

BIBLIOGRAPHY ON THE TOPIC OF CHINESE PEOPLE TRAFFICKED INTO THE WESTERN HEMISPHERE

1. Papers and scholars' articles

1.1. Jennifer Bolz, Chinese Organized Crime and Illegal Alien Trafficking: Humans as a Commodity, available at

http://usinfo.state.gov/eap/Archive_Index/Chinese_Organized_Crime_and_Illegal_Alien_Trafficking_Humans_as_a_Commodity.html

This piece by Jennifer Bolz primarily focuses on the Chinese Triad gangs and their hold on the human smuggling activity.

As the Golden Venture disaster illustrated it, the Chinese illegal migration towards the United States is real. Indeed, Jennifer Bolz gives the figure of 100,000 Chinese aliens smuggled to the US every year.

The author describes the history and development of “triads” as secret societies since the Manchu Qing dynasty in the 17th century. Today, there are seven major umbrella organizations: the Sun Yee On triad, the Wo Group, the 14 K triad, the Luen Group, the Big Circle Gang, the United Bamboo Gang, and the Four Seas Gang. According to her, they have replaced the smaller “mom and pop” organizations in alien smuggling activities since the earnings are more important than in drug trafficking and penalties are less stiff.

She mentions that a trip from China to the US or to Europe can last up to two years and amount to \$35,000. For those who choose to fly to the US with forged documents, the price can increase up to \$45,000. The INS estimates that at least half to two-thirds of this price is profit.

As for the payment of the smuggling fee, although it is possible to pay everything before departure, most of illegal migrants do not have the money and pay only a small part of it. The rest is to be worked off while trying to send remittances back home. Migrants generally work in ‘slave-labor factories’, or perform illegal activities...Needless to say that the family in China can also be in danger.

Although traditional triads have their headquarters in Hong Kong, the most active groups in human smuggling are the Taiwan-based triads. Over the years, they have built some ties with the Taiwanese government but also with governmental institutions abroad: there are some scandals of bribery in Guatemala, Belize, the Caribbean region...

About 85% of Chinese illegal migrants originate from Fujian, a coastal region which rapidly developed. Starting with the unequal distribution of the fruits of the economic

development of China in the beginning of the 1990s, Bolz emphasizes that this mainly benefited the coastal region. Inside regions, mainly rural areas, did not take advantage of this growth. Unemployment for the less qualified also darkens the future of many individuals of the active population class. Corruption is another problem that Chinese have to overcome.

Triad organizations are a global threat to the West as they are difficult to infiltrate because of their complex structure. Bolz praise for cooperation between police officials of the different nations involved in the phenomenon, and first of all, having law enforcement officers specialized in Asian culture.

On the legal side, penalties for smuggling should be stiffened to deter snakeheads to continue the business. The Chinese government should ease the return of deported migrants.

1.2. Ko-lin Chin, The Social Organization of Chinese Human Smuggling, from "Global Human Smuggling: Comparative Perspectives" available at <http://usinfo.state.gov/utills/printpage.html>

Chinese people, especially Fujianese, began migrating to the States illegally in the late 1980s. This article by Ko-Lin Chin mainly discusses how the Chinese human smuggling operations are organized and who the main players are.

There exist different roles within the Chinese smuggling enterprise, including big snakeheads, little snakeheads, transporters, corrupt government officials in China and transit countries, guides, enforcers, support personnel and U.S.-based debt collectors. Usually, all those people in the smuggling ring belong to a family or an extended family or are good friends. The exact size of such groups is not accurately known and some state figures as low as 7 people organizing smuggling operations to numbers as high as 50 smugglers.

However, the author asserts that human smuggling is not closely associated to organized crime groups such as the triads, tongs, or gangs. Although like any other trade, human smuggling needs organization and planning, it does not appear to be linked with traditional "organized crime" groups.

The author points out that human trafficking relates to government corruption. There is no shortage of evidence that government officials, both within China and at various transit points, help to facilitate the clandestine movement of people abroad.

1.3. Ko-lin Chin, Quest for the "Good Life" Threatens Marriages of Illegal Aliens, July 2000, available at http://usinfo.state.gov/eap/Archive_Index/Interview_with_Kolin_Chin.html

In this interview with author Ko-Lin Chin, Jane Morse, a Washington File senior writer, focuses on how family relations are being torn apart as a consequence of the search for a wealthier environment.

Indeed, for many illegal Chinese aliens, life in the United States, far from their loved ones creates suspicion and loneliness, often leading to their marriages being broken. For this reason, immigration candidates should think thoroughly before taking the decision to come to the States.

Chin became intrigued with the phenomenon of Chinese illegal immigration after his first trip to Fujian, China in 1993. Right after the Golden Venture tragedy, Chin began his research in Chinese illegal smuggling sponsored by the National Science Foundation.

