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BROKERING MIGRATION FROM SOUTHERN CHINA

The income gap between rich and developing countries is still the most influential factor driving transnational migration. Although strict border controls and selection criteria have erected barriers, thousands of people who do not meet the requirements have reached their destinations, while even greater numbers would like to do so. As individual effort cannot ensure successful cross-border migration, its brokerage has become a profitable business.



Li Minghuan

My research focuses on Tingjiang, a rural region along the south-east coast of China known for decades as a source area of transnational migration. I have tried to trace how the current migration trend towards high income states began, developed and expanded. Undoubtedly, the migration wave has been the result of a combination of many interacting factors. Here I focus on migration brokerage, a key node in migration networks.

Emergence of brokerage

Tingjiang is at the mouth of the Min River. For as long as anyone can remember, young local men have been sailors. With the coming of modern shipping, many youths were employed by foreign shipping companies, and when their ships called at New York some sailors jumped ship to try their luck ashore. This was how people from Tingjiang began their lives in the United States in the first half of the 20th century.

Emigration was interrupted after the establishment of the People's Republic of China and condemned as counter-revolutionary during the Cultural Revolution. In the mid-1970s, when the Cultural Revolution was near its end, returned overseas Chinese and their families received permission to travel abroad if they could provide the required documents. Permission was severely restricted but emigration had become possible again; Tingjiang residents with relatives in the U.S. seized the opportunity. New regulations in the reform era allowed returned migrants, especially those who had family members abroad, to migrate once again.

As most applicants were unfamiliar with the necessary formalities, most applications were arranged by Chinese abroad. Some successful applicants were able to

obtain permanent residency upon arrival based on family ties or were granted work permits and settled down; others went to Hong Kong where opportunities were plentiful and wages much higher than in the PRC. News from the first emigrants was so encouraging that more followed. Only a small percentage of potential migrants, however, met the selection criteria. Many others needed help.

Helping people go abroad was first motivated by affection, friendship or sympathy, but as demand for help grew, it became a business. Relatives of overseas Chinese could more easily obtain passports and entrance visas, so some became brokers themselves, arranging transnational marriages and adoptions. Though this trend began with real marriages and adoptions, false arrangements soon appeared. As few could master the complicated procedures, it became a business for experts.

Sister Ping: illegal migrant to illegal broker

In June 2005, a series of reports in Chinese language media in the U.S. attracted the attention of Chinese immigrants and their relatives in mainland China. The reports concerned a woman on trial in New York, Sister Ping, accused of having amassed US\$40 million by smuggling Chinese into the U.S. and of involvement in the tragic death of dozens of stowaways.¹

Sister Ping (full name Zheng Cui Ping)² was born in a peasant family in Tingjiang and received only a primary school education. In 1974 she and her husband emigrated to Hong Kong; in 1981 she settled in New York's Chinatown as an undocumented worker. Nobody knows how she managed to get her green card within a year of her arrival. Ping started to help her relatives and friends emigrate. At first, in exchange

for her assistance, she received rewards of appreciation, but soon it became an open secret that 'it takes money to buy every step of emigration'. In Tingjiang in the mid-1980s, the quoted price for helping a person emigrate to the U.S. was US\$18,000. By the end of the 1990s, the price had skyrocketed to US\$60,000-70,000.

When Ping was just starting out, a new law boosted her business. The implementation of the Immigration Reform and Control Act enabled 2.7 million undocumented immigrants to obtain permanent residency status. Among the lucky ones were hundreds of Sister Ping's first customers. When this news spread in Ping's home region, she became a local heroine.

In the late 1980s Ping began renting and buying freighters to smuggle larger groups. According to online news reports, groups organised by Ping often included hundreds of people, and her largest group, according to what I heard during my fieldwork in Tingjiang, might have included 500 people. In June 1993 the world was shocked when 300 Chinese on board the decrepit freighter Golden Venture made an emergency landing during which 11 passengers drowned. Although Ping did not own the freighter, she had lent money to the owner and had helped in the overall planning. After the tragedy, Ping was one of the most wanted smugglers in the United States. But she used a fake passport and did not cease running her business until she was arrested at Hong Kong airport in April 2000.

