanic voters' support for Democratic candidates during the electoral campaigns of 2010 and 2012. Similarly, Republicans will likely assess the impact of the anti-immigration rhetoric and policies of the nativist members of their party (Marshall, 2007). The decline in Hispanic voters' support for Republican candidates in the elections of 2006 and 2008 will serve as a reference point for the Republican Party's reformulation of its policies toward immigration reform as it prepares for future elections.

As politicians from both parties reformulate their policies on immigration reform in general and guest workers in particular, they will likely discuss the same unresolved issues that the 110th Congress (2007–2009) discussed. In regard to guest workers' status, "the scope of rights, privileges, benefits, and duties possessed by aliens in the United States is likely to be a significant issue. The degree to which such persons should be accorded certain rights and privileges as a result of their presence in the United States, along with the duties owed by such aliens given their legal status, remains the subject of intense debate. Specific policy areas include due process rights, tax liabilities, military service, eligibility for federal assistance, educational opportunities, and pathways to citizenship" (Wasem, 2007: 6).

WHAT ASPECTS OF TAIWAN'S GUEST WORKER PROGRAM SHOULD THE UNITED STATES ADOPT?

As mentioned previously, hiring a guest worker in the United States requires the employer to provide documents to the DOL proving that s/he has been unsuccessful in trying to fill the position with a U.S. worker. In order to bypass this time-consuming process of labor certification for hiring guest workers, many U.S. employers have opted to hire undocumented workers who are already in the United States. Instead of requiring employers to prove that they cannot find suitable local workers to take a job, the Taiwanese government set quotas for the

percentage of foreign workers that employers in each industry are permitted to hire, as a necessary measure to protect the livelihood of local workers. In the free trade port zones designated by the Taiwanese government, the number of foreign workers hired by each employer cannot exceed 40% of his or her workforce. In the rest of Taiwan, outside the free trade port zones, factories in traditional labor-intensive manufacturing sectors with problems of labor shortages are permitted to hire guest workers comprising between 15% and 20% of their total workforce. However, in manufacturing sectors classified as nontraditional, as more high-tech, and in high demand by local job seekers, the number of foreign workers hired by an employer cannot exceed 10% of the overall workforce (Law Source Retrieving System, 2007).

By replacing the time-consuming labor certification process with labor quotas for the hiring of guest workers in different sectors of the economy, the U.S. government could expedite employers' hiring of guest workers and thereby reduce instances of illegal hiring. If the U.S. government were to adopt this policy, an independent federal agency would need to be established within the Department of Labor that could conduct nationwide labor market surveys and studies to determine the maximum number of guest workers permissible in each industrial sector to meet the demand for labor without jeopardizing U.S. workers' job security (Marshall, 2007).

In order to reduce the financial burdens of employers and guest workers, U.S. employers should have the option of hiring guest workers without having to pay for the services of labor recruiters/brokers. Currently, labor brokers in both Taiwan and the United States introduce overseas workers to prospective employers. Because employers pay the most for the service, they are free to choose whichever workers they want based on their preferences and biases. Since international laws against discrimination are not effectively enforced, an employer tends to have the power to hire whomever s/he prefers and to determine the terms of the contract with little or no consideration for a guest worker's interests (Elmore, 2007; Lin, 2000).

Currently, however, employers in Taiwan are given the option of applying for guest worker permits without having to pay for the services of a labor broker. Through word of mouth between guest workers and their relatives and friends back in their countries of origin, some employers have developed good reputations as reasonable and humane bosses whom guest workers can trust. Through referrals by guest workers who have returned to their countries of origin, their relatives and friends are introduced to Taiwanese employers as potential guest workers. This system of social networking and referrals provides opportunities for guest workers to choose their employers before their arrival in Taiwan. The guest worker who refers his or her friend or relative to the employer can also provide useful advice to facilitate the friend's adjustment to a particular employer. In other words, direct hiring through social networks allows potential guest workers to collect information about employers and choose the best option,

whereas labor brokers tend to provide a lot more information about potential guest workers to employers than vice versa. Thus, transnational labor-rights activists should petition the U.S. Congress and the DOL to provide the option of direct hiring of guest workers from abroad. Employers and guest workers should be given the option of applying to the DOL for work permits and to CIS for guest worker visas without having to pay for the services of labor brokers.

