Jetlagged Simultaneity: Nationality without Citizenship in Taiwan

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“No one shall be arbitrarily deprived of the right to enter his own country.”

Article 12, *International Covenant on Civil and Political Rights*

“What passion! You love your motherland with such intensity, but does your motherland love you at all?”

Bai Hua, *Bitter Love*

On January 7, 2011, a jubilant Taiwan president Ma Ying-jeou announced at a diplomatic reception that the coveted visa-waiver for Taiwanese citizens traveling to Europe will officially come into effect on January 11, crowning, coincidentally, the 68th anniversary of the abolishment of extraterritorial rights ceded to both Britain and the United States in 1943.[[1]](#footnote-1) Joining several other Western countries that finally granted visa-free privileges to Taiwanese citizens,[[2]](#footnote-2) the European Union is one of the most important bastions in Ma’s highly publicized campaign to obtain visa waivers “from at least one hundred countries/regions” in celebration of the island state’s centennial.[[3]](#footnote-3) The campaign’s aggressiveness is captured by figures: from 2008 to 2011, Taiwan’s Ministry of Foreign Affairs has managed to ink bilateral agreements on consular reciprocity with at least 68 countries and regions, boosting the number of visa-free/visa-on-arrival admissions for Taiwanese passport holders from a humble 53 in 2008 to more than double (113) as of April, 2011, covering roughly 96% of the most frequented destinations by Taiwanese citizens.[[4]](#footnote-4) It seems not so long ago that a Taiwan passport was still associated with inconvenience, meticulous procedures to obtain landing permits for virtually any place in the world, subtle discriminations in visa application/issuance process,[[5]](#footnote-5) and the not-so-subtle humiliation at international checkpoints.[[6]](#footnote-6) Today, a Taiwan passport has already outperformed several other nationalities in Asia and comes very close to affording the same consular privileges enjoyed by Israeli or Hong Kong citizens.[[7]](#footnote-7) If anything, such dramatic progress is probably the single most significant and concrete achievement of Ma’s “flexible diplomacy” strategy, and his administration has indeed claimed credits from it, citing the success at obtaining visa waivers as international “votes of confidence” in both Ma’s tension-averting cross-strait policies and his diplomatic pragmatism.[[8]](#footnote-8) Following Ma’s rhetoric, it seems plausible to argue that, after a century of political blockade and diplomatic ambiguity, Taiwan as a *de facto* sovereign state has finally won due respect for its citizens on a global scale. “Taiwan” as a trope for national imagination seems at least acknowledged within the material practices of border inspection, while it also becomes a more viable symbol for patriotic appeals to “foster a sense of national identity.”[[9]](#footnote-9) As an increasingly more “valuable” capital in transnational migration,[[10]](#footnote-10) Taiwan’s contested nationality—made tangible in the form of passports—gradually transforms itself from a chronic source of centrifugal anxiety and emigration to a new metaphor for solidarity, pride, and centripetal identification.[[11]](#footnote-11) The carefully constructed discourse that links the improved consular credibility of Taiwan passports to an exalting prospect of improved national unity and patriotic communalism cannot be more evident in Ma’s statements at various occasions.[[12]](#footnote-12)

Such is the rosy landscape painted by Taiwan’s recognition-hungry administration in desperate attempts to overcome internal cleavages across ethnic, linguistic, and political divides. Despite its discourse on national unity and solidarity, however, I would argue that there is a darker underside in Taiwan’s nationality laws and household registration system that effectively *disenfranchises* a substantial group—an estimated 60,000 nationals[[13]](#footnote-13)—of its overseas population in Southeast Asia and elsewhere. These “Taiwanese nationals”—but not citizens—are issued Taiwan passports without the right of entry or abode in Taiwan, while the highly discriminative legalities governing their nationality status—or the lack thereof—have also rendered most of this overseas population stateless, seriously compromising the individuals’ rights to travel, employment, or even health insurance both in Taiwan and their resident countries. This population of “potential Taiwanese” is the thorny residue of both political and legal anomalies that date back to Chiang Kai-shek’s early Kuomintang (KMT) regime in the 1950s,[[14]](#footnote-14) and their continuing possession of *de facto* and *de jure* stateless Taiwan passports to date has sparked waves of protests, civic/legislative scrutiny, and pointed criticism from international NGOs.[[15]](#footnote-15) Furthermore, these “potential” Taiwanese’ dubious nationality and the lack of returning rights to the passport-issuing country—Taiwan—has also posed major roadblocks in Taiwan’s negotiations with foreign governments for visa-waivers, wherein Taiwan’s Deputy Minister of Foreign Affairs, out of frustration, publicly cited the continual circulation of 60,000 stateless Taiwanese passports as the deal-breaker that deterred Australia from allowing Taiwanese citizens to apply for Electronic Travel Authorizations (ETA) online in lieu of visas. In a televised interview at the Legislative Yuan, the deputy foreign minister asked journalist to question the Ministry of Interior Affairs as to “why Taiwanese passport holders need to apply for visas to enter Taiwan.”[[16]](#footnote-16)

Caught between an alienating exclusion by their host countries and a lukewarm welcome by an imagined “motherland,” these overseas Taiwanese nationals are ironic counter-narratives to President Ma’s unitary rhetoric and patriotic appeals. Their status as second-class citizens—or worse, non-citizens—opens up an important research agenda that probes deep into the delicate historical, legal, and ideological contexts framing the current dilemma faced by these non-citizen nationals. Following that order, I will first attempt to sketch the historical background of one specific community of Chinese diaspora in Southeast Asia—the “lone soldiers” (孤軍)—that has, since the 1950s, been left behind and largely ignored by different administrative regimes in Taiwan. After the historical sketch I will proceed to examine the complex legalities that govern Taiwan’s conferral of nationality and household registration policies, both of which have cross-defined citizenship rights in Taiwan and have undergone such discriminative revisions as to ensure the technical disenfranchisement of some Taiwanese nationals. Finally, I will compare my research findings with Benedict Anderson’s argument on the formative basis of nationalism and national identities. While refraining from treating national communities as ‘homogeneous’ entities, I argue for a more nuanced reading to foreground nation-states’ competence in calibrating different tiers of fraternity, communal imagination, and claims to belonging that create a *heterogeneous* space of communal interiority.

Using Taiwan as my case, I tackle the attendant problematics of ‘being an alien at home’ and seek to identify a complimentary mechanism—the attributes of which I shall characterize as “jetlagged simultaneity”—that empowers national regimes to *both* fulfill their rhetorical appeals to patriotic brotherhood (the largely symbolic ‘hua-qiao/華僑’ status) and default on their promises of citizenship rights. I argue that these ‘aliens at home’ live a shadowy existence in Taiwan and have witnessed the abusive *flexibility* of a state’s fraternal rhetoric and border control.[[17]](#footnote-17) They inhabit an ambivalent legal and political grey zone that Taiwan seems reluctant to revisit, yet which has brought the unbearable weight of exile, displacement, and deportation to these Taiwanese nationals who are left abandoned both overseas and at home.

