

INTERNATIONAL MARRIAGE MIGRATION: RESEARCHING ON BI-RACIAL CHILDREN IN DIVORCED FAMILIES, A CASE STUDY IN VIETNAMESE MEKONG DELTA

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ABSTRACT

International marriage has received increasing attention in recent years, both from a theoretical perspective and practical research. The Mekong Delta is known for the highest number of Vietnamese brides having cross border marriage, especially with Taiwanese and Korean. After two decades, the total number of Vietnamese brides in Taiwan and Korea is 120 thousands and 52 thousands respectively; and these figures continuously increase (Tôn Nữ Thị Ninh, 2015). However, the consequence of this issue is the dramatic increase in the number of divorces trans-national marriages, especially in Vietnamese and Taiwanese/Korean couples. Children are often the most vulnerable person in this case. Indeed, these bi-racial children cannot access their rights as other Vietnamese children even though that is an essential right of human because they are foreigners or having no papers. They still have grown up in Vietnam without any support from father's family nor Vietnamese government. They are disadvantaged and their future will become obscure if there is no government's interference. This is a consequence of unofficial divorce of Vietnamese brides when they still do not complete the divorce procedures. Therefore, the aim of this paper is to analyze how do the bi-racial children access socio economic, educational and political welfare. Besides that, the paper will attempt to study the current policies (and implementations of these policies) regarding the rights and securities of bi-racial children when they are in Viet Nam. Finally, the paper will propose some recommendations to the Vietnamese Government as well as Taiwanese/Korean Government, local authorities, Vietnamese brides, and their families to secure as well as improve the life of bi-racial children who are in divorced families.

Keywords: international marriage migration (IMM), bi-racial children, Vietnamese – Taiwanese/Korean marriages, divorces families, Vietnamese Mekong Delta (VMD).

INTRODUCTION

According to statistics from the Ministry of Justice, more than 294,280 Vietnamese citizens get married foreigners, including Taiwan, Korea, USA, Germany, Canada, France, Australia, Sweden etc. during a 15-years period from 1995 to 2010. Notably, the IMM in Vietnam is concentrated in the Mekong Delta, where most women get married foreigners (Trần Thị Thu Lương, 2012). Currently, the number of brides married to Taiwanese and Korean are 170,000 (Trần Triều, 2015). If each family has two children, the number of bi-raced will be around 340,000. In reality, international marriages migration (IMM) is considered as a normal phenomenon and being accepted when it is built based on the standard of equality, voluntary and true love as well as the couple has sufficient level of language, standard knowledge about the culture of partner's homeland.

However, most of the IMM in the Mekong Delta was adopted illegal brokerage-firms that cause serious future-consequences to both mothers and children to be born in the broken marriage families. At present, following the report from Department of Justice (2017), thousands of bi-raced children returned to Mekong Delta, mostly in these provinces: Hau Giang, Can Tho, Vinh Long, An Giang, Dong Thap. Children often come from the Vietnamese – Taiwanese families because the high number of IMM is with Taiwanese in the earlier years of 1990s, and then emerge as a “phenomena” to Korean in 2004. Due to unofficial marriage contracts and marriages immigrants with tourist visas, the women do not receive any formal documents or supporting from local authorities.

Most Vietnamese brides in Taiwan and Korea was found to be abused (EU and IOM, 2011) so they are willing to escape this situation. In addition, they are mainly living in countryside and have to deal with the closeness and patriarch of rural society. This is contradiction to initial expectations because they cannot go to work to earn money, even though the husband family is poor. They have many difficulties when accessing and using social welfare services due to lack of information, complicated procedures and inability to communicate in the host country. Besides, family conflict and language differences are also as a major cause which impact on the marriage. For these reasons, the divorce rate is increasing significantly. After all, the unsuccessful situation of the IMM in Mekong Delta is various, diverse and very complex. Many mothers and children, who fled to Mekong Delta only want to stay at home, or wander somewhere because of the shame of marriage failure. These children, of course, do not have any rights to access to education, health care and other rights as Vietnamese child.

The purpose of this study is to appraise the current policies regarding bi – racial children; from then helps Vietnamese brides and their families understanding about the rights of children who come back Viet Nam.

RESEARCH OBJECTIVE

This study is commissioned to complete the following:

- Analysis of the current situation of bi-racial children and how they approach to their rights in many aspects;

- Analysis of current policies on bi-racial children in Viet Nam;
- Proposing some solutions to authority and the government to minimize risk in marriage with foreign elements with the aim to protect bi-racial children.

