【Special Features】

Marriage Migration to East Asia: A Focus on Gender and Nationality

Susan KNEEBONE*

Contents

I. Introduction: Marriage Migration and Nationality in Historical Context
II. Three Generations of Discrimination
1. First generation discrimination: a married woman's right to independent nationality
2. Second generation discrimination: the (in)ability to pass nationality to children
3. Third generation discrimination: gender inequality and discrimination in naturalisation procedures
III. Implications of the Research
1. First generation discrimination on the basis of gender: independent nationality and intersecting 'constellations of power'
2. Second generation discrimination: children as pawns of the state
3. Third generation discrimination: naturalisation procedures
IV. Conclusions

I. Introduction: Marriage Migration and Nationality in Historical Context

In this Note I summarise my research which focuses on the impact of gender discriminatory nationality laws (GDNL) in the context of marriage migration from Southeast to East Asia, specifically to South Korea ('the Republic of Korea' or 'Korea') and Taiwan ('the Republic of China' or 'ROC'). For this purpose, I adapt Knop and Chinkin's description of three 'generations' of discrimination under GDNL[1] as first: a married woman's right to independent nationality; second: inequality in the ability

---

* Professorial Fellow, Senior Associate Asian Law Centre, Research Affiliate Peter McMullin Centre on Statelessness, Melbourne Law School. This Note which is an outcome of an Australia Research Council (ARC) funded Discovery Project entitled, 'Development of a Legal Framework for Regulation of International Marriage Migration' was first presented at …. I thank the organisers for the opportunity to travel to Japan to present. I gratefully acknowledge the support of researchers Thomas Harré, Brandais York, Sarah Mercer, Subin Cho, Sayomi Ariyawansa, Hannah Gordon and Hansi Lim.

[1] Karen Knop and Christine Chinkin, 'Remembering Chrystal Macmillan: Women's Equality and Nationality in International Law' (2000-1) 22 *Michigan Jo Int L* 523, 546-550.

to pass nationality to children and third: gender inequality and discrimination in naturalisation procedures. For example, in the cases of both Korea and Taiwan, despite modifications to laws, GDNL persists in each of these three 'generations'.

Migration for marriage is not a recent practice as marriages between persons of different nationalities, which involve one migrating spouse, have occurred over time as Weil noted in his historical study of French nationality.[2] It is one of the issues which intersects with migration and citizenship \ nationality policies, in both destination and emigrant states globally. I argue that marriage migration from Southeast to East Asia falls between the gaps of related regimes which provide normative responses and state obligations for labour migration and human trafficking.[3]

Nationality, gender and the state are inherently connected[4] as I explain in the final section of this Note (III. Implications of the Research). Laws and policies are an integral part of the control of such migration. From 1907, when legislation in the United States and the United Kingdom deprived women citizens of their nationality upon marriage with a foreigner, until the end of World War I (1918), the principle that a wife's nationality depended on that of her husband was more generally recognised than in any other period.[5] One of the issues which the 1930 Hague Convention on Certain Questions Relating to The Conflict of Nationality Law (Hague Convention) dealt with was the nationality of women in the context of marriage migration. Ultimately, the 1930 Hague Convention in Chapter III (Nationality of Married Women) reaffirmed the principle of dependent or conditional nationality, by which a woman lost her nationality upon marriage to a 'foreigner' and took that of her husband. It was not until 1957 that the Convention on the Nationality of Married Women[6] abolished the principle of dependent nationality, in providing that neither celebration nor dissolution of marriage was to affect the nationality of a married woman (Article 1). It also provided that privileged arrangements for naturalisation should be available to alien wives at their request (Article 3(1)).

---

[2] Patrick Weil, *How to be French: Nationality in the Making since 1789* (Translated by Catherine Porter) Duke University Press 2008. Weil (12) describes how in the period of the 'Old Regime', whilst *jus soli* was the dominant principle, nationality could also be obtained by establishing 'qualité de français' (French identity). See also Candice Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (Uni of Calif Press, 1998) for a discussion of the link between migration, nationality and gender in the USA.

[3] Susan Kneebone, 'Gender, race, culture and identity at the internal border of marriage migration of Vietnamese women in South Korea' in Sriprapha Petcharamesree and Mark Capaldi eds, *Migration in Southeast Asia: The Interlocking of Vulnerabilities and Resilience* (Springer, 2023) Chapter 8.