**Who Are These People?**

The story of Taiwan’s overseas population in Southeast Asia is one fraught with continuous wars, geographical displacements, and drastically different circumstances of both livelihood and civil rights in the displaced population’s residing territories. According to official statistics in 2009, there were an estimated 39,460,000 overseas Chinese compatriots worldwide who are potentially eligible for Taiwanese nationality and passports.[[18]](#footnote-18) Albeit their attenuated connection to Taiwan proper, most of these overseas compatriots derive their eligibility for Taiwanese nationality from a legal loophole that had been loosely governed for more than seven decades until early 2000. Before the first and belated revision to Taiwan’s *Nationality Act*—an antiquated law drafted in 1929—by Taiwan’s Legislative Yuan on January 14, 2000, the Act stipulated the conferment of Republic of China’s nationality to any person born to Chinese[[19]](#footnote-19) parents or whose father is of Chinese descent.[[20]](#footnote-20) Since the term “Chinese” itself was never explicitly defined (or purposely left ambiguous), the Act’s *jus-sanguinis* interpretation practically bestowed ROC nationality to all ethnic Chinese overseas and also granted them entry rights to the pre-1949 territory of the Republic of China. After the defeat of Chiang Kai-shek’s KMT regime and its subsequent retreat to Taiwan in 1949, however, the potential influx of overseas Chinese nationals—whose population outnumbers the sum total of actual residents in Taiwan even today—became a source of pressing concern to the local administration. Some form of immigration control was in dire need, and the KMT government “fixed” this loophole by restricting residence rights in Taiwan only to those holding Household Registration records and possessing a National Identification Card,[[21]](#footnote-21) technically preventing waves of massive migration that would have strained the island’s fragile infrastructure and natural resources beyond its capacity. Before 1991, however, the KMT regime had been relatively lax about the qualification for Household Registration, allowing most returning Chinese compatriots to obtain ID cards and residence/employment rights after a short period of sojourn and study in Taiwan (if students), or with the signature of a local guarantor already in possession of Household Registration.[[22]](#footnote-22) This practice left a door open mainly for Chiang’s overseas troops and their descendants scattered across Northern Thailand, Burma, and Laos, who by late 1950s would have been rendered practically stateless if the ROC also withdrew residence rights from them.[[23]](#footnote-23) Based in the notorious Golden Triangle and fighting a losing—if not somewhat anachronistic—civil war on Chiang’s behalf well into early 1960s, they are the forgotten “compatriots” in Southeast Asia whose dreams of one day returning home from exile in honor, and whose patriotic convictions have prevented them from naturalizing locally, have made them pay the high price of becoming stateless refugees both abroad and at home.

The history of these stranded Chinese compatriots can be traced back to the turmoil year of 1949, when Mao’s communist party defeated the KMT-led Republic of China and Chiang was forced to retreat to Taiwan. In December 1949, the Governor of Yunnan Province Lu Han defected to Mao’s communist regime.[[24]](#footnote-24) In the following month, the People’s Liberation Army marched into Yunnan and defeated the two remaining KMT troops guarding the province—the Eighth and Twenty-sixth Armies, driving the surviving soldiers southward to the disputed territories bordering Northern Thailand, Laos, Burma, Vietnam, and China.[[25]](#footnote-25) In February 1950, the two exiled armies (a total of at least 1,400 soldiers) converged in Burma and vowed continuing loyalty to Chiang’s anti-communist regime in Taiwan, staging sporadic armed operations in southern Yunnan to fight the communist military. With underground financial support and weapons provided by the ROC in Taiwan, the surviving troops were re-banded by Chiang in 1951 as “Yunnan Anti-Communist Salvation Army”—based in the eastern Burmese city of Monghsant—and trained under the leadership of General Li Mi, who both coordinated the exiled KMT armies dispersing across Southeast Asia and sought military opportunities to reclaim the Yunnan province. After the outbreak of the Korean War in 1950, moreover, the growing military momentum and the strategic location of the Salvation Army were also noticed by the United States, which was eager to seek counter-operations that might corner and constrain the PRC’s military force in southwestern China.[[26]](#footnote-26) With temporary US support[[27]](#footnote-27) and official mandates by Chiang, the Salvation Army gradually became a substantial military presence[[28]](#footnote-28) that aroused the anxiety of both China and Burma. Not only did the Salvation Army irk Mao’s communist China with constant ambush attacks in Yunnan, but it also irritated Burma by enrolling anti-government minorities and aboriginals in the country’s mountainous areas, adding to the local regime’s difficulties in political appeasement and military crackdowns in its disputed eastern territories. Fighting an extended civil war on borrowed lands, Chiang’s parasitic Salvation Army therefore became an ever-more-present eyesore and concrete threat to Burma, whose independence from Britain was barely two years old and whose memories of foreign intrusions were still fresh. [[29]](#footnote-29) From 1950 to 1953 the Burmese government had attempted to drive the Salvation Army outside its territories by force, though such military actions failed tragically with two bloody defeats in May 1950 and March 1953. With the support of Russia and the PRC, Burma filed its first formal complaint to the United Nations in 1953, accusing the ROC of illegally encroaching upon Burma’s territory and demanding the oust of Chiang’s Salvation Army from Burma.[[30]](#footnote-30) On April 23, 1953, the United Nations resolved the complaint at its Seventh Assembly by denouncing Chiang’s troops in Burma as an unjustified, extraterritorial enclave that “violates the territory and sovereignty of the Union of Burma” and demanded their “immediate disarmament and withdrawal.”[[31]](#footnote-31) After bartered agreements of an *ad hoc* supervisory committee involving the United States, the ROC, Burma, and Thailand in May 1953, a reluctant Chiang—pressed by America—began three massive waves of military withdrawal from Burma, relocating at least 7,288 KMT soldiers[[32]](#footnote-32) to Taiwan and ostensibly disbanding the Salvation Army in May, 1954. General Li Mi was recalled from Burma and never set foot in the Golden Triangle again.

At an official/diplomatic level, the Republic of China declared to the international community that it had fulfilled the obligation of military withdrawals by 1953, and that the remaining troops in the Golden Triangle were non-conforming “rebels” who refused to follow the relocation orders issued by Taipei. Since these “rebels” were no longer under the KMT government’s control, Taiwan further declared to revoke all official recognition of any remaining soldiers in Burma and severed all relations or protections promised to them. At a more pragmatic level, however, Chiang never gave up his aggressive ambition to reclaim China. In secrecy, he instructed General Li to only withdraw secondary personnel to Taiwan, keeping the most trained soldiers and combat squads in Burma for future ambush attacks.[[33]](#footnote-33) Those “non-conforming rebels” that “refused to relocate to Taiwan” were in fact *ordered to stay* where they were, and the official narrative of punitive action (revocation of official recognition and protection) was primarily meant to be smoke and mirrors just to fend off the supervision of the UN and to justify the continuous presence of KMT troops in Burma. Even among those soldiers who did “withdraw” to Taiwan from Burma, many of them were actually local Burmese aboriginals—hired by General Li—donning the Salvation Army’s uniforms and learning just enough spoken Chinese to pass the supervisory committee’s interview.[[34]](#footnote-34) Precisely how many of these “fake” repatriates—rather than bona-fide KMT soldiers—were packed and sent to Taiwan is unknown, and so is the actual headcount of Chiang’s now “unofficial” Salvation Army that continued to encamp in the Golden Triangle after 1954. In July, 1954, Chiang secretly sent in General Liu Yuen-ling to re-band the remaining armies in Burma and to continue military attacks against China’s communist troops.[[35]](#footnote-35) Their battlefields spread across mountainous jungles throughout Burma, Thailand, and Laos, wherein Liu recruited along the path local Chinese dissidents famished by the PRC’s radical socio-economic campaigns and miscalculated agrarian projects during this period.[[36]](#footnote-36) Faced with the chronic presence of Chiang’s military assaults in both Yunnan and Monghsant, the PRC and Burma collaborated in November, 1960, to stage a fusillade of fierce and massive armed attacks against the Salvation Army, whose regiments eventually abandoned their camps in western Burma and fled to both Thailand and Laos. In the meantime, Burma made its second complaint to the United Nations, while the United States also insisted on KMT’s complete withdrawal from Burma.[[37]](#footnote-37) From March to May 1961, Chiang was forced to further withdraw some 5,000 troops from Southeast Asia to Taiwan and at least temporarily adjourned his military ambitions in southwestern China. For those KMT troops who were either secretly advised to stay behind or volunteered to remain in the Golden Triangle,[[38]](#footnote-38) their military registration records—the only proof of their ROC citizenship—were destroyed to prevent retaliation by the Burmese army. Most of the remaining troops retreated to the jungle areas in Northern Thailand (especially in Mae Salong and Tham Ngob), and fought sporadic wars for the Thai government[[39]](#footnote-39) in exchange for residence rights. Most of them, however, never obtained Thai citizenship throughout their lifetime, and their second or third-generation descendants—born in Thailand—are still living on conditional residence permits to date.[[40]](#footnote-40) Similarly, those stranded in Burma and Laos, along with their native-born children, were only issued alien residence cards rather than any nationality documents or passports.[[41]](#footnote-41)

With an embarrassed ROC publicly disclaiming further responsibility for these exiled KMT troops after its second withdrawal, by early 1970s it became clear that the residue of Chinese Civil War in Southeast Asia would create pressing dilemmas on nationality, and many of these forgotten soldiers did become—or still are—stateless international refugees. Below I will illustrate the discriminative legalities in Taiwan’s immigration and nationality laws—most of which underwent drastic revisions from the 1990s to early 2000s—that further stripped these overseas ROC nationals of their vital citizenship and entry rights in Taiwan.