From snakehead to tail: the migrant broker hierarchy

Unauthorised emigration brokers, dubbed 'snakeheads' by the Chinese state media, comprise a three-tiered hierarchy linking source and destination countries. At the top are the 'big

snakeheads': small groups (like Sister Ping's) who legally live abroad and use large sums of money to 'pave the way out' of China and into the destination country. They organise and expand transnational migration networks, take care of documents or facilities for clients, and/or bribe officials in China and elsewhere.

The middle tier is comprised of institutional brokers who often work for officially registered companies in the migration source area. Authorised to procure labour for export and assist participants in study abroad programmes and internationally contracted projects, these companies often provide training in languages, cooking, nursing, basic computer skills, job interviewing, document preparation and sometimes how to apply for legal status after arriving illegally. Clients pay for the training and upon completion receive a certificate which can be used to prove that the holders meet the immigration requirements of the destination state.

The bottom tier of brokers are local agents who act individually. They have connections with the middle tier but may also have contact with a 'big snakehead' through, as in Sister Ping's example, that snakehead's fellow villagers. Their task is to find potential customers and introduce them to companies or snakeheads. For each recruited migrant, the company or snakehead pays the local agent a commission ranging from a few thousand to tens of thousands of renminbi.

Hopeful migrants consider payment of the broker's fee an investment. The actual amount depends first on anticipated income in the destination country; the brokerage fee for expediting migration to the U.S. is always higher than for Europe. Second, it depends on the complexity of the services.

Most difficult, and thus most expensive, is acquiring official immigration status, but if the applicant agrees to go abroad as a contract worker to countries such as Israel or Kuwait, the charge will be lower. Third, it depends on the applicant's status. If the applicant is more or less qualified to meet immigration requirements, the fee will be lower. If the applicant needs to be 'trained' to qualify, the price will increase accordingly.

Since the late 1990s, the Chinese authorities have declared human smuggling illegal and local police have been hunting down smugglers. After the Dover tragedy in England, where 58 Chinese stowaways were found dead in a truck, dozens of snakeheads were arrested and put in prison. Many of those arrested, however, were at the bottom of the hierarchy; their direct contact with the victims meant they could be identified. Big snakeheads such as Sister Ping, however, often live abroad and possess several passports. Their criminal activities cannot be stopped without transnational co-operation.

The view from Tingjiang

On 16 March 2006, Ping was sentenced to 35 years in prison, meaning this 57-year old woman would spend the rest of her life in jail. Many Chinese immigrants in New York disagreed with the judgement. The commonly held opinion was that Ping 'is a good migration broker because she helped a lot of her co-villagers realise their dreams of upward mobility.' And, 'Only in the eyes of the American officials was what she did criminal.' The head of the Fujianese association in New York said, 'Sister Ping enjoys the best reputation among dozens of snakeheads. She did offend the immigration law of America. But from a moral perspective she is not a criminal. She is innocent.'³ None of the people I interviewed in

Beware of the data

The conclusion that smuggling is carried out by powerful criminal organisations is often based on government reports and official statements, whereas the conclusion that smuggling is carried out through looser social networks is often based on field interviews. Is one right and the other wrong?

Melvin Soudijn

Newspaper articles and government reports warn of 'snakeheads' who organize the journey from China to the West. These journeys can take weeks or even months, are sometimes dangerous and cost as much as €30,000. It takes migrants years to repay this debt, often by working in exploitative conditions. These statements together paint a disturbing picture: the smuggling of Chinese people is an evil business where migrants fall prey to powerful criminal organisations.

On the other hand, interviews with smugglers often show that they are not engaged in other types of crime. Transport is often provided through family networks and social contacts. Migrants themselves prove not to be hapless victims, but conscious users of services provided by smugglers. Following the famous military theorist Clausewitz, human smuggling seems nothing more than the continuation of migration by other means.