[4] Susan Kneebone, 'Gender, Nationality and Statelessness: Marriage Migration to East Asia' to be published in the *NUS-MLS Statelessness in Asia Book Project* (accepted June 2022).

[5] Beroe Bicknell, 'The Nationality of Married Women' (1934) 20 *Transactions Grotius Soc* 106-122, 112.

[6] In force 11 August 1958.

The 1957 Convention was overtaken by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979, Article 9(1), which requires State Parties to grant women equal rights with men to acquire, change or retain their nationality. State Parties are to ensure that marriage to an alien shall not 'automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband'. Nevertheless, GDNL persist in many jurisdictions globally.[7] The regions with the largest concentration of countries with GDNL are Middle East-North Africa and Sub-Saharan Africa, followed by the Asia-Pacific.

First, I describe the persisting three 'generations' of discrimination under GDNL in Korea and Taiwan. I then briefly summarise the underlying norms of GDNL and the implications of my research for marriage migration to East Asia.

II. Three Generations of Discrimination

1. First generation discrimination: a married woman's right to independent nationality

In both Korea and Taiwan, marriage migration assumed the proportions of a 'phenomenon' in the 1980s in response to demographic changes and economic growth in the destination states. Despite the fact that Taiwan[8] (ROC) was a signatory to the 1957 Convention, automatic loss of nationality of foreign women marrying a Taiwanese national occurred until 2000 when the Nationality Act incorporated naturalisation procedures. Similarly, from the establishment of the state of South Korea in 1948 until 1997, marriage of a foreign woman to a Korean husband resulted in automatic 'spousal transfer of citizenship'.[9] Yet the Republic of Korea had ratified CEDAW in December 1984.[10] In 1997 the Korean Nationality Act was amended to provide a simplified process of naturalisation for a foreign wife on proof of two years of conjugal life in Korea. Whereas the Korean legislation required the foreign wife to relinquish her nationality of origin within 6 months of receiving Korean nationality (Article 3(1)), the Taiwanese Nationality Act of 2000 was distinctive in that it required an applicant for naturalisation to renounce their original nationality *before* the application would be approved.

---

[7] Global Campaign for Equal Nationality Rights: Global Overview https://equalnationalityrights.org/countries/global-overview.

[8] After the conclusion of World War II the Kuomintang took over control of Taiwan (formerly Formosa and a Japanese colony 1895-1945). At this point until 1971 the Republic of China (Taiwan) was a member of the UN.

[9] Younghee Cho and Dong Bun Im, 'Analysis of Social Issues and Legislation of International Marriages in Korea: Focusing on Establishment and Dissolution of Marriages' in Younghee Cho et al, *Legal Systems related to International Marriage in Asia: South Korea, Taiwan, Japan, Philippines, Vietnam and Cambodia* (IOM Migration Research and Training Centre 2013) 1-46 at 31; Nora Hui-Jung Kim, (2013) 18(1) The Journal of Korean Studies 7-28, 11; Chulwoo Lee, *Report on Citizenship Law: The Republic of Korea* (Country Report 2017\06, February 2017) EUI RSCAS 3.

[10] Note: Korea had entered a reservation on Art 9 at the time, which was withdrawn on 24 August 1999 to coincide with the change in the Nationality Law 1997.

Although the laws have been modified in each country in response to evidence of hardship including domestic violence, and as a result of strong advocacy on the part of the non-governmental sector, discriminatory factors which affect marriage migrants persist. For example, although since 2010 Korea's laws now allow dual nationality for a marriage migrant in a 'normal' marital relationship, or who is separated or divorced but has the care of a minor child born to the marriage, the divorced marriage migrant without a child is vulnerable if she has renounced her original nationality under the naturalisation process (see 3 'Third generation discrimination' below). By contrast, in Taiwan the marriage migrant is effectively excluded from acquiring dual nationality through the stringent requirements for this status, which favour 'high-skilled' migrants.[11] However her *immigration* status may change if she is caring for a minor child; she may be allowed to remain in Taiwan to care for the child until the child turns 20 years.

2. Second generation discrimination: the (in)ability to pass nationality to children

In Korea, as a result of the automatic conferment of Korean nationality on the 'foreign bride' until 1997, patrilineal *jus sanguinis* was ensured. Thus children of the 'mixed' marriage acquired Korean nationality. This discriminated against foreign wives on the basis of both nationality and ethnicity (generally, as from the 1990s most marriage migrants originated from Southeast Asia) and gender as from 1948 a foreign husband (married to a Korean woman) could apply for facilitated naturalization, from which any child of the marriage obtained the father's acquired Korean nationality.