RESEARCH METHODOLOGY

In order to achieve these targets, the research uses secondary data. This data is collected from research topics, research projects, workshop materials related to the issue of marriage involving foreign elements (in the case of Vietnamese women married Taiwanese, Korean). Data, reports from the Women's Union, support center marriage assistance. Information from websites and magazines related to research topics.

Regarding to the primary data, this study uses a convenient sampling technique to collect numbers primary data. The primary data collectors are Taiwanese brides, Korean brides, households with Taiwanese and Korean children in 4 provinces Can Tho, Dong Thap, Vinh Long and Hau Giang. The total sample size is 120, with 20 families having foreign children and 4 groups expert. Samples were collected by using a convenient method in the selected commune each district and each province.

First of all, data collection was carried out using Participatory Rural Appraisal (PRA) methods like in-depth interviews with key persons (KIP-Key Informant Panel) such as the Women Union, Department of Justice, Department of Labor, Department of Education and Training, Invalid and Social Affair (DoLISA), KOCUN (Korea Center for United Nations Human Rights Policy) and the Women Union in four provinces. Secondly, data collection based on the focus group discussions (FGD) and household interviews (HHI) that was implemented at four provinces. These districts were selected due to statistics on IMM as a representation of the "hot spot" phenomena with high ratio of broken marriage and brides with children returned home. The information presented in this article is based on these field-trips. The interviewees were the brides or their siblings who were taking care children and well understanding the circumstance.

RESULTS AND DISCUSSION

Background information

Beginning in 1992, the Taiwanese marriage movement has grown, and this figure has been steadily increasing since 1994 (530 people). The number of married women in Taiwan increased sharply in 2000 with 13.863. Then, this trend tend to decrease in 2004 and less than 4.000 in 2007. However, at the end of 2017, more than 98.000 Vietnamese women married Taiwanese husbands (Table 1).

Table 1: The number of Vietnamese women married Taiwan

Year	Number (person)
1994	530
1995	1.476
1996	3.351
1997	4.827
2000	13.862
2001	12.417
2007	<4000
As the end of 2017 (total)	>98.000

(Source: Ministry of Justice and Ministry of Foreign Affairs, 2017)

Since 2004, Taiwanese marriage have started dropping dramatically, and the wave of marrying Koreans has risen to the throne instead, because there are many problems¹ between Vietnamese brides and Taiwanese husband. This made them more caustious when they decided; moreover, procedure of getting arried to Koreans were quicker. Futhermore, beginning in May 2006, Korea has advocated a multicultural society. Therefore, international marriages are an indispensable for the development in this case. According to the latest report from the Ministry of Gender Equality and Family Affair (Ministry of Justice, Viet Nam, 2017) on

¹ A Hau Giang People's Court said that there are many causes such as abuse, linguistic and cultural differences, no children, or have to be "wife" many people in the family (HHI, 2018).

28 February, more than 73% of foreign women in the Republic of Korea during the period 2014-2016 are Vietnamese. There are about 52,000 Vietnamese brides in the Republic of Korea.

The tendency of married women in Mekong Delta is to marry Taiwanese and Korean because they are willing to seek better lives. This is a recognizable underlying motive for most Vietnamese brides; marry to escape poverty and have an opportunity to change their lives and families; despite the risks, but more than to close the eyes of living through the day in her homeland. Leaving is a chance even less than continue to live peanuts in the countryside and there is no chance for anything. All things considered, they go to get married to look for a new start for their lives.

However, not all marriages bring happiness. In fact, the number of divorces of trans-national marriages increase, especially in Vietnamese and Taiwanese/Korean couples. There are many different reasons to explain for this issue. Meanwhile, cultural characteristics, language barriers and low education level are considered as the main causes of divorce. Moreover, “many women do not have much information about their future husbands or how they will migrate and live in Korea”².

Many Vietnamese brides in Taiwan cannot tolerate marital life, so they bring their children back home in the escape situation and do not have any identification to guarantee for their lives later; similarly, there are 75% couple Viet Nam – Korean with the brides ages of 15-24 divorced after 6 months marriage (EU et al. (2010)). The inevitable consequence of these divorces is a vulnerability on bi-racial children.