**From a Door Left Ajar to Sealed Borders**

Taiwan under the early KMT regime had been relatively sympathetic towards these overseas ROC nationals stranded in Southeast Asia. Despite the fact that these exiled troops and their descendants could not supply documented proof of their citizenship,[[42]](#footnote-42) Taiwan’s pre-1999 *Nationality Act* still recognized this overseas population as ROC nationals on an ethnic basis[[43]](#footnote-43) and continued to make them eligible for ROC passports. Even though ROC passport holders without Household Registration did not have automatic rights to enter and reside in Taiwan, Chiang’s KMT government made it relatively easy for these “lone soldiers” (孤軍) and their descendants to obtain landing permits to enter Taiwan, after which the permits could easily be traded in for Household Registration records as well as Taiwan’s National Identification Card.[[44]](#footnote-44) In other words, despite its official rhetoric—especially broadcasted to the UN and the US—of non-affiliation and non-recognition of these remaining troops in the Golden Triangle after 1961, at a practical level the ROC government still honored its covert connection to these overseas KMT soldiers and bestowed upon them quasi-citizenship status. Like an insurance plan, their “deferred” citizenship protected the overseas compatriots in the Golden Triangle from becoming completely stateless, even though they were constantly denied and excluded from any local nationality/citizenship in the country of their actual exile.[[45]](#footnote-45)

Starting in 1986, however, Taiwan changed its overseas compatriots policy and opted for a less endogenous, more pro-naturalization direction that encouraged overseas ROC nationals to comply with foreign governments and obtain foreign citizenships. The Cold-War era competition with the PRC for cultural and political legitimacy was waning, and for the first time Taiwan started to redefine its geographical jurisdiction and eligibility for citizenship in a more pragmatic way that would better reflect the actual composition of its inhabitants.[[46]](#footnote-46) Taiwan’s preferred treatment of returning compatriots was changing, and the administration also collaborated with foreign governments to de-Sinicize Chinese expatriates or refugees within their territories. One such instance is the policy update in 1985, when Taiwan’s Ministry of Education (MOE) and Overseas Compatriots Affairs Commission (僑委會/OCAC)[[47]](#footnote-47) suddenly required all returning ROC nationals from the Golden Triangle to be in possession of a Thai, Burmese, or Laotian passport in order to be issued student visas and university admission letters. This requirement was said to comply with Thailand’s naturalization policy,[[48]](#footnote-48) which targeted its northern Chinese refugees and required them to undergo rigorous de-Sinicization process for political loyalty to the Thai King. While the policy was enforced against the will of many Chinese expatriates, the naturalization process itself was also painfully slow and difficult to navigate within Thailand’s complex bureaucracy.[[49]](#footnote-49) Very few students—most of whom descendants of KMT’s “lone soldiers”—managed to obtain Thai citizenship, not to mention those in Burma or Laos, where hardly any such channel for naturalization was in place. Anxious about their children’s education prospects in the “motherland,” and pressed by the rigidity of the new rules governing university admissions as well as border controls, many families had to resort to purchasing fake identities and counterfeit passports in order to enable the next generation to enter and study in Taiwan.[[50]](#footnote-50)

The new policy, however, was not a coordinated initiative across all government offices in Taiwan. Despite blaring traces of forgery and alteration, the Ministry of Foreign Affairs still proceeded to issue these prospective students visas without investigation, and the Ministry of Interior Affairs also blindly endorsed their documents at airport checkpoints. Even the MOE and OCAC themselves seemed ambivalent. With sufficient knowledge that many overseas students were using forged/purchased passports, both agencies failed to scrutinize their documents for flagrant discrepancies,[[51]](#footnote-51) nor did they warn these students about the dire legal consequences that might strand them in Taiwan. Between 1986 and 1995, more than 319 overseas compatriot students arrived in Taiwan with dubious credentials for their identity.[[52]](#footnote-52) By 2008, there were an estimated 2,000 overseas compatriot students in Taiwan without nationality documents, and 873 of them applied for judicial pardons in exchange for temporary residence rights in the same year.[[53]](#footnote-53)

What further complicated the issue at hand was Taiwan’s introduction of *Exit and Entry Act for ROC Nationals* in 1999, and the subsequent change to its *Nationality Act* in 2000. Both laws aimed at narrowing the definition of ROC nationality while further withdrawing citizenship rights from Taiwan’s overseas compatriots. In its first amendment to the *Nationality Act*, Taiwan strategically changed the language of the Act by substituting all references to “China” with “the Republic of China,” “territories of China” with “jurisdictional territory of the Republic of China,” and “Chinese nationals” with “nationals of the Republic of China.” This move conveniently disqualified overseas Chinese for ROC (Taiwan) nationality. Interlocking with the first amendment to the *Constitution*,[[54]](#footnote-54) the revised language in Article 2 excluded all Chinese persons outside the “Free Area” of the Republic of China—Taiwan—if they were not born to parents already holding ROC nationality. Like a spigot, the new law constricted a loophole in the ethnicity-based conduit to citizenship[[55]](#footnote-55) and prevented any new registration for ROC nationality by overseas Chinese persons without substantial ties to Taiwan. For the bulk of overseas Chinese who were also citizens of other states, this change was inconvenient though inconsequential; they would still possess other citizenship documents for international travel. For the “lone soldiers” and their descendants still stranded in the Golden Triangle, however, this new law closed an important door for their return to the “motherland.” Since the majority of them had been potentially eligible for ROC nationality only on a loosely-defined ethnicity basis, those who did not formally register at Taiwan’s representative offices in Thailand for passports—and therefore did not formally obtain ROC nationality despite their former eligibility—would no longer be qualified to do so after the law’s revision in 2000.[[56]](#footnote-56) This move immediately rendered those non-registered “lone soldiers” and their current/future descendants *de jure* stateless aliens in the Golden Triangle. And by revoking the issuance of passports to them, the new law also dashed their hopes of returning to Taiwan or migrating elsewhere.