Currently, H-2 visa holders can stay in the United States for three years (Lichtenstein, 2007). Those who wish to stay and work in the United States for a longer period have no other option than to overstay their visas and become undocumented workers without legal protections. As mentioned previously, guest workers were allowed to stay in Taiwan only for three years in the 1990s. As a result of the advocacy of a coalition of transnational labor-rights advocates, guest workers, in 2002, were permitted to renew their visas for another three years. By 2007, the maximum duration of stay had been extended to nine years, providing that the guest worker can maintain steady employment. In addition, guest workers in Taiwan have the option of changing their employers after the expiration of their three-year contracts.

Finally, guest workers in Taiwan are eligible to participate in the national health care insurance program. This program mandates employers, employees, and the government to pay certain percentages of the insurance premium. Since most U.S. employers provide health insurance for U.S. workers, it seems reasonable that guest workers should also have the option of participating in employer-sponsored health insurance plans. But because many employers do not offer low-skilled guest workers the opportunity to participate in the company health insurance plan, many guest workers in the United States have no health insurance coverage. And as nonimmigrants, they are not eligible for government-funded benefits (Lichtenstein, 2007). If universal health care becomes available to all U.S. citizens and permanent residents in the near future, the DOL and the U.S. Congress should devise a policy allowing guest workers to participate. The Taiwanese universal health care insurance program can serve as a model, together with programs in other countries, to help the U.S. government to formulate a universal health care policy that can provide comprehensive coverage to U.S. citizens, permanent residents, and guest workers.

WHAT ASPECTS OF THE U.S. SENATE'S COMPREHENSIVE IMMIGRATION REFORM PROPOSAL SHOULD TAIWAN ADOPT?

From the standpoint of guest workers' rights, current Taiwanese immigration law is preferable to its U.S. counterpart. But there are some aspects of the U.S. Senate's proposed changes to U.S. immigration law that, if enacted, would be preferable to current Taiwanese immigration law. Based on CIRA, passed by the U.S. Senate in 2006, an H-2A agricultural worker would be given the option

of finding another job if s/he filed a complaint against the current employer. Currently, H-2 visa holders in the United States and guest workers in Taiwan rely on their employers to maintain their legal status in host countries. Those who escape from employer abuse have no legal method of finding another employer to reinstate their legal status. Consequently, they work for other employers as undocumented workers in the underground economy (Elmore, 2007; Lan, 2005). If the U.S. Senate's proposal were to be implemented in the United States and Taiwan, guest workers would be empowered to file complaints against abusive employers and would also have the option of changing their jobs before their contracts expired (White, 2007). In both Taiwan and the United States, safeguarding guest workers' freedom to leave exploitative working conditions and to seek other jobs should also reduce the number of undocumented workers.

In present-day Taiwan, undocumented workers include guest workers who have escaped from abusive employers or have overstayed their temporary work visas. Some Southeast Asian workers enter Taiwan with tourist visas. They find Taiwanese employers willing to hire them as undocumented workers (Lan, 2005). Because Taiwan is an island, it does not share a border with any neighboring country as the United States does. Thus, the undocumented population in Taiwan is not as large as that of the United States.

Based on the U.S. Senate's proposal, undocumented workers who have resided in the United States for at least five years would be eligible for permanent residency. New guest workers with H-2C visas would be eligible to apply for permanent residency after working in the United States for four years. One factor that contributed to the lack of consensus in the U.S. Congress on CIRA was the opposition of several pro-labor union Democrats to the expansion of the guest worker program, and the opposition of conservative Republicans to granting undocumented workers the right to permanently reside in the United States (Marshall, 2007; White, 2007).

In Taiwan, the majority of lawmakers, government bureaucrats, and members of the general public are wary of the idea of granting permanent residency to Southeast Asian workers. Taiwan is a densely populated island with a Han Chinese majority, and the government prefers to retain the island's ethnic homogeneity rather than crafting immigration policies to encourage the permanent settlement of Southeast Asian guest workers (Cheng, 2006). On the other hand, a sizable minority of Taiwanese males pay international marriage brokers to match them with prospective wives from Southeast Asia. By virtue of their marital status, the Southeast Asian wives are eligible for permanent resident status and citizenship in Taiwan.