In 1997 a second important change was made to the 1976 Nationality Law. This was to weaken the presumption of patrilineal *jus sanguinis* as an amendment provided that a Korean woman could pass on her nationality to her child.[12] Thus a Korean woman married to a foreign man could pass on her nationality to her child but a foreign wife married to a Korean man could pass on her nationality only though the laws of her original state.[13] As I explain below, this can lead to the vulnerability of the child if the marriage fails, and the child returns to the mother's country and the laws of that country do not cover this situation.

[11] Chen Yu-fu and Jonathan Chin, 'Some immigrants no longer need to give up citizenship', 24 March 2017, *Taipei Times* (online) - http://www.taipeitimes.com/News/front/archives/2017/03/24/2003667366.

[12] EA Chung and D Kim, 'Citizenship and Marriage in a Globalising World: Multicultural Families and Monocultural Nationality Laws in Korea and Japan' (2012) 19 Indiana Journal of Global Legal Studies 195, 214.

[13] Junmo Kim, Seung-Mum Yang, Ado Torneo, 'Marriage Immigration and Multicultural Families: Public Policies and their Implications for the Philippines and South Korea' (2014) 6(1) *Asian Politics and Policy* 97-119 at 120.

Like Korea, Taiwan inherited the patrilineal notion of *jus sanguinis*. A similar situation to Korea prevails in Taiwan, as a 2000 amendment to the Nationality Act 1929 permits both Taiwanese parents to pass on their nationality to their child, but the foreign bride cannot.

This situation can lead to vulnerability not only of the children of the marriage but also of the foreign wife. My research revealed that each year many Vietnamese women repatriate back home after divorce and/or separation from their Taiwanese or Korean husbands.[14] In recent years, the women have returned home increasingly accompanied by children born from these marriages. The children born in Taiwan, Korea and (more recently) China receive nationality through the *jus sanguinis* laws of their countries of birth. However, due to difficulties in formalising legal arrangements for divorce and custody,[15] many of these children travel to Vietnam without valid legal paperwork or documentation, and without parental understanding of the legal requirements for their migration. As a result, many of the children have precarious legal status and are in danger of facing a life on the fringes of society.[16]

A study that I conducted with others found that many of these children can considered to be *de facto* stateless (that is, 'in fact' as they hold a formal nationality, namely that of their father).[17] In the summary of our study, we described their lack of 'effective nationality' in Vietnam. While the children, ethnically, are 'half Vietnamese' their legal status is often precarious in Vietnam because of their foreign nationality. Through a close analysis of Vietnam's laws and policies, we found that they fell into gaps in the laws and policies. We recommended changes to the Vietnamese 2008 Nationality Law to specifically address the situation of children of returned marriage migrants, and which provides for a mother to unilaterally register her child as a Vietnamese citizen (as Vietnam has a more liberal policy on dual nationality).

3. Third generation discrimination: gender inequality and discrimination in naturalisation procedures

In both Korea and Taiwan, some laws and policies preclude marriage migrant women from accessing or completing naturalisation processes. In Korea, under the 1997 Nationality Law a

[14] In both Korea and Taiwan, the nationality and immigration laws have responded to problems caused by high divorce rates and 'domestic violence' in international marriages, which are well documented: Susan Kneebone, 'Transnational marriage migrants and nationality: the cases of South Korea and Taiwan' (International Academic Conference, Seoul, November 2017).

[15] Ibid. See also: Hyun Mee Kim, Shinhye Park and Ariun Shukhertei, 'Returning Home: Marriage Migrants' Legal Precarity and the Experience of Divorce' (2017) 49(1) *Critical Asian Studies* 38.

[16] Susan Kneebone, Brandais York and Sayomi Ariyawansa, 'Degrees of Statelessness: Children of Returned Marriage Migrants in Can Tho, Vietnam', (2019) 1(1) *Statelessness & Citizenship Review* 69-94, 71.