For those overseas compatriots already in possession of Taiwanese passports, the introduction of *Entry and Exit Act for ROC Nationals* in 1999, which was later replaced by the *Immigration Act* in 2009, codified the government’s authority to strip them of residence rights in Taiwan and impose stringent immigration control on them. For the first time, the *Entry and Exit Act* established the notorious term “ROC Nationals without Household Registration” (無戶籍國民)[[57]](#footnote-57) to distinguish between local residents (with Household Registration) and returning compatriots. The Act stipulated that only nationals possessing Household Registration records were entitled to enter and remain in Taiwan, while those without Household Registration records—including those still traveling on Taiwan passports—did not have automatic rights to land in Taiwan without visas,[[58]](#footnote-58) nor did they have any residence rights unrestricted by immigration control and deportation procedures.[[59]](#footnote-59) To enter Taiwan, non-registered nationals must apply for Entry Permits at Taiwan’s representative offices abroad and wait for permissions issued by the Ministry of Interior Affairs in Taipei. Once the permission was issued, a single-entry visa sticker would be placed in their Taiwan passports for a duration of stay not exceeding three months.[[60]](#footnote-60) Ironically, this requirement prescribed an even less favorable treatment of Taiwan’s own nationals than those currently enjoyed by certain foreign citizens, who may enter Taiwan visa-free or obtain visas-on-arrival without prior applications.[[61]](#footnote-61) Furthermore, the succeeding *Immigration Act* (2009) also authorized Taiwan’s National Immigration Agency to remove the country’s own nationals without trial, and it officially codified a deportation and *detention* procedure targeting (if not criminalizing) ROC passport holders without Household Registration in Taiwan.[[62]](#footnote-62) Such moves were blatant attempts by Taiwan to default on its promise of citizenship and residence rights obligated by the issuance and possession of ROC passports. Even though these overseas compatriots were still symbolically connected to Taiwan, they were made *de facto* aliens that are kept at an arm’s length from Taiwan.

The intent of the Taiwan government was clear: it wished to correct and control the problematic legacy of Taiwan’s ultra-liberal policy of conferring nationality, the ethnicity-based definition of which was drafted when the ROC was still a functioning administration in the mainland. Once when the actual jurisdiction of the post-1949 ROC only coincided with present-day Taiwan, the government needed to devise pragmatic methods to prevent an overwhelming population of overseas nationals from crowding Taiwan and straining the island’s limited resources. Without touching on sensitive and potentially explosive issues that would change the constitutional definition of the ROC, and avoiding to completely deprive its overseas compatriots of their legitimately acquired nationality,[[63]](#footnote-63) Taiwan engineered new legalities to create a second-class nationality status (無戶籍國民) that would technically stop overseas Chinese at its borders. The assumption was that most overseas compatriots were also dual citizens of other states, and hence this structural overhaul would simply resolve the chronic nationality disputes and normalize Taiwan’s immigration controls. The administrative offices, however, failed to take into account a small yet substantial population of overseas compatriots who never managed to obtain any other foreign citizenship. This oversight created a consular and jurisdictional limbo where the “lone soldiers” and their descendants found themselves stranded: deprived of entry and residence rights in the ROC, they were forced to depart from Taiwan periodically to avoid overstaying their visas. Yet unlike foreign visitors, these lone soldiers (who are solely ROC nationals) had *no place to return to*. As refugee aliens in the Golden Triangle, they had no rights (and were constantly denied so) to enter the borders of Burma, Laos, and Thailand again. For those second-generation students who came to Taiwan with dubious Burmese/Thai passports, they had no legal documents for travel at all. Thai and Burmese governments made it clear that they would not accept, endorse, or replace any fake passports at their embassies, nor would they re-admit these native-born Burmese/Thai ROC nationals upon their return or deportation from Taiwan. Furthermore, their encouraged use of dubious foreign identities to study in Taiwan since 1986 would later expose these students to criminal charges of forgery *both* in Taiwan and abroad, where in some cases returning students were prosecuted for treason in Burma and promptly incarcerated at the airport.[[64]](#footnote-64)

After 2001, many of these single-nationality overseas compatriots had to go underground in Taiwan. Along with other overseas ROC compatriots in similar situations,[[65]](#footnote-65) they composed a shadowy group of disenfranchised, second-class citizenship left unattended and shunned by their passport-issuing “motherland.” Aside from the consular absurdity of deportation (Where can Taiwan deport Taiwan-passport holders aside from, alas, itself?), these second-class nationals also encountered technical difficulties when they traveled to third-party countries. Without Taipei’s official promise to accept them in case of refused admissions overseas, foreign governments viewed these ‘castrated’ Taiwan passports only as certificates of identity rather than nationality documents.[[66]](#footnote-66) Many countries are reluctant to issue visas to ROC passport holders without a National Identification Card Number (indicating the absence of Household Registration in Taiwan),[[67]](#footnote-67) and none of the visa-waiver programs granted to Taiwan applies to these non-ID passport holders.[[68]](#footnote-68) With no permanent place of legal domicile and limited rights to travel, these second-class ROC nationals became *de facto* stateless persons—if not refugees—who are symbolically embraced by Taiwan but quietly excluded and disenfranchised by a motherland that refuses to call them equals.

Despite repetitive protests by advocacy groups[[69]](#footnote-69) and two formal reprimands by the Control Yuan,[[70]](#footnote-70) Taiwan seems determined to keep its current nationality structure in place and refuses to offer any amnesty to a small pool of ROC nationals rendered stateless by its flawed legislation and structural loophole. To date, the Immigration Agency only passively issues Temporary Residence Permits to a small percentage of overseas students whom the Agency did not mange to deport.[[71]](#footnote-71) The majority of these students still remains illegal aliens in Taiwan, who are not only excluded from all civil rights, employment benefits, and health insurances but also risk constant threats of prosecutions, detention, and deportation.[[72]](#footnote-72)

**Jetlagged Simultaneity: Flexible Imagination of Political Community**

Taiwan’s particular case of two-tiered nationality is an unusual exception but not a monopoly. Britain, for instance, also has a highly hierarchical system of citizenship that affords different privileges to different tiers of status.[[73]](#footnote-73) Yet Taiwan is probably the only state that would allow some of its own nationals to become either *de jure* or *de facto* stateless.[[74]](#footnote-74) Its unilateral withdrawal of citizenship and refusal to honor its own passports, even for short visits, are textbook examples that should be scrutinized by scholars of international law. Indeed, some of these passport holders voiced the same grudge of betrayal. Not necessarily knowing the intricate historical and legal context behind such designs, they complained about being rejected by a “step-motherland” that seems to treat them as adopted sons. One such person is Martin Hsieh, a Taiwanese American who possesses both U.S. and Taiwan passports but only returned to Taiwan at the age of 19. Hsieh described his experience of that trip:

When I checked in at JFK, the ground staff didn’t tell me I need to have a visa for Taiwan. They saw I had a Taiwan passport. So that was common sense, why would anyone need a visa to return home? But when I arrived in Taipei, the immigration people told me I cannot pass the border [control] because I did not have an entry permit in my Taiwan passport. I asked them why. They said my passport is different and I’m not like other Taiwanese people. I asked them how it could be different since it has the same cover, the same emblem, and the same country name. They just told me I don’t have an ID number and the passport is only a hua-ciao [華僑/compatriots] document. I didn’t understand them. They said they would not let me in and I’ll have to take the next flight home. Eventually I managed to enter Taiwan on my U.S. passport, but I was totally embarrassed, scared, and furious. I mean, that was my first return to Taiwan after all these years and talk. But I was treated worse than anyone else, worse than all those Caucasians lining behind me.[[75]](#footnote-75)

Hsieh’s frustration reflects how the imagination of political communities and the expectation of membership are interpreted differently by state administrators and individuals. His trope for political brotherhood—passport—is concrete and unambiguous, yet his claims to access the fraternal space, in which his trope marks him as a member, are both bracketed and denied. Hsieh continued:

I had thought I was a Taiwanese. I was born there. And that’s also where my parents came from. I kept my Taiwan passport too, even though they [Martin’s parents] asked me to give it up so I won’t be drafted. But I kept it. I want to maintain a connection to my birth place, you know, after all these years I’m still curious and feeling attached to it. But the episode at the airport just blew me off. If you open my passport, it says “Republic of China” under nationality and not “hua-ciao” or anything else. So why was I told otherwise? Why wouldn’t they let me in? When I returned to the States I asked TECRO[[76]](#footnote-76) if I’m a Taiwanese at all. The woman behind the counter looked at me apologetically and said *yes and no*. What does she mean yes and no? Sometimes I felt rejected and betrayed by Taiwan, but, how should I put it, it’s a betrayal of *a hush-up kind*. (emphases mine)

Hsieh’s comment is interesting because it touches on a central polemic this paper seeks to understand: can communal/national imagination also harbor enough crevices and disjuncture *within*, placing some communal or political members slightly “out of sync” even though they remain *inside* the border of homogeneous fraternity? In other words, if a nation-state is capable of engineering institutional interventions (laws, regulations, acts) that would partially withdraw membership from its less-favored members *without* labeling them as foreigners, what do such practices of endogenous alienation suggest to popular discourse on the formative basis and logic of nation-states?