If Southeast Asian women with little or no knowledge of Taiwanese culture and language can obtain permanent resident status through their transnational marriages to Taiwanese males, then the Taiwanese government should consider the possibility of granting guest workers who have resided in Taiwan for nearly a decade, have already contributed to the island's economy, and have achieved

some familiarity with the host country's culture and language the option of obtaining permanent resident status. In order to ensure that guest workers' adjustment to permanent resident status will not adversely affect local Taiwanese workers' job security, the Taiwanese government should create an independent agency composed of labor experts and statisticians to determine a reasonable period of working on the island before guest workers can become eligible for permanent residency. In other words, documented guest workers in Taiwan should have the option of applying for adjustment to permanent resident status if they can provide evidence that they have already worked on the island for a certain number of years.

Based on the legal provisions proposed in CIRA, applicants who have no past history of criminal activities, have been employed in occupations where there are shortages of domestic workers, have already paid all their back taxes, and have passed a health examination and a proficiency test in the host country's language should be eligible for adjustment of their legal status to permanent residency after waiting for a certain number of years (Lichtenstein, 2007). These criteria for screening applicants can serve as a model for Taiwan's immigration policy makers to consider when they investigate the possibility of granting guest workers the option of adjustment to permanent resident status.

Comparative Analysis of Guest Worker Programs in the United States and Taiwan

In both Taiwan and the United States, guest workers from labor-supplying countries rely on their employers to petition for the visas permitting them to work in host countries. That is, a guest worker's legal status to work in the host country is tied to a single employer. Guest workers are not permitted to switch to another job before the expiration of their labor contract. On the other hand, employers have the power to fire guest workers and deport them with impunity. In both countries, no guest workers are eligible for adjustment from their temporary work status to permanent residency. Due to their lack of civil rights, guest workers have little choice but to accept low wages and substandard working conditions. Many employers prefer to hire guest workers they can control rather than rights-conscious local workers who have the freedom to stop working for an unreasonable employer (Elmore, 2007; Lan, 2005; Lichtenstein, 2007; White, 2007).

In both Taiwan and the United States, employers have the extralegal power to screen the biographical profiles of prospective guest workers overseas and thus to select workers based on their national origin, gender, age, and physical fitness. The employers' power to choose workers based on personal biases is a consequence of the lack of enforcement of antidiscrimination laws designed to monitor discriminatory practices during the process of international hiring (Elmore, 2007; Lan, 2005; Lin, 2000; White, 2007).

CONCLUSION: FUTURE PROSPECTS FOR GUEST WORKER PROGRAMS IN TAIWAN AND THE UNITED STATES

Rather than increasing the number of guest workers recruited from abroad, the governments of the United States and Taiwan should encourage undocumented workers to come out of the shadows. To this end, both governments should charge affordable visa application fees, and allow undocumented workers to adjust to legal guest worker status without having to return to their countries of origin (Elmore, 2007; Lichtenstein, 2007). Through the reduction of the number of undocumented workers and the issuance of a fraud-resistant, numbered identity card to every guest worker, the number of individuals engaged in the two countries' underground economy can be significantly lowered. In order to monitor the legal status of guest workers, each worker's identification number should be traceable to a centralized computer database in the host country's immigration agency.

By granting guest workers who have worked and resided in host countries for a specified number of years the option of adjusting their status to permanent residency, the governments of Taiwan and the United States would enable the guest workers to be reunited with their spouses and children. Providing the option of adjusting status could also enlarge each country's permanent workforce and thereby reduce the number of new guest workers needed. Since guest workers tend to be paid lower wages than others and thus undermine the job security of local workers in host countries, granting legally qualified guest workers, their spouses, and their children a path to citizenship and thereby incrementally reducing the number of new guest workers needed in host countries would serve as a strategy to ensure equal wages and workplace rights, and thus create a win-win solution for both new immigrants and native-born local workers (Marshall, 2007). Due to aging populations in both Taiwan and the United States, both countries, in the next 10 to 20 years, will need more young workers and taxpayers to replenish the workforce and help sustain the social services system catering to local retirees. Granting guest workers who meet the requirements the option of residing permanently in their host countries could potentially provide a solution to this demographic challenge (Olivo, 2009).

In both Taiwan and the United States, the government's labor department should create a government agency independent of the business lobby for the purpose of conducting annual nationwide surveys and compiling labor statistics with which to estimate the number of guest workers needed in each industry to meet labor shortages. The independent government agency should carefully project the labor needs of each industrial sector for guest workers without lowering local workers' wages, working conditions, and job security (Marshall, 2007). Based on the maximum number of guest workers needed annually to work in specific industries, guest workers who can prove that they are qualified to

perform the work required should be able to apply for entry into the host country on a first-come, first-serve basis (Elmore, 2007).