Result of analysis

According to 120 observations in four provinces, the statistics from Department of Justice in the Mekong Delta and information from in-depth interviews, there are hundreds of thousand biracial children as the result of broken marriages and returned home³. This number is fluctuating and temporary because many families do not want to share as well as provide any information about these children when they come back Viet Nam with their mother.

Table 2: The number of bi-racial children due to broken marriages in four provinces in Mekong Delta

Province	Number (person)
Vinh Long	600
Can Tho	920
Dong Thap	680
Hau Giang	780

Source: HHI 2018 - The temporary statistics from Department of Justice

The statistics in Table 3 represents the number of bi-racial children in divorce families in four provinces Vinh Long, Can Tho, Dong Thap and Hau Giang. Throughout the research on 120 samples, the bi-racial children in broken families are divided into two cases: (1) Parents' divorce, having no custody rights, mothers “illegally” brought them to Vietnam without the consent of the husbands; (2) Mothers escaped from the unhappy marriage, refuse to contact husbands' families, have no legal divorce papers. This means that these children are Taiwanese and Korean or without nationality because of insufficient documents to prove. To have the rights as other children in Viet Nam, they have a nationality or birth certificate of Viet Nam. For this reason, the bi-racial children do not receive any rights like other child from education, health care to social welfare.

In table 3, the rate of children has birth certificate very low because Vietnamese brides who take their children back to Viet Nam in the run-up to their husband; and obviously, do not have enough papers to register birth certificate for their children at Department of Justice. This is the biggest obstacle and barrier, because going back to his hometown to settle the divorce proceedings, finding his papers and children with foreign husbands seems as a force majeure with the Vietnamese brides who have returned in Viet Nam. As a result, the children only go to Elementary school with “temporary” or “unofficial”. In 120 sample with 228 children, only 108 children have a chance studying as a “just studying”. This story is a typical example in researching:

Ms Nguyen Thi Thuy, grandmother of Lee Chaewon, said: “She is 7 years old but still studies at grade 1, with “temporary studying” because of no nationality and birth certification of Viet Nam (HHI, Hau Giang, 2018).

² Household interview, 2018: Youn Sim Kim, director of the Korean Center for Human Rights Policy - KOCUN

³ Children were in following context: (1) being sent to Viet Nam for nurturing, for cheaper living cost and for parents having time to work; (2) single mothers, no marriage or divorce certificate, children were born without nationality nor identification.

Table 3: Number of children having Vietnamese birth certificate and attending school

Commune	No. Children (120 samples – 40 samples for each province)	Vietnamese birth certificate	Schooling
Vinh Long	48	2	20
Can Tho	66	3	34
Dong Thap	56	1	26
Hau Giang	58	2	28
Total	228	8	108

Source: Household interview, 2018

Other bi-racial children, 120 children, have to stay at home with their relatives or grandparents while their mothers go to the city to find a job in industrial zones in order to earn money. They are often under six years old and do not have a condition to study in Kindergarten school or receive any supporting from local authorities.

Then, if these children are willing to study higher in high school, the college or the university, they will not have enough condition to apply⁴; because these officers will concern about having “legal documents” for children included birth certificate, nationality.

With regard to children having foreign nationality - Taiwanese citizen or Korean citizen, this means that they have enough birth certificates, passports when they return to Viet Nam. In this case, however, they are foreigners living in Vietnam they should not be entitled to regular benefits as Vietnamese children in education or health insurance. Similarly, they cannot access to social security. According to resident legislation, they must register for temporary residence every 6 months in District (or Province) as foreigners living in Vietnam. It seems that the paperwork becomes much more complicated because there is no Embassy in Viet Nam.

Indeed, at the present, a Law on Marriage and Family in 2014 adjusts marriage cases having foreign elements. However, there are no official law, regulating or documents on the bi-racial children when they are in Viet Nam. In fact, these children still retain Taiwanese citizenship or Korean citizenship, so it is difficult to access educational and medical support as a Vietnamese citizen. Therefore, to help bi-racial children, the provincial People's Committee has issued many documents to assist the children have the same rights to enjoy the health and education as other children in local. However, this policy only applies case by case and depends on the condition of each province.

Compared to Taiwan, Korea also has policies to support Vietnamese-Korean children living in Viet Nam through the Korea Center for United Nations Human Rights Policy. However, the fact is that the Korean government does not have much information about Vietnamese-Korean children since the mother wants to hide the child's information (Park Noh Wan, 2018). Child's mother or relatives refused to report the case and registration context. They hide the family's situation to escaped the gossip by neighbors (HHI, 2018). Hence, this organization cannot do anything to help bi-racial children.