In his famous title *Imagined Communities*, Benedict Anderson conceptualizes Benjamin’s “homogeneous, empty time” as a form of narrative simultaneity in which multiple events *coincide* at every diachronic moment of synchronic infinity. If temporal synchronicity is the simultaneous expansion of the “same clocked, calendrical time” (26) that *aligns* actions and individuals by grouping them along the coordinating axis of a single diachronic value, then such synchronic alignments predicating on a horizontal, timeless expansion constitute the critical “meanwhile” (26) of Anderson’s communal imagination, in which

[t]he idea of a sociological organism moving calendrically through homogeneous, empty time is a precise analogue of the idea of the nation, which also is conceived as a solid community moving steadily down (or up) history. An American will never meet, or even know the names of more than a handful of his 240,000,000-odd fellow Americans. He has no idea of what they are up to at any one time. But he has complete confidence in their steady, anonymous, simultaneous activity. (26)

The “steady, anonymous, simultaneous” presence of an expanded instantiality is the imaginative confidence in “meanwhile,” a horizontal liaison that groups hitherto unrelated fragments (actions, locales, and persons) into a *monolithic* projection of synchronized collectivity that anticipates the discursive architecture of nation. A nation, in other words, is precisely defined and *bounded* by the extent to which such imaginative liaison of synchronic collectivity might reach. Its grouping inclusiveness of “meanwhile” provides a common base of fraternity for “people to think about themselves, and relate themselves to others” (36) within a particular sphere of commonality (vernaculars, census, or historiography) that creates the sense of belonging, inclusion, and immediacy. Thinking nation is not unlike performing a “mass ceremony” of synchronic association, in which each participant—citizen and/or national—is “well aware that the ceremony he performs [e.g. reading “national” newspapers or responding to “national” surveys] is being replicated *simultaneously* by thousands (or millions) of others of whose existence he is confident, yet of whose identity he has not the slightest notion” (35; italics mine). Such anonymous confidence, however, rests upon the presumed *boundedness* of its ceremonial assurance. It is precisely because the community or nation-state in question is bounded—with its borders specifying the horizontal limit of fraternity—that a homogeneous “inside” or “coterie” of self-same becomes conceivable. The *territorialization* of imagined communities, in other words, guarantees the relative homogeneity and equality of those residing within the boundaries, synchronizing intra-communal elements to create a space of patriotic simultaneity (the centripetal “meanwhile”) in which a relatively monolithic equilibrium of nationhood can be confidently assumed, relied upon, and radiated evenly throughout its internal expression of identi(cali)ty. Statehood, sovereignty, and nationality as political constituents in the modern “national order”[[77]](#footnote-77) of imagined communities are conceived as “*fully, flatly, and evenly* operative over each square centimetre of a legally demarcated territory” (19; italics mine), the holistic experience of which is assumed by Anderson as an antithesis against a simple exteriority.

These antitheses of simple binary oppositions—adjudicated by communal borders—between an alienated exterior and a homogeneous interior, however, beg critical reconsideration, especially if one is to acknowledge the unsettling existence of a hierarchical structure of *tiered*-nationality that creates sub-national stratification within the supposedly homogeneous political space. If Anderson’s model calls for a communal “meanwhile” as a synchronizing temporality for political members to either imagine themselves or be identified as fraternal equals, the implied ‘communal meantime’ seems to have also concealed (or purposely overlooked) a nation-state’s competence to produce ambivalent intra-communal categories that quietly place its members in *different zones* *of the same state*. These intra-communal categories are ambivalent because they both fulfill the rhetoric appeal to communalism (belonging to the same state) while enabling state administrators to enforce different disciplinary functions and welfare promises that would tacitly create distance, gaps, and disjuncture across different tiers of political members. The ambivalence consists in the fact that it is creating distance within the very dispersal of distance, anticipating subnational segregations and alienations (無戶籍國民) while promoting national unity (中華民國國民) and supra-national fraternity (海外華僑). This seemingly oxymoronic practice that allows nation-states to simultaneously embark on two contradictory trajectories in the management of their political members finds no clear explanation in Anderson’s somewhat porous model. It often renders the grouping logic of “imagined communities” non-descript in the face of intra-communal zoning, which disenfranchises political members not by exterior exclusion (total revocation of nationality) but via a more subtle form of interior exclusion (withdrawing some civil rights while keeping the nationality in place). Without a more reflexive paradigm to capture the multiple temporalities that belie Anderson’s discourse of communal synchronization, these other instances of interior exclusion beyond the simple tests of binary opposition (the “yes and no” that baffled Martin) seem to remain murky and ambivalent for excluded individuals to even articulate or describe (therefore the “betrayal” feels “hush[ed]-up” to Martin). Indeed, if national simultaneity also accommodates its own administrative logic to place different groups of members slightly ‘out-of-sync,’ how is one to name and extrapolate from such temporal ambiguities—or what Saskia Sassen has amply described as “multiple spatiotemporal (dis)orders”[[78]](#footnote-78)—notions that are somewhat under-theorized by Anderson and conveniently tucked behind the flattened façade of a national/fraternal simultaneity?

I use the word ‘jetlag’ with an attempt to both describe and restore the internal stratification of communal imagination, the distance and differentiation among which disturb the fraternal grouping of ideological simultaneity and the single-temporality of a synchronized nation-space. ‘Jetlagged simultaneity’ refers to the peculiar experiences and material practices that anticipate (or create) the elapse of communal time *within* the synchronizing function of nation-state, which relays and aligns every political member to the same temporal plane. It is a political/communal out-of-sync that functions within the very ideological kernel of patriotic synchronicity, manifesting a dubious ambivalence that embraces two contrasting intents simultaneously: it both includes and excludes, unsettling (or transcending) the simple binary oppositions—either nationals or aliens—based on passport-endorsed political identities. ‘Jetlagged simultaneity’ is therefore an intended oxymoron that emphasizes the contradictory yet *symbiotic* functions of a nation-state, which both maximize its demand for political loyalty, taxation, or military drafts on a national and supra-national scale while meticulously calibrating/qualifying their offers of citizenship and civil benefits at a sub-national level. As a strategy of managerial flexibility,[[79]](#footnote-79) jetlagged simultaneity is in essence a *functional contradiction* that works to the state’s benefit. Its contradictory nature (“yes and no”) makes any allegations based on binary conceptualizations of membership difficult to substantiate or defend. Harboring both centripetal interpellations and centrifugal alienation at the same time, the peculiar status of “ROC nationals without citizenship” prescribed to the island’s overseas population has indeed trapped many of Taiwan’s ‘partial’ citizens in the disorienting jetlag of national belonging, whose unspeakable sensation of rejection, discrimination, and denial is uncomfortably present but cannot be measured by the “same clocked, calendrical time” (Anderson 26) of nationality at all.

Caught in the temporal periphery of Taiwan’s fraternal imagination, these non-citizen nationals are constantly dealing with the uncanny experience of delays and displacement. Like exhausted travelers who synchronize their watches only to realize that feelings of fatigue will always persist, these ‘half-citizens’ wield their Taiwan passports in frustrated anticipation of a genuine equality that will never arrive. As nationals without citizenship, they both belong and do not belong to Taiwan, living a ghostly existence in the only place where they can call home.