This labor-based admissions process should replace the employer certification process currently enforced in both Taiwan and the United States. De-linking employers from the guest worker visa application process means that guest workers would no longer have to rely on employers to acquire and retain their legal working status in host countries. A guest worker would have the same right as a local worker to change to a higher-paid job or leave a job if s/he is mistreated by an employer (Elmore, 2007; Lichtenstein, 2007; White, 2007). Guest workers who can prove that they have received new job offers at the time when their visas expire should be permitted to renew their visas without having to return to their countries of origin. Since guest workers will no longer be held as a captive workforce at the mercy of their employers, the rights of both guest workers and local workers will be protected. That is, employers will no longer have the incentive to choose captive guest workers over local workers. To safeguard guest workers' freedom of movement, host countries should grant them the right to visit their families without the fear of being denied reentry. This new policy would also reduce the occasions on which guest workers would feel compelled to reenter a host country illegally (Elmore, 2007).

In order to prevent terrorists, criminals, and traffickers in humans and narcotics from entering host countries, the immigration authorities and justice departments of labor-supplying countries and host countries should agree to share the relevant biographical data of each guest worker. After the labor-supplying country certifies that a prospective guest worker is free from any criminal history or association with illegal organizations, the relevant agencies in host countries should also make sure that the guest worker has no prior history of criminal activities in the host government's computer database. With this double security clearance, the host government can then issue a temporary work visa with an identification number to the guest worker. The issuance of temporary work visas should be based on the occupational skills and prior work experience of the guest worker applicant and should be contingent upon the availability of temporary jobs.

Ideally, multilateral agreements should be reached between labor-supplying and labor-receiving host countries to set universal standards for minimum wages, workplace standards, and legal protection of guest workers in host countries. Setting universal workplace standards and providing legal protections should also discourage employers from replacing domestic workers with guest workers and from exploiting guest workers' labor. In host countries such as Taiwan and the United States, guest workers in certain occupations, such as those of domestic servant and caretaker in private households, are currently excluded from the protections provided under the labor laws. Legislatures in host countries should pass legislation and sign multilateral agreements with labor-supplying countries to provide the same rights, workplace standards, and legal protections to guest workers in all sectors of the economy (Elmore, 2007).

As previously discussed, the workplace-rights advocates and governments in both Taiwan and the United States can learn from each others' strategies and policies. Certain provisions of CIRA can be added to current Taiwanese immigration laws. Equally important, American feminists should consider adopting the agendas of their Taiwanese sisters. Since addressing the plight of female guest workers has been a top priority on the Taiwanese feminists' reform agenda in recent years, these feminists have effectively advocated for immigration reforms that have brought incremental gains for guest workers of both genders. In comparison, solving the problems and challenges that guest workers face in the United States has not been a priority on the American feminists' agenda. The present study recommends that U.S. feminists and migrant workers' advocates should adopt the effective strategies and agendas of their Taiwanese counterparts to advocate for guest workers' health care coverage. By framing the issue of guest workers' rights as a human rights issue, Taiwanese feminists and migrant labor activists have effectively contributed to a legal reform of guest worker rights that, while certainly imperfect, is as good as or better than the current U.S. guest worker legislation.

REFERENCES

- Awakening Foundation. 2006. Nünü xiangting, fandui nugong lianhe shengming gao (Joint announcement by women uplifting each other to oppose slave labor). *Taipei Awakening Association*, January/February, 39.
- Bruno, A. 2008. Immigration: Policy considerations related to guest worker programs. CRS report for Congress. Retrieved from http://digitalcommons.ilr.cornell.edu/key_workplace/522, May 2008.
- Bureau of Employment and Vocational Training. 2008. Revised articles of measures governing the approval and management of foreign employees will be implemented 1/5/2008. Retrieved from www.cla.gov.tw/cgibin/Message/MM_msg_control?mode=viewnews&ts=479590cc, May 2008.
- Chen, O., & Chen, J. C. 2006. Two vulnerable groups enter into irreconcilable. Retrieved from www.interlocals.net/?q=node/589, May 2008.
- Cheng, S. J. A. 2006. Rethinking the globalization of domestic service: Foreign domestics, state control, and the politics of identity in Taiwan. In M. K. Zimmerman, J. S. Litt, & C. E. Bose (Eds.), *Global dimensions of gender and carework*: 128–144. Stanford, CA: Stanford University Press.
- Council of Labor Affairs. 2007. CLA to offer foreign workers one-stop service center. Retrieved from www.taiwanheadlines.gov.tw/fp.asp?xItem=82211&CtNode=39, July 2007.
- Department of Labor Standards. 2006. Before completing pitfall and advantage analyses, the Employment Standards Act will not be. . . . Retrieved from www.cla.gov.tw/cgibin/Message/MM_msg_control?mode=viewnews&ts=459a267, May 2008.