Throughout researching, almost returned children after being refused by their fathers, staying with grandparents or relatives, did not receive any financial supports from fathers' families. Meanwhile, mothers often left their children at hometown and worked in the city in order to hide the shame of marriage failure. For this reason, the children live in harmony and spiritual live without prejudice among people in the villages. Thus, the future of these children is really gloomy due to the lack of parental care. When Nam was asked about the future of her Korean grandchild, she looked away and said, "I do not know what to do, just count day by day" (HHI, 2018).

Another problem is pointed out through the researching as a corollary of unofficial divorces – no complete the divorce procedures, many women get marriages again after unsuccessful marriages with Taiwanese/Korean husbands. However, their children were born no birth certificate, no household registration book and certainly no have policy as a normal child because mothers have not yet solved the legal troubles related to their former husband abroad. In order fro these children to have a birth certificate, mothers must have divorce certificate or seek their husband by asking the court to make a judicial mandate. It is impossible for them due to their marriages through matching, they cannot remember or come back Taiwan or Korea to bring the necessary documents. Therefore, the story seems like a joke but it comes true; although parents are Vietnamese, the children born in Viet Nam, they cannot have birth certificate and no Vietnamese nationality.

All things considered, it is a necessary time for government and authorities to have change the law system in order to have appropriate policies to manage as well as protect these children in this context.

⁴ Their school reports are created individually and these reports can be transferred from kindergarten to high school, but only in a locally managed educational setting. That is a “internal school report” (KIP, Department of Education and Training).

CONCLUSION AND RECOMMENDATIONS

This is some recommendations to governments, Vietnamese brides and their families with the aim to ensure the rights bi-racial children in divorce families:

- Set up two-way information system between the Vietnamese governments and Taiwanese/Korean governments where these brides are married. It helps to manage about marital status and the number of bi-racial children when they are divorce.
- Strengthen state management of marriage and family, to promptly, supplement and perfect the legal system related to bi-racial children in order to guarantee to access these rights as other Vietnamese child. These rights of bi-racial children have to recognize in the Law on Marriage and Family and the Civil Code Law.
- Establish a network of marriage support facilities in the local area to meet the demand of marriage counseling - family in general. To achieve this target, the government should establish advisory board in Women Union and counselors have to enough knowledge as well as experience with the aim to help Vietnamese brides understanding about their lives in foreign country after getting married.
- Negotiates and concludes bilateral agreements with other countries on mutual relations justice support. For countries with many Vietnamese women married, it is necessary to sign separate treaties on marriage with foreign elements for joint protection rights and interests of Vietnamese citizens. It is necessary to protect as well as ensure the rights of Vietnamese brides when they escape due to sexual abuse or unhappiness.
- Tighten the management of illegal IMM brokerage companies. Marriage with foreigners is a legitimate need of Vietnamese citizens. At present, Vietnam does not have any laws on marriage brokerage, especially marriage with foreigners. Commonly, it is prohibited of marriage brokering in any form in legal documents. However, to meet the increasing needs of society, the "socialization" of marriage brokerage is understandable. Ideally, the law system, should encourage the formal marriage brokerage activities, in accordance with customary practices, create conditions for the marriage equality, voluntary, progressive, monogamous. This helps the parties making the proper marriage registration process so that legal procedures can be legalized in the future. In addition, to strengthening the activities of the Women's Union and international organizations to support the brides in IMM.
- Need to equip a legal knowledge for women married to foreigners, profession skills training, studying language so that women are able understanding about the culture as well as earn more income on her husband's country. This helps to protect their marriage.
- Have public education campaign and propaganda to help families understanding about the rights of children; support organizations that help the Vietnamese brides and children. For example, KOCUN is one of the supportive organizations that may help them better integrate into new life after they returned to Vietnam.

In the context of globalization, IMM is an inevitable result of development, so the authorities need to change the law to adapt and adjust this issue. Therefore, all legal regulations about IMM such as immigration, residence, nationality, divorce proceeding, especially the issue of bi-racial children have to rebuild in order to avoid the legal conflicts between these nations. The Vietnamese government and Taiwanese/Korean government should have common solutions in transnational marriage to support as well as take care of children and Vietnamese brides. Children are as a green germ of the country, so the protection of children's rights is always more important and necessary than ever although the child is born under any circumstances.

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