According to what Chin said in the interview, illegal migrants have to face two problems: Firstly, they have to pay off their smuggling fees, usually advanced by friends and family. Chin noticed that illegal Chinese migrants in the U.S. live an extremely horrible life to pay off their smuggling debts. The fees have increased from \$30,000 to \$60,000 in the following seven years since 1993. It will take four to seven years for them to pay off the debts. Moreover, the illegal migrants have to send remittances back to China to support their wives and children or save enough to pay to have them smuggled into the United States.

Secondly, they also have to face a marriage crisis in their personal life. Long separation only triggers suspicion.

Finally, Chin mentioned that the whole smuggling business is driven by money and social pressure, not by political persecution or desperation. Having family members in the United States is seen as a social success. People back in China will not seriously believe the hardship their relatives endured while in the U.S. Complaints are seen as a sign of laziness at the most.

1.4. Ko-lin Chin, “Smuggled Chinese: Clandestine Immigration to the United States”, Temple University Press, 1999.

In this book, Ko-lin Chin is giving a description of the different events a Chinese illegal migrant has to go through when trying to reach the United States.

When deciding to leave the country, a very risky journey starts for the candidates, possibly resulting in death. Smuggling activities are led by smugglers or “snakeheads”. A difference can be made between big snakeheads (investors/ arrangers generally living abroad) and small snakeheads (recruiters or debt collectors). To make more money, they sometimes sell clients among themselves. However, there is a mutual understanding that the migrant can be kept hostage if he does not pay the fee. For the author, Chinese human smuggling is not a form of organized crime but more a business.

Different routes are used to transport Chinese illegal migrants: the air route, which can last up to 100 days, the sea route, with very harsh conditions and possibly the scene of abuses, and the land route which includes stays in different transit points; all have different risks. Once arrived, migrants can still be at risk: kidnappings, sequestrations are recurrent nowadays.

If locked up in a safe house while waiting for their family to pay the smuggling debt, migrants can be victims of abuses and torture. This facet of the journey is mostly unknown from migrants when they decide to leave China.

Their experience in the so-called golden mountain is full of difficulties. Inability to communicate, homesickness, tough conditions of work, sometimes abuses, financial pressure, health constraints are just a few examples of hindrances encountered.

As final recommendations, the author calls for more education on the reality of illegal migration, as well as more freedom of travel for Chinese nationals. Improvement of China's political and economic conditions is also crucial in stopping human smuggling.

1.5. Ko-lin Chin, *Safe House or Hell House? Experiences of Newly Arrived Undocumented Chinese*, from "Human Smuggling, Chinese migrant trafficking and the challenge to America's Immigration Tradition", CSIS Press, 1997

In this piece, Ko-Lin Chin uncovers, through the results of the survey of 300 Fuzhounese illegal aliens in New York City, the real situation inside safe houses. Those basements or simple rooms located in Los Angeles, New York City, New Jersey are the scene of monstrous treatments inflicted to those Chinese undocumented aliens who decide to leave China for the Golden Mountain. Some estimate that at any given time, 30,000 Chinese are kept in safe houses around the world, waiting to enter the United States.

In order to ensure that the clients will pay the smuggling fees, they are increasingly locked up in safe houses while waiting for their relatives and friends (in the United States or in China) to settle the debt. Different factors influence the probability for a migrant to be kept in a safe house. For instance, Chin found that migrants who traveled by plane are less likely to be detained than those who traveled by sea or by land. The average time spent in a safe house is around 11 days, when the average grace period given to migrants to make the payment is a week.

Contrary to the common thinking developed by law enforcement officers, snakeheads do not allow migrants to work off their debt, instead they require immediate payment. In case they are not able to do so, migrants can be victims of abuses, torture, sometimes deaths and for women, rapes or forced prostitution.

1.6. Anthony DeStefano, *Immigrant Smuggling through Central America and the Caribbean*, from “Human Smuggling, Chinese migrant trafficking and the challenge to America’s Immigration Tradition”, CSIS Press, 1997.

Central America and the Caribbean have become an increasingly important region of source and transit for illegal migration. Chinese illegal aliens transit in Honduras, Panama, Belize, El Salvador, Costa Rica, Nicaragua, Cuba, Dominican Republic, U.S. Virgin Islands, and lesser Antilles in order to reach the United States. DeStefano considers the region as being the southern border of the United States. Although this smuggling route was being used since the 1980s, it was especially sought-after because of the more frequent vessels inspections triggered by the Golden Venture catastrophe. Other sea air and land routes were favored. In addition, the author mentions that by 1995, a US Department officer estimated to 10,000 the number of Chinese migrants being held in warehouses in Central America.