[17] Kneebone, York and Ariyawansa, (2019).

divorced woman lost her right to acquire nationality through naturalisation (Article 12(3)), and was deportable, often leaving children behind, or alternatively taking them illegally to her home country (see above). The 1997 Nationality Law also made a foreign wife vulnerable to statelessness in cases where she had relinquished her original nationality before completing the naturalisation procedure and her country of origin had not established a procedure for restoration of nationality (as was the case in Vietnam at this time).[18]

As noted above, in Taiwan until 2016, Article 9 of the Nationality Act required applicants for naturalisation to *first* renounce their previous nationality or allegiance before naturalisation would be approved. This requirement caused some marriage migrant women to become stateless, as there was no guarantee that after renouncing their original nationality, that they would gain Taiwanese nationality.[19] Although the 2016 amendment required foreign brides to present evidence of renunciation *within a year* of receiving Taiwanese citizenship, the grant of citizenship is conditional for 5 years during which time marriage migrants must have 'no bad conduct'. Some NGOs have reported that this leaves the marriage migrant vulnerable to false or exaggerated complaints by a disgruntled husband.

However, in both Korea and Taiwan the biggest obstacle that marriage migrants face to naturalisation is that they must establish an ongoing and stable marriage relationship. In Korea the 1997 naturalisation process requires the support of the husband and his family, which often means that a woman remains in an abusive relationship to secure naturalisation.[20] In Taiwan the husband controls the wife through the household registration system. In addition to onerous prerequisites for naturalization, must show that she is in a continuing marriage relationship, or has a 'citizen child'; that is, she must show a 'kin-dependency relationship'.[21]

In the case of Korea, the NGO Report to CEDAW July 2011 noted:

There are many cases where foreign spouses experience frustration as the Korean husband, who fears that they would run away after receiving citizenship, refuses visa extension or won't cooperate with the nationality application process. There are numerous complaints from women about how the husband controls the finances even when the women financially support the family. Some are even

[18] In 2011 the period of renunciation was increased from 6 months to one year and a pledge of renouncement replaced the process – see Chulwoo Lee, *Report on Citizenship Law: The Republic of Korea* (Country Report 2017\06, February 2017) EUI RSCAS, 4.

[19] Kitty McKinsey, *Divorce Leaves Some Vietnamese Women Broken-Hearted and Stateless* (14 February 2007) accessed at http://www.unhcr.org/45d324428.html.

[20] NGO Report to CEDAW July 2011 6; CEDAW, Concluding Observations of the Committee on the Elimination of Discrimination against Women: Republic of Korea UN Doc CEDAW/C/KOR/CO/7 (1 August 2011) para 26.

[21] Sara Friedman, 'Adjudicating the Intersection of Marital Immigration, Domestic Violence, and Spousal Murder: China-Taiwan Marriages and Competing Legal Domains' (2012) 19(1) *Indiana Journal of Global Legal Studies* 221.

terrified that they would be forced to leave the country if they divorce a violent spouse with no citizenship.

In response to the 2011 CEDAW Committee's[22] concerns and following a recommendation that Korea 'revise its legislation governing nationality with a view to removing all discriminatory provisions relating to the requirements for acquiring Korean nationality',[23] the requirement for the husband's support was changed. But in 2018, the CEDAW Committee found that in practice, immigration officers might still require migrant female applicants to furnish a sponsorship letter despite the enactment of a legal amendment in 2012 removing such a requirement.[24]

In 2004, in response to extensive reports of domestic violence and increasing numbers of divorces between marriage migrants and Korean men, the legislation was revised to provide that a foreign wife could apply for naturalisation in her own right if she could prove that she was a victim of domestic violence. This exceptional measure replicates those used in other countries such as Australia,[25] but for the foreign bride in Korea it is very hard to negotiate the legal system with limited language and technical skills.

The naturalisation procedure is thus fraught with many obstacles for marriage migrants in both Taiwan and Korea. In Taiwan many marriage migrants only ever obtain residency or 'partial citizenship'.[26] One study found that over a period of 15 years, only 18.3% of women obtained citizenship.[27] Unlike Korea there is no special naturalisation procedure for victims of domestic violence.

III. Implications of the Research

1. First generation discrimination on the basis of gender: independent nationality and intersecting 'constellations of power'[28]

[22] CEDAW (n 20) para 26.
[23] Ibid para 27.
[24] CEDAW, Concluding Observations on the Eighth Periodic Report of the Republic of Korea UN Doc CEDAW/C/KOR/CO/8 (14 March 2018) para 34(c).
[25] Susan Kneebone, 'Migration Marriage and Gender: A Site for Crimmigration? – An Australian Case Study' in Peter Billings ed *Crimmigration in Australia* (Springer 2019).
[26] Yea-Huey Sheu, 'Full Responsibility with Partial Citizenship: Immigrant Wives in Taiwan' (2007) 41(2) 179.
[27] Ibid. Cf Isabelle Cheng, 'Living with One China as a Migrant Wife in Taiwan' https://researchportal.port.ac.uk/portal/en/publications/living-with-one-china-as-a-migrant-wife-in-taiwan(9cb63bc5-0018-4aff-8b81-2333e9b33c3a).html – she says that from 1987-2016 more than 234,000 migrant wives have received ROC nationality.
[28] Patricia Hill Collins and Valerie Chepp *The Oxford Handbook of Gender and Politics* (2018).