Contradictory findings about Chinese human smuggling can often be explained by looking at the kind of data used and the method of their collection. In general, there are two ways in which empirical data on Chinese human smuggling is collected: through government sources (eg, court files) and field interviews with (illegal) migrants and smugglers. The two methods have their particular advantages and disadvantages.

Analyses of court files provide insights into the organisational aspects of human smuggling. Statements by perpetrators, police observations, searches of persons or premises and conversations recorded on tapped telephone lines provide information on how smugglers work together. Nevertheless, researchers need to take a number of limitations into account. First, there is the question of how representative the subjects really are; the smarter smugglers may operate quite differently from those who get caught. Second, police observations can be incomplete, thereby painting a skewed picture; criminal bosses take precautionary measures, so relationship charts tend to be inaccurate. Third, data are collected for specific purposes, namely for investigation and criminal prosecution, not for scientific research. A lot of data relevant to social science research is therefore absent, such as suspects' backgrounds and motives.

Information on human smuggling can also be obtained through fieldwork, which entails interviewing smuggled persons or, better yet, the smugglers themselves. Zhang and Chin's 2002 study, for example, drew on interviews with 87 smugglers in America and China. The advantages of fieldwork are obvious: researchers obtain first-hand information. If interviewees can work without interpreters, they benefit from direct contact with respondents; with a sensitive subject like human smuggling, this can remove at least one potential barrier. But there are disadvantages, too. As with court files, it is never clear how representative willing interviewees really are, and smuggled persons usually have a limited view of smuggler's efforts to get them across borders.

Information obtained through court files and field interviews is rarely compared. Studies based on fieldwork generally do not use the conclusions of government reports, except to disown them. Sometimes government reports acknowledge the role of individuals or small networks in smuggling illegal aliens into the country. These reports, however, focus on more serious forms of smuggling, so-called *organised* smuggling, operations that are encountered (and duly combated) in large-scale police investigations. Field

research presumably misses these organisations as they are deemed unapproachable, which makes one wonder whether materials obtained through police investigations do indeed throw a whole new light on the subject. Fortunately, I had the opportunity to analyse just the kind of data likely to contain information on the more organised type of smuggler: Dutch court files.

Court files show many similar findings as those of field interviews: the involvement of women, the lack of central co-ordination, the importance of a good smuggling reputation and the lack of criminal diversity. But court files also provide new insights. In the Dutch case, most noticeable is the presence of non-ethnic Chinese and the cohesion of smuggling groups. Field studies often miss the presence of non-ethnic Chinese because, in general, they focus on the Chinese community, ie, ethnic Chinese smugglers. The Dutch police investigation, however, was able to observe non-ethnic Chinese and smuggling group cohesion because police closely followed the actions of several important organisers of Chinese smuggling for eight months or more. Even in the highly unlikely event that a field researcher would come across this type of smuggler, getting him to talk would likely prove extremely difficult, if not impossible.

However, the researcher should also be aware that court files generally do not address simple forms of illicit migration. This is to be expected, as smuggling via purely migratory-based, as opposed to organised crime-based ties is situated more on the unorganised end of the smuggling spectrum. Because certain 'invisible thresholds' of police practice come into play, the former are not easily investigated and brought to court. For example, interviews with government officials show that police investigations are more likely to be carried out if more than one smuggler is involved in more than one recent incident, while no sanctions were applied to those who fraudulently became guarantors of visa applicants. Officials stated in interviews that the cost of prosecuting such cases outweighs the benefits, as chances of conviction are slim and the punishments negligible. The result is that small-time smugglers (or so-called 'mom and pop' smuggling operations) are essentially absent from the court files.