Corruption of governmental and immigration officers plays an important part in the Central American and Caribbean countries’ popularity as smuggling transit points. Countries as diverse as Mexico, Belize, Honduras, Panama, and Guatemala have tainted history of officials’ corruption.

DeStefano gives the example of Gloria Canales, a Costa Rican woman allegedly involved in the smuggling of ‘exotics’, i.e. Indians, Pakistanis, Chinese, by bribing Honduran immigration officers. She was arrested in 1995 as the result of an international cooperation (US, Honduras and Costa Rica) but this was tarnished by the subsequent arrest of Gerald Stuchiner, a US INS officer in Honduras.

1.7. Free the Slaves and Human Rights Center, *Hidden Slaves, Forced Labor in the United States* (Report) September 2004, available at http://www.hrcberkeley.org/download/hiddenslaves_report.pdf

This report provides an overview of the magnitude of forced labor in the United States from January 1998 to December 2003. The main highlight of this report is its estimates of at least 10,000 persons held in forced labor at any given time within the borders of the United States. This figure is based on the telephone surveys to 49 service providers, on the study of 105 incidents published in the press involving forced labor and in which the number of victims was reported and interviews of government officials.

The US government provides an estimate of the number of victims of severe form of trafficking based on the number of victims who have been assisted in immigration benefits, i.e. only 450 victims of severe form of trafficking from 2000 to 2003. Therefore, this number is unlikely to be accurate as many victims do not have access to those benefits. The US Department of Justice enumerates 14,500 to 17,500 people trafficked into the US each year as of 2003-2004.

Forced labor seems to affect 90 US cities as least. This human right violation is concentrated in states like Florida, California, Texas, and New York, destinations of international travelers and usually composed of large communities of immigrants.

According to the report, Chinese victims are the most numerous, followed by Mexicans and Vietnamese. Chinese victims of forced labor were found in 11 cases studied and represent about 10,000 individuals. However, governmental resources do not consider Chinese as one of the primary community of victims. It is believed that exploitation is perpetrated by members from the same community as the victims: forced labor is an intra-community phenomenon.

The economic sectors involved are as diverse as prostitution, domestic work, agriculture, sweatshops, restaurants, hotels, entertainment...

Besides international legal instruments outlawing forced labor and slavery, the United States has recently enacted its own body of legislation to combat forced labor. One piece of legislation, the Trafficking Victims Protection Act of 2000 appears to be a cornerstone as it recognizes the global scale of trafficking in persons. Nonetheless, many flaws and difficulties in application are to be found, like the dilemma in identifying the victims, or the lack of a multi disciplinary approach in enforcing the Act.

The report concludes that efforts on the law enforcement and training level as well as on the level of the access to social, medical and economic benefits still have to be made.

1.8. Guido Friebel and Sergei Guriev, Smuggling Humans: A Theory of Debt-Financed Migration, available at http://emlab.berkeley.edu/users/webfac/emiguel/e271_s04/271paper.pdf

This article by Friebel and Guriev develops a theory on human smuggling based on the influence of illegal immigration policies. Indeed, the authors state that today's illegal migration policies turning towards external enforcement (stricter border controls) and internal enforcement (stricter deportation policies) seem to have a crucial impact on the flow of illegal immigration. It appears that stricter deportation policies increase the flow of illegal migrants. Indeed, as the risk of deportation is higher, there are no incentives for the illegal migrant to step back into the legal side. This also increases the costs of migration as border controls are stricter. The service is more expensive and usually creates a debt for the poor migrant towards the smuggler or intermediary, materialized by a debt or labor contract. And as the authors mention, the latter are very similar to indentured servitude.

The article uses the example of Fujianese migrants as it is the category which offers the most available data on the topic. Usually the repayment of the debt, through work in a business associated with the intermediary who lent the money, is made between half to 4 years; the average time being 26 months.

However, the article emphasizes on the fact that the model developed in the article only applies to cases of voluntary and rational contracting between the migrant and the intermediary. In the case of the Fujianese, the authors believe that most of the cases are not human trafficking as the migrants usually know what is waiting for them once arrived: there is no deception or coercion. But it appears that even in the event of trafficking of persons, more lenient deportation policies should be preferred as it would not be the only option available to a candidate to immigration and would thus undermine the profitability of human traffickers' business.

1.9. Jack A. Goldstone, A tsunami on the horizon? The potential for international migration from the People's Republic of China, from "Human Smuggling, Chinese migrant trafficking and the challenge to America's Immigration Tradition", CSIS Press, 1997.

Jack Goldstone attempts to give some scenarios on the future of Chinese legal and illegal immigration in the wake of China's fast economic and population growth.

While still recognizing Mexico as the most important source of illegal migration to the United States, the article discusses the numerical progress Chinese illegal smuggling is currently making. Indeed, according to his interpretation of some figures, while Mexico sends 1 million of its nationals to the US per year, China, from 1987 to 1991 was deserted by 25,000 of its citizens.