Two gender stereotypes which link the notions of nation-state, national identity and national security have framed the treatment of a married woman's right to independent nationality. On the one hand a patriarchal notion of the state is applied to deny the right to married women. On the other, the 'biological role of women and their ability to contribute to the national well-being is valued as a reason to grant them the gift of their husband's nationality. Embedded in both stereotypes is an understanding that women are subservient to their husbands and to the nation; that women are incapable of allegiance or loyalty to the state.

Historically, the denial in international law in 1930 of the right to an independent nationality was a casualty of a successful campaign by Western-educated suffragettes for the right to vote. As I have shown,[29] it was assumed that the wife owed a 'subjective' allegiance to her husband as 'the state in miniature'.[30] Knop and Chinkin explain[31] that wives were viewed through a stereotype of devotion to 'preservation and care of life', and as 'incapable of love of country'. In the United States a national woman who married a foreigner lost her nationality under the Expatriation Act 1907 whilst a man did not; such marriage by a woman was seen as an act of disloyalty.

Bredbenner[32] argues that fluctuating policies in the United States on married women's nationality reflected shifting 'anxieties' over immigration policy and the credentials of foreign wives as the mothers of future citizens. Similar concerns dominate debates on immigration of foreign wives in many jurisdictions globally. In this context, women are perceived in cultural[33] terms, as both victims of deviant conduct[34] and as agents of change and upholders of cultural norms.[35]

In the context of East Asia, marriage migration is seen as a 'critical project for the nation-state'[36] which feeds anxiety about the motives and impacts of the 'foreign bride'. Similar concerns led from the migration of 'mail-order brides' to Australia in the 1980s[37] leading to restrictive responses which eventually had to be modified to recognize the individual agency of the women and their right to an independent status.

---

[29] Kneebone 2022, 6.

[30] Helen Irving, *Citizenship, Alienage and the Modern Constitutional State: A Gendered History* (CUP UK 2016), 217.

[31] Knop and Chinkin 2000, 546 citing Enoch Powell's opinion that the ultimate test of nationality is a man's duty to fight for his nation in war.

[32] Bredbenner 1998, 195-96.

[33] Saskia Bonjour and Betty de Hart, 'A proper wife, a proper marriage: Constructions of 'us' and 'them' in Dutch family migration policy' (2013) 20(1) *European Jo of Women's Studies* 61-76.

[34] Susan Kneebone, 'Migration Marriage and Gender: A Site for Crimmigration? – An Australian Case Study' in Peter Billings ed *Crimmigration in Australia* (Springer 2019) 223-251.

[35] Kneebone, 2023.

[36] Mika Toyota, 'Editorial Introduction: International Marriage, Rights and the State in East and Southeast Asia' (2008) 12(1) Citizenship Studies 1, 3; Kneebone 2022.

[37] Kneebone 2019.

In the context of marriage migration to East Asia from developing countries in Southeast Asia, Korea and Taiwan need to exercise their structural power towards marriage migrants responsibly through migration policies that recognize the individual agency of the women and their need and desire to migrate. In the case of Korea I found that the vulnerability of marriage migrants was exacerbated by their exclusion from labour migration programs.[38] In Taiwan by contrast the government has created more visa pathways for women from Southeast Asia who can fill needs in the care sector.

2. Second generation discrimination: children as pawns of the state

In an early publication on this issue[39] I drew attention to a gap in discussion about marriage migration. As explained, the nationality policies of Korea (and Taiwan through its migration laws) favour the foreign wife who has produced a child for the nation. This is tantamount to regarding the child as a state asset (and nationality as a reward for the wife). However, the Convention on the Rights of the Child 1989 (CRC),[40] Articles 7 and 8, arguably contains provisions which collectively confer independent rights to nationality and identity upon a child born to an international marriage. Importantly the CRC has been uniformly ratified in Southeast Asia, except Taiwan, which has enacted the Enforcement Act of the CRC which effectively transposes the treaty into domestic law.