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1. See “Flexible Diplomacy Broadens Taiwan’s International Presence,” Spotlight Issues. *Office of President, the Republic of China*, 12 Jan. 2011. Web. 05 Apr. 2011. [↑](#footnote-ref-1)
2. Among which are Australia (ETA), Britain, Canada, Ireland, and New Zealand. After hard negotiations and an official ultimatum from Taiwan, Malaysia grudgingly granted Taiwanese citizens partial visa-free entries at eight designated checkpoints too. [↑](#footnote-ref-2)
3. See Ma’s campaign video: “President’s Weekly Journal,” Notes of President*. Office of President, the Republic of China*, 01 Jan. 2011. Web. 05 Apr. 2011. [↑](#footnote-ref-3)
4. Statistics adopted from official announcements issued by Taiwan’s Ministry of Foreign Affairs. See “Latest News,” Ministry of Foreign Affairs, the Republic of China, 25 Nov. 2010. Web. 05 Apr. 2011. See also “Press Release,” Ministry of Foreign Affairs, the Republic of China, 29 Mar. 2011. Web. 05 Apr. 2011. [↑](#footnote-ref-4)
5. As of April 2011, Singapore and almost all other Southeast Asian countries (with the rare exception of Malaysia and Thailand) still refuse to stamp, endorse, or issue entry permits directly in a Taiwan passport. Such practices have actually resulted in a police arrest (2004) in Singapore, in which three Taiwanese tourists were mistaken for smuggled-in prostitutes from China. Brazil, on the other hand, does not recognize the validity of Taiwan passports at all; it requires all Taiwan citizens to apply for a Brazilian “Laissez Passer”—a document issued to stateless persons in lieu of national passports—before a tourist visa will be issued to them. For the Singapore police arrest, see “Backpacking-turned-nightmare: Three Taiwanese Women Mistakenly Arrested in Singapore for Prostitution,” *The Epoch Times*. June 18, 2004. [↑](#footnote-ref-5)
6. See the infamous case involving the deportation of a Taiwanese citizen by Canadian immigration: “Woman Demands Explanation from Officials in Canada,” *The Taipei Times*. March 20, 2010. [↑](#footnote-ref-6)
7. See the “Henley & Partners Visa Restrictions Index.” The basis for comparison is drawn from the statistical year of 2010. [↑](#footnote-ref-7)
8. See “Ministry of Foreign Affairs ‘flexible diplomacy’ Paying Off,” *The China Post*. January 4, 2011. [↑](#footnote-ref-8)
9. Quoted directly from the government’s Centenary Foundation website. “Origin and Purpose.” *Republic of China Centennial*. Web. 05 Mar. 2011. [↑](#footnote-ref-9)
10. See “Success at Obtaining Visa-Waivers: Taiwan Passports Are More Valuable, Ma Said,*” Central News Agency*. November 23, 2010. [↑](#footnote-ref-10)
11. See "President Presiding Over the Memorial Ceremony of ROC's Centennial and New Year Remarks." Press Release. *Office of President, the Republic of China*, 1 Jan. 2011. Web. 06 Apr. 2011. [↑](#footnote-ref-11)
12. See another press release that summarizes Ma’s language of political unity and patriotism: "President Presiding Over the Opening Ceremony of MOFA’s Centennial Visa-Waiver Campaigns." Press Release. *Office of President, the Republic of China*, 1 Jan. 2011. Web. 09 Apr. 2011. [↑](#footnote-ref-12)
13. See the *Investigation Report* (File Number 100000011) published by Taiwan’s Control Yuan. Pp. 2-3. [↑](#footnote-ref-13)
14. See Qiu, Bincun. *Hua qiao shuang chong guo ji zhi zhi ben zhen li* (The Essential Solutions to Dual Nationalities Possessed by Overseas Chinese Compatriots*)*. Taipei: Shing-shen Publishing Co. 1957. Print. [↑](#footnote-ref-14)
15. See the informative article “Who Treated Its Nationals Well?” published by the Catholic Scalabrini International Migration Network in Taiwan, a Manila-based advocacy group speaking for the rights of Filipino and Filipino Chinese workers overseas. [↑](#footnote-ref-15)
16. “A Standstill for Visa-Waiver Negotiations with Australia: Shen Lyushun Spoke Against the Interior Affairs Ministry.” Apple Daily. December 16, 2010. [↑](#footnote-ref-16)
17. This flexibility, indeed, is the exact opposite to what Aihwa Ong has called “flexible citizenship,” in which the creative entrepreneurism and cultural/economic logics afford trans-Pacific Chinese diaspora enough agency to engage in multinational investment, abode, education, or even political allegiances on a global scale. In this paper, I argue that administrative regimes also possess a parallel yet antagonistic flexibility that can selectively—or creatively—honor and redeem their promises of national citizenship. This equally flexible agency of nation-states must not be overlooked or mistaken for sheer passivity, a pivotal point that seems downplayed in Ong’s theorization of transnational migration and movement, which focuses almost exclusively on the unconstrained mobility of multiple-passport-holding individuals rather than the competence of states. [↑](#footnote-ref-17)
18. Statistics adopted from the *2009 Statistical Yearbook of the Overseas Compatriot Affairs Commission*. Note, however, that the Commission’s calculation of “potential” ROC nationals excludes those possessing any form of PRC nationality, thereby ruling out residents in Hong Kong and Macau. At the time of this paper’s completion, I have not been able to obtain statistical information for 2010 even after multiple requests made to the said Commission. [↑](#footnote-ref-18)
19. The definition of “Chinese” referred less to territorial specification than a more ambiguous lineage of Chinese heritage (Hsieh-tong/血統), an ethnicity-based hereditary status that is still observed and enforced by the PRC’s *Nationality Law*. This broad definition of “Chinese” allowed much leeway for flexible interpretations, and it also coincided with the ROC’s inchoate intent to include as many nationals and resources as possible to its burgeoning regime in the early 1920s. For more on this subject, see footnote 14 for references. [↑](#footnote-ref-19)
20. See *Nationality Act of the Republic of China*, 1929 (now defunct). [↑](#footnote-ref-20)
21. Both of which were issued only to local nationals maintaining permanent residence in Taiwan. See Article 15 of ROC’s *Household Registration Law*. [↑](#footnote-ref-21)
22. See “Nationality without Citizenship: Overseas Compatriots Are Made International Castaways,” Taiwan Lih Pao (台灣立報). October 21, 2010. [↑](#footnote-ref-22)
23. See the historical overview written by Hsiao-hua Liu, a high-profile social advocate and founder of the *Society for the Advancement of Civil Rights for Chinese Refugees in Thailand and Myanmar*. Liu, Hsiao-hua. “Those Orphans of Asia Stranded in Taiwan (II),” *The Society for the Advancement of Human Rights for Chinese Refugees in Thailand and Burma*. 19 May 2008. Web. 20 Apr. 2011. [↑](#footnote-ref-23)
24. See Tan, Yihui. *Jin san jiao guo jun xue lei shi* *1950-1981* (History of Blood and Tears of the Nationalist Soldiers at the Golden Triangle, 1950-1981). Taipei: Academia Sinica and Linking Publishing Company. 2009.15-18. Print. [↑](#footnote-ref-24)
25. See *ibid.*, pp. 26-34. [↑](#footnote-ref-25)
26. See *ibid.*, pp. 71-77. [↑](#footnote-ref-26)
27. Financial support from the US, however, dried up after the signing of armistice that ended the Korean War in 1953. [↑](#footnote-ref-27)
28. According to Yong and Wang’s estimate, the Army’s headcount had increased to roughly 12,000 by April 1951, incorporating most of KMT’s remaining troops in Indochina and new military school graduates from Taiwan. The augmented Salvation Army became a highly mobile division remotely controlled by Chiang in Taipei. For a comprehensive and detailed historical overview of this period, see: Wong, Yongdai. *Returning to “A Home Too Far*” (Chung fan yi yu). Taipei: China Times Publishing Co. 2007. Print. [↑](#footnote-ref-28)
29. See footnote 24, pp. 59-61. [↑](#footnote-ref-29)
30. *Ibid.*, pp. 141-45. [↑](#footnote-ref-30)
31. See Resolution 707 (VII): “Complaint by the Union of Burma Regarding Aggression against It by the Government of the Republic of China,” passed in the Seventh Assembly of the United Nations in 1953. The resolution was adopted by a vote of 59 in favor to 0 against it. Interestingly, the Republic of China abstained from voting. [↑](#footnote-ref-31)