This makes it perfectly understandable why official government reports stress Chinese smuggling as a highly organised criminal activity and overlook other, simpler methods of illicit migration, whereupon field interviews stress the involvement of family networks and social contacts and overlook other, highly organised criminal activity. Still, court files leave questions unanswered. Why do people go to certain countries? What is the role of family or kinship connections? Only fieldwork can fill these gaps. Therefore, it is not the case that the conclusion based on one source is right and the conclusion based on the other is wrong. Each comes to certain conclusions that the other by design cannot come to, let alone pursue. Neither do they necessarily contradict each other. In fact, court files and field interviews can be used in a complementary fashion to gain a more complete understanding of Chinese human smuggling. ◀

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often difficult to see the line between a smuggler (snakehead) and a legal agency dealing with the affairs of going abroad. Sometimes, legal agencies channel their clients illegally while undocumented brokers channel their clients legally.

Destination states have strengthened controls on immigration, but while governments desire talented people such as entrepreneurs and professionals, the market demands cheap labourers. Illegal migrants often hold the low-paying '3D' (difficult, dirty and dangerous) jobs that natives of high income states reject. Moreover, some high income states occasionally legalise employed illegal immigrants to uphold their legal rights, a possibility that tends to make such immigrants believe that their illegal status is only temporary.

Among Tingjiang residents, there is no doubt that the government has made great efforts to stop human smuggling. Severe penalties have been imposed, especially on snakeheads. Posters and pamphlets publicise the government's decision to crack down on human smuggling and urge villagers not to partake in it. However, successful Chinese returning from abroad, especially if they invest in or donate to their home region, are met with great honour. In the eyes of the migrants and their family members, 'being channelled to another country' is not a criminal act, but a worthwhile undertaking chosen by people who wish to make a fortune abroad but lack the legal entitlement. As long as migration is successful and the costs are acceptable, no one cares how the brokers deliver – what matters is the end result. ◀

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Ping's hometown regarded her as a criminal, though some maintained silence on the issue. One man told me Ping gave him a special discount for channelling his son to the U.S. because they were former classmates. 'She is always kind in responding to requests of help', he said. 'My son could not get into the U.S. without her help. I could not build this five-story house without my son's money.' When asked whether it was criminal that Ping had charged so much, one interviewee in Ping's hometown told me, 'It is reasonable because she needed money to buy the way for us. The money can be earned back so long as the person can get into the US.... All companies charge money for labour export. Only those who received money but did not send the payers to the destination state are criminal.' According to my research, this is the consensus among Tingjiang natives.

The people of Tingjiang evaluate transnational migration brokerage from three perspectives: first, whether the broker delivered the clients to the destination efficiently; second, whether the journey was safe; and third, whether the broker charged a reasonable fee. According to a local saying, it is more difficult to find the right broker than to borrow enough money to pay the brokerage fee. Taking these grass-roots principles into account, it is understandable that Sister Ping received the highest praise from her fellow villagers. According to Peter Kwong at Hunter College, focusing her business on smuggling Chinese makes Sister Ping a very capable business woman. He added, however, that praise from her compatriots cannot erase her criminal activities.

The attractiveness of working abroad – regardless of its legality – is the reward of high income for hard work. However, for the average person who is not qualified to meet the entrance criteria of destination states, upgrading one's economic status through emigration cannot occur without a broker's 'help'. If brokers are able to make emigration possible, they are socially accepted, and if their business is successful, they will even be admired. Brokers are indispensable for making transnational migration possible for average people.

Illegal but licit

The transnational migration industry in China has become institutionalised. To participants, the contradiction between official migration policies and practical labour needs in destination states transforms formally illegal transnational migration into acceptable (licit) practice. The whole process of brokerage exists in between legal and illegal realms, both in China and the destination states; while none of these states openly support illegal practices, their policies – wittingly or not – have contributed to illegal activity. From a broker's perspective, it is

Notes

1. The relevant reports can be found in various Chinese news websites. For instance: <http://www.fujianese.cn/news>; <http://www.chinapressusa.com/index.htm>.
2. In some English news reports the name has been translated as Chen Chui Ping.
3. Quoted from the relevant news report in *Qiao Bao* (China Press in USA), available online: <http://www.chinapressusa.com/index.htm>.