CRC Article 7.1 creates a right of a child to be registered and named from birth, and the right to acquire a nationality. The objective of this provision as Article 7.2 suggests, is to prevent statelessness, but Article 7.1 also refers to the 'right to know and be cared for by his or her parents' – 'as far as possible'. It has been noted that Article 7 is broader than the ICCPR, Article 24.2, to be registered 'immediately after birth' and to have a name.[41] It has been accepted that the CRC provision is designed to promote recognition of a child's legal personality and identity; that the child should be respected as a person in their own right.[42] This is consistent with other provisions in the CRC which provide that the child's views shall be respected (Articles 12 and 13).

---

[38] Kneebone 2023.

[39] Susan Kneebone, 'Nationality and Identity in Regulation of International Marriage Migration in Southeast and East Asia: Children As Pawns of the State?' *U of Melbourne Legal Studies Research Paper No. 734* (2016) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2816750.

[40] Convention on the Rights of the Child, New York, 20 November 1989, in force 2 September 1990, UN Doc. A/44/49, 44 UN GAOR Supp. (No. 49) at 167 ('CRC').

[41] Sharon Detrick, *A Commentary on the United Nations Convention on the Rights of the Child* (Martinus Nijhoff Publishers, 1999), 145.

[42] Ineta Ziemele, *Article 7: The Right to Birth Registration Name and Nationality and the Right to Know and Be Cared for by Parents* (A Commentary on the United Nations Convention on the Rights of the Child, Martinus Nijhoff 2007), 1.

Additionally, CRC Article 8 provides for *preservation* of the child's identity.[43] This provision which was largely inspired by the disappeared children in Argentina is arguably applicable to marriage migration situations where families become split across states as a result of state policies. Article 8.2 imposes an obligation on states to provide assistance to re-establish the child's identity where the child has been deprived of it. It has been said this includes awareness of ancestors, family history, culture and religion, plus continuity with the past and a consistent biography.[44] Together with the strong emphasis on family unity in Articles 9 and 10, the CRC emphasises the need for a child to grow up with awareness of the culture of both parents.

Our research in Vietnam indeed showed that in some situations, children who returned to Vietnam from Korea after a failed 'mixed marriage' did maintain contact with their fathers in Korea and were encouraged by their mothers to maintain their Korean language skills with the possibility of higher education in Korea in the future, clearly within their sights.[45] But these situations were exceptional. They also require consistent policies and cooperation between states.

This discussion illustrates the need for states to consider the independent rights of children of international marriages to a nationality and an identity which recognises both parents. States need to implement child sensitive policies on nationality.

3. Third generation discrimination: naturalisation procedures

The naturalisation procedures, which implement policies on nationality, often reinforce the power of the husband over the foreign wife. Moreover, they demonstrate how administrative practices carried out by officials of the state can frustrate the intention of the policies and breach international law. It could be said that administrative practices reflect broader community attitudes to marriage migrants. In my work I have demonstrated that notions of gender, race, culture and national identity shape responses to marriage migration in Korea[46] and Taiwan[47] leading to negative perceptions of marriage migrants and their motives for migrating. Such perceptions are amplified by policies regulating marriage migration which 'commodify' and 'marketise' the migration.

---

[43] Defined as 'including nationality, name and family relations as recognised by law without unlawful interference' (Art 8.1).
[44] Alastair MacDonald, *The Rights of the Child: Law and Practice* (Jordan Publishing 2011) 397.
[45] Kneebone, York and Ariyawansa, (2019).
[46] Kneebone 2023.
[47] Kneebone 2022, 11.

IV. Conclusions

My Research Note shows that women who migrate for marriage from Southeast to East Asia, to Korea and Taiwan face gender discriminatory responses and risks of statelessness. Although these responses have been gradually modified over four decades, serious discrimination persists, and extends to the children of a 'mixed marriage'. As such discrimination links gender stereotypes to notions of nation-state, national identity and national security, the solution lies in state hands to remove it through laws and policies, including provision of migration pathways. As the Global Compact on Migration (2018) recognises, states need to provide safe and lawful pathways to reduce the vulnerabilities of international migration. Marriage migration is in large part a de facto labour migration strategy for women in Southeast Asia and East Asia is a region in need of immigrants.

As my research demonstrates, marriage migration occurs in a regional and transnational context. There is need for dialogue and discussion between states on this issue.