32. Actual figures differed. According to official UN document, “nearly 7,000 persons, both foreign forces and their dependents, have been evacuated from Burma […].” See Article 815 (XI) of the “Resolutions Adopted on the Reports of the *Ad Hoc* political committee.” Note that the same document also “[d]eplores the fact that considerable foreign forces with a significant quality of arms still remain in the territory of the Union of Burma and have failed to respond to the declarations of the General Assembly […].” It refers, of course, to Chiang’s covertly consolidated military presence determined to stay. See next paragraph for details. [↑](#footnote-ref-32)
33. See footnote 24, p. 153. [↑](#footnote-ref-33)
34. See footnote 28 for source. Pp. 23-25. [↑](#footnote-ref-34)
35. See footnote 24, 182-4. [↑](#footnote-ref-35)
36. See footnote 28. See also Kaufman, Victor S. “Trouble in the Golden Triangle: The United States, Taiwan and the 93rd Nationalist Division.” *China Quarterly* 166 (2001): 440-56. Print. [↑](#footnote-ref-36)
37. For more on this matter, see Kaufman *ibid.* pp. 451-53. [↑](#footnote-ref-37)
38. Once again, a stubborn Chiang ordered the most well-trained soldiers to remain in Burma for future military opportunities. Those who did stay, however, did not do so purely out of political loyalty or obedience. Many of them were local Yunnnanese, and they would rather stay close to home than travel to the unknown island of Taiwan, where economic and cultural disadvantages might await them and their families. See *ibid*. [↑](#footnote-ref-38)
39. From 1960 to 1980 Thailand had been plagued by communist anti-government insurgents that sought collaboration with their counterparts in Burma. The Thai government recruited the KMT troops exiled in its northern territory and used them to appease these militants by force. In return, the Thai government allowed the remaining KMT troops to continue to stay at Mae Salong and Tham Ngob, but not within the country’s central or southern territory. [↑](#footnote-ref-39)
40. See United Nation’s “Report of the United Nations High Commissioner for Refugees, 1999.” Pp. 12-13. See also Tzou, Byron N. “Border Policy,” *China and International Law: the Boundary Disputes*. New York: Praeger. 1990. Print. [↑](#footnote-ref-40)
41. Burma (now Myanmar) limits its nationality strictly to those who were born—or aliens who were present—in Burma before its independence from Britain in 1948. Aside from the legitimate children of this group and approved cases of naturalization, all other resident aliens, irrespective of their time of sojourn, are not entitled to Burmese citizenship (the red “Naing” card). This system automatically disqualifies all post-1949 KMT troops exiled in Burma and their subsequent descendents. See the translated “Burma Citizenship Law,” *The UN Refugee Agency*. 15 Oct. 1982. Web. 17 Apr. 2011. [↑](#footnote-ref-41)
42. As noted in the previous subsection, after Chiang’s second military withdrawal in 1961, most of the remaining KMT troops in the Golden Triangle had destroyed their Military Registration Records and any ROC-issued identity documents out of fear of local retaliation by the Burmese national troops. For those who did keep their nationality documents, an official master record to match and verify their identity was also lost after constant relocations in mountainous jungles and waves of fierce ambush attacks. For more on this matter, see the newspaper article “Lone Soldiers in Thailand and Burma: KMT’s Responsibility,” *United Daily News*. June 29, 2008. [↑](#footnote-ref-42)
43. See Article 1 of Taiwan’s pre-1999 *Nationality Act*, which stipulated that all Chinese persons were entitled to the ROC nationality. [↑](#footnote-ref-43)
44. See Liu, Hsiao-hua. “Those Orphans of Asia Stranded in Taiwan (III),” *The Society for the Advancement of Human Rights for Chinese Refugees in Thailand and Burma*. 19 May 2008. Web. 20 Apr. 2011. [↑](#footnote-ref-44)
45. See footnotes 33 and 34. [↑](#footnote-ref-45)
46. See the first amendment (1991) to the ROC’s *Constitution*. Likewise, in all five amendments that followed, the functioning concept of “Free Area” (covering Taiwan Island, Penghu, Kinmen, Matsu, and other outlying islets) is dominating and pitched against a largely symbolic and defunct concept of “Mainland Area,” even though both areas are still included—at least at a purely theoretical and legal level—as the sovereign territory of the ROC in its *Constitution*. [↑](#footnote-ref-46)
47. The Commission’s establishment in 1926 also reflected the repercussions of an all-inclusive definition of Chinese nationality, which created a huge population of overseas ROC nationals. The potential number of these nationals justified an independent government office dedicated exclusively to their service. In most other states, such service is provided by their foreign ministries and embassies/consulates abroad. For more on this subject, see Qiu’s book in footnote 14, p. 47. [↑](#footnote-ref-47)
48. See the official *Investigation Report* (file number 1000800027) of Taiwan’s Control Yuan, in which a detailed historical survey is provided to illustrate the moral dilemma of deporting overseas compatriot students from the Golden Triangle (泰緬孤軍後裔華僑學生), and the mounting legal complexities involved in all four countries. To my knowledge, this is the first government-issued document that reproaches the Taiwan administration’s passive, reluctant attitude towards this issue. [↑](#footnote-ref-48)
49. See footnote 37 for source. [↑](#footnote-ref-49)
50. See footnote 41 for source. [↑](#footnote-ref-50)
51. According to advocacy groups, many students’ last names—printed in their passports—were curiously different from those of their fathers, an obvious evidence that they had purchased someone else’s identity to apply for visas for Taiwan. See Liu, Hsiao-hua. “Those Orphans of Asia Stranded in Taiwan (VI),” *The Society for the Advancement of Human Rights for Chinese Refugees in Thailand and Burma*. 19 May 2008. Web. 20 Apr. 2011. [↑](#footnote-ref-51)
52. *Ibid.* [↑](#footnote-ref-52)
53. See “Temporary Residence Cards for Thai and Burma Students: 873 Issuances in Two Days,” *Central News Agency*. July 21, 2008. [↑](#footnote-ref-53)
54. See footnote 39. [↑](#footnote-ref-54)
55. It revised the ultra-liberal *jus-sanguinis* definition of ROC nationality—solely by virtue of being Chinese—drafted in 1929 and maintained during the Chinese Civil War to compete with the PRC for administrative/legal legitimacy. See the first subsection of this paper for details and the law’s repercussions. [↑](#footnote-ref-55)
56. See the *Investigation Report* issued by Taiwan’s Control Yuan. File number 1000800027. See also the narrowing definition of “Overseas Compatriots”—rather than “Overseas *Chinese* Compatriots”—by Taiwan’s Overseas Compatriots Affairs Commission (OCAC). It defines “Overseas Compatriots” as “those residing overseas and *in possession of ROC nationality*” (italics mine). Like the revised *Nationality Law*, it also replaced ethnicity-based definitions (by virtue of solely being Chinese) with criteria more explicitly based on geographical jurisdiction and sustained connections to Taiwan. See Article 3 and 4 of the *Overseas Compatriot Identity Certification Act*. [↑](#footnote-ref-56)
57. See Article 2, 5, and 7 of the *Entry and Exit Act for ROC Nationals.* [↑](#footnote-ref-57)
58. *Ibid.* See Article 12. See also Article 5 of the *Immigration Act.* [↑](#footnote-ref-58)
59. *Ibid.* See Article 4. See also Article 8 and 15 for the *Immigration Act*. An even more hostile and discriminative law is also in place: *Regulations Governing Deportation Orders Removing ROC Nationals without Household Registration.* Attempts by advocacy groups to appeal this law never succeeded. [↑](#footnote-ref-59)
60. See Article 2, 4, and 5 of the *Regulations Governing Applications for Entry and Residence by ROC Nationals without Household Registration.*  [↑](#footnote-ref-60)