- Dorsey, M. E., & Diaz-Barriga, M. 2007. Senator Barack Obama and immigration reform. *Journal of Black Studies*, 38: 90–104.
- Douglas, W. 2009. Immigration overhaul has uphill road. *Wichita Eagle*, June 20.
- Elmore, A. J. 2007. Egalitarianism and exclusion: U.S. guest worker programs and a non-subordination approach to the labor-based admission of nonprofessional foreign nationals. *Georgetown Immigration Law Journal*, 21: 521–569.
- Government Information Office. 2006. *Taiwan at a Glance, 2005-2006*. Taipei: Government Information Office.
- Huang, J. 2005. Thugs, lies, and anarchy mark domestic workers' lives. Retrieved from www.Taipeitimes.com/News/Taiwan/archives/2005/08/29/2003269591, May 2008.
- Hunt, V. F. 2006. "Political implications of U.S. public attitudes toward immigration on the immigration policymaking process." In J. F. Hollifield, P. M. Orrenius, & T. Osang (Eds.), *Proceedings of the 2006 Conference on Migration, Trade, and Development*: 121-137. Dallas: Federal Reserve Bank of Dallas.
- Kung, L. 1994. *Factory women in Taiwan*. New York: Columbia University Press.
- Lan, P. C. 2005. "Surrogate family, disposable labour and stratified others: Transnational domestic workers in Taiwan. In S. Huang, B. S. A. Yeoh, & N. A. Rahman (Eds.), *Asian women as transnational domestic workers*: 210–232. New York: Marshall Cavendish Academic.
- Lan, P. C. 2006. Maid or madam? Filipina migrant workers and the continuity of domestic labor. In M. K. Zimmerman, J. S. Litt, & C. E. Bose (Eds.), *Global dimensions of gender and carework*: 266–277. Stanford, CA: Stanford University Press.
- Law Source Retrieving System. 2007. Retrieved from <http://laws.cla.gov.tw/Eng/EngContent.asp?MsgID=110>, May 2008.
- Lee, A. 2004. *In the name of harmony and prosperity: Labor and gender politics in Taiwan's economic restructuring*. Albany: State University of New York Press.
- Lichtenstein, M. 2007. An examination of guest worker immigration reform policies in the United States. *Cardozo Public Law, Policy, and Ethics Journal*, 5: 689–727.
- Lin, C. J. 2000. The "other" women in "our" home: Social discourses on "foreign maids" in Taiwan. Paper presented at the sixth annual conference of the North American Taiwan Studies Association, Harvard University, Cambridge, MA.
- Loveband, A. 2006. Positioning the product: Indonesian migrant women workers in Taiwan. In K. Hewison & K. Young (Eds.), *Transnational migration and work in Asia*: 75–89. New York: Routledge.
- Marshall, R. 2007. Getting immigration reform right. *Challenge*, 50(4): 26–48.
- Olivo, A. 2009. Immigrants' effect on jobs in forefront. *Wichita Eagle*, June 8.
- Parrenas, R. S. 2006. Migrant Filipina domestic workers and the international division of reproductive labor. In M. K. Zimmerman, J. S. Litt, & C. E. Bose (Eds.), *Global dimensions of gender and carework*: 48–64. Stanford, CA: Stanford University Press.
- Wang, C. T. 2006. Fan nugong dayouxing (The mass rally to oppose slave labor). *Taipei Awakening Association*, January/February, 37–38.
- Wasem, R. E. 2007. Immigration reform: brief synthesis of issue. CRS report for Congress. Retrieved from <http://fpc.state.gov/documents/organization/80729.pdf>, April 2008.

White, E. B. 2007. How we treat our guests: Mobilizing employment discrimination protections in a guest worker program. *Berkeley Journal of Employment and Labor Law*, 28: 269–304.

World Bank Development Indicators. 2005-2007. Retrieved from <http://www.finfacts.ie/biz10/globalworldincomepercapita.htm>, July 2008.

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