61. Thorny examples of such biased treatment of Taiwan’s own nationals abound. One story involved the deportation of an overseas compatriot from Korea, whose Taiwan passport was not endorsed with an entry certificate before he boarded the flight to Taipei. Ironically, his Korean companions—whom he was supposed to escort and tour around the island—had no problems entering Taiwan visa-free on their Korean passports. The deportation incurred outrage in the Chinese communities in Seoul. See “Taiwan to Improve the Administrative Convenience for Overseas Compatriots to Apply for Taiwan Visa,” *The* *Epoch Times*, March 1, 2011. [↑](#footnote-ref-61)
62. See Article 14 and 15 of the *Immigration Act*. See also the outrageous language in Article 2 of the *Regulations Governing Applications for Entry and Residence by ROC Nationals without Household Registration*, which authorizes the National Immigration Agency to deport ROC nationals on un-established (fabricated?) criminal charges either *before* trials or even *after they are exonerated* by the court. It also authorized the said Agency to “temporarily detain” ROC nationals even if the court had rejected the Agency’s detention requests. Without much public discussion, this law was quietly passed in 2008, and it practically placed the Agency above Taiwan’s Judiciary in handling ROC nationals without Household Registration. Such blatant human rights abuse, however, does not apply to foreign citizens in Taiwan. The *Immigration Act* codified a much more stringent procedure in deporting foreign citizens, which involves public hearings, court rulings (if on criminal charges), consular assistance, and panel-review of individual appeals before the Agency can legally deport foreign citizens. See Article 36, 38, and 39 of the *Immigration Act*. [↑](#footnote-ref-62)
63. Such a move would be a violation of the United Nations’ *Universal Declaration of Human Rights*, in which (Article 15) it states forcefully that “everyone has the right to a nationality,” and that “no one shall be arbitrarily deprived of his nationality […].” Note that the ROC was then a legitimate signatory to the Declaration, which was adopted on December 10, 1948. [↑](#footnote-ref-63)
64. See the official correspondence between Taiwan’s Ministry of Foreign Affairs and Legislator Wong, Tien-ging, dated March 20, 1992. In the letter, Taiwan’s foreign ministry touched on the dilemma of deportation: foreign governments usually refused to claim responsibility for deportees who were solely ROC nationals, and therefore Taiwan was not—and still is not—capable of physically deporting these ROC passport holders outside its territory. Even in the rare cases where foreign governments did accept deportees from Taiwan, these ROC nationals usually had to face severe punishment without any prospect of obtaining local nationality in their “home” countries. See also pp. 2-7 of the *Investigation Report* cited in footnote 56. [↑](#footnote-ref-64)
65. Especially those in the Philippines and Korea, where they were solely ROC nationals (though with permanent residence rights) either because local laws did not recognize dual-citizenship (Philippines) or because of discriminative legalities that prevented ROC nationals from naturalization (Korea). ROC nationals residing or born in these two countries could only travel on the “disenfranchised” Taiwan passports (without household registration), and it is still so even today. See also the Control Yuan’s Investigation Report (file number 100000011), in which a detailed and comparative scheme is provided to illustrate the nationality restrictions targeting ROC compatriots in different countries, especially the immigration dilemmas inflicted upon ROC nationals in the Philippines. [↑](#footnote-ref-65)
66. John Torpey made a similar observation by arguing that “the fundamental purpose of passports from the point of view of international law is to provide to the admitting state a *prima facie* guarantee that another state is prepared to accept an alien that the destination state may choose not to admit or to expel” (163). Seen in this perspective, these ‘castrated passports’ issued to Taiwan’s overseas compatriots fail to deliver the promise of acceptance and therefore become problematic/incompetent documents for international travel. See Torpey, John. *The Invention of the Passport: Surveillance, Citizenship, and the State*. New York: Cambridge UP, 2000. 162-64. Print. [↑](#footnote-ref-66)
67. The United States, for example, only issues single-entry visas with short validity to ROC passport holders without Household Registration. In comparison, full Taiwan citizens are normally issued multiple-entry visas with a generous validity of five years. [↑](#footnote-ref-67)
68. For example, the European Union stipulates that “visa liberalisation should apply only to holders of passports issued by Taiwan which include an identity card number.” See Article 2 of *Regulation (EU) No. 1011/2010 of the European Parliament and of the Council of 15 December 2010.* Canada went one step further to restrict Canadian visa-waivers only to Taiwan passports (1) containing an ID number; and (2) issued by the Ministry of Foreign Affairs in Taipei. This practice excludes all ROC passports issued overseas, therefore minimizing chances of admitting ROC nationals without citizenship. [↑](#footnote-ref-68)
69. The most recent one being a high-profile street protest organized by the Concern Alliance for Filipino Chinese on September 19, 2011, in which ROC compatriots born in the Philippines (holding only ROC passports) demanded that they should be entitled to enter Taiwan without a visa, be granted National Identification Cards and National Health Insurance Cards, and be provided with a more viable path towards naturalization. The demand itself betrays the bitter irony of their situation: one finds it curious that Taiwan passport holders should even be seeking rights to *naturalize* in Taiwan when they are, at least technically, already Taiwanese nationals. It seems that the process of naturalization is not only a token of loyalty required of foreign aliens; it is also an ideological burden levied upon internal political subjects deemed to possess qualities or experiences unfamiliar to the essentialized ethos of “us.” For these nationals who also need to *be naturalized*, their a priori claims to political belonging are always bracketed in skeptic ambivalence. For detail reportage on the September protest, see “Passport without Household Registration: Overseas Compatriots from the Philippines Have a State without Home,” Central News Agency. September 19, 2011. [↑](#footnote-ref-69)
70. See footnote 56 and 65 for two *Investigation Reports* released by the Control Yuan. [↑](#footnote-ref-70)
71. See Article 16 of the *Immigration Act*. [↑](#footnote-ref-71)
72. See “Nationality without Citizenship: Overseas Compatriots Are Made International Castaways,” Taiwan Lih Pao (台灣立報). October 21, 2010. [↑](#footnote-ref-72)
73. For more on British nationality, see White, Robin M. “Hong Kong: Nationality, Immigration, and the Agreement with China.” *The International and Comparative Law Quarterly* 36.3 (1987): 483-503. Print. [↑](#footnote-ref-73)
74. Britain, for example, allows its non-citizen nationals to register for full citizenship should they fail to obtain any other nationality. Most of these potentially stateless non-citizen nationals were colonial subjects in British Hong Kong, who after the handover in 1997 would lose all nationality status or residence rights. These people were made eligible for British citizenship in *the Borders, Immigration and Citizenship Act (2009*). [↑](#footnote-ref-74)
75. Hsieh, Martin. Personal Interview in Flushing, New York. March 15, 2011. [↑](#footnote-ref-75)
76. Short for Taipei Economic and Cultural Representative Office, Taiwan’s *de facto* consulate in America. [↑](#footnote-ref-76)
77. For the modern network of nation-states to function, everyone *must* be in possession of a nationality. For her use of the term, see Malkki, Liisa. “Refugees and Exile: From ‘Refugee Studies’ to the National Order of Things.” *Annual Review of Anthropology* 24 (1995): 495-523. [↑](#footnote-ref-77)
78. See Sassen, Saskia. “Spatialities and Temporalities of the Global: Elements for a Theorization.” *Public Culture* 12.1 (2000): 221. [↑](#footnote-ref-78)
79. See footnote 17. [↑](#footnote-ref-79)