The reasons for such a departure are various. Although people leaving the country are not the poorest ones, it is nonetheless due to reforms brought by economic development that the trend of migration is fueled. The economic opening of China had consequences on employment in agriculture, on government policy on land use and internal migration, and on the people's standards of success. Although the government tried to attract back the farmers who left the countryside for the city (a group called the floating population) with subsidies, it also developed restrictions to settlement in cities, which in return promoted illegal migration overseas of candidates to cheap labor.

The legacy of the Chinese model of socialist economy influenced the phenomenon of illegal migration abroad. Indeed, when the state-owned enterprises are in deficit and that the welfare state does not seem attractive anymore, working for a private foreign company or going abroad are the two options left.

Finally, the article details some interesting scenarios on the future of Chinese illegal migration to the US. Annual figures of illegal migrants from China to the US could increase from 130,000 to 200,000 by 2000 and from 200,000 to 330,000 by 2005. So if the quota of legal migration allowed by China remains 30,000 per year, then illegal migration will increase by 6 times in 2000 and by 10 in 2005.

With so fast-evolving figures, some scholars predict that Chinese illegal migration will surpass that of Mexico in a couple of years.

1.10. Marlowe Hood, Sourcing the problem: Why Fuzhou?, from “Human Smuggling, Chinese migrant trafficking and the challenge to America’s Immigration Tradition”, CSIS Press, 1997.

Marlone Hood presents his findings based on the interview of future migrants.

Fuzhou has always been a land auspicious to migration as the core of its population has always been sailors and maritime merchants. Estimates demonstrate that in 1996, Fuzhou had 1.5 million of inhabitants. This province of China has always been close to Taiwan and some Taiwanese born Chinese have specialized in illegal smuggling.

Fuzhounese are self-encouraged for departure abroad because of their own subjective vision of their future. The different possibilities offered to them are carefully weighted. For them, it is more worthy to go for adventure abroad as it would provide them 15 to 20 times more returns for the same work in China.

Wenzhou is the second source of migration from China mainly to Western Europe. Chinese official figures show that 240,000 Wenzhounese left China by the end of 1995. The author believes that a handful of networks based on stable command structure, though with loose and ever-shifting articulations are controlling Chinese smuggling operations. Also, it seems that the ever more restrictive deportation policies are not diminishing illegal migration but rather encouraging it.

Hood discovered 4 types of motives for migration. First, there may be higher wages and labor demand abroad. Second, the global economy system may favor migratory movements. Thirdly, family reunion can motivate transnational migration. Lastly, a culture of migration may be rooted within a certain category of population. In the case of Fuzhou, the most important factor remains the economic status of the family.

1.11 Huang Jie , The life behind Chinese snake people, April 2002, available at http://www.gmw.cn/content/2004-07/28/content_65026.htm.

In this book, Huang Jie examines the phenomenon of Chinese illegal aliens smuggled into the United States. The American Immigration and Naturalization Service provides that smugglers associations can earn as high as \$8 billion profit a year.

The attractiveness of the United States as a destination country for Chinese people resides in the fact that identity searches are rigidly framed, making smuggled people less likely to be controlled by the police. Once within the American borders, they are rarely arrested and sent back home: the United States is seen as a paradise for illegal migration.

The United States have more than 5,000,000 illegal aliens at present, with a growth of more than 270,000 each year. Chinese undocumented migrants constitute 200,000 of them. After they repay their smuggling fees, Chinese immigrants usually have to save

enough money to have their wife and children left back home, smuggled into the United States.

In 1980, censuses show that 800,000 Chinese people live in the United States. In 1990, the number increased to 1,600,000. In 2002, the figure reached 2,500,000. This means that the average growth rate is of 17% per year.

There are different views regarding the question of how many people illegally immigrate to the United States each year: according to an Immigration and Naturalization Service report, there are around 25,000 illegal Chinese coming to the USA annually. According to the estimates of Dr. Ko-Lin Chin, 50,000 Chinese cross the American borders; for the former CIA President James Woolsey, the figure is 100,000. But Chinese Public Security officials estimate that there are approximately 30,000 to 50,000 people smuggled into the United States each year.

1.12. Human Rights Center, Freedom Denied: Forced Labor in California, February 2005, available at <http://www.hrcberkeley.org/download/freedomdenied.pdf>

The report highlights that at any given time there are at least ten thousand individuals in the United States, most of them foreign nationals, who are subject to forced labor for periods between two and five years.

The U.S. Study found that between 1998 and 2003 incidents of forced labor had been reported in at least 90 American cities. The largest group of victims were Chinese (approximately 10,000); Mexican (approximately 1,500); and Vietnamese (approximately 250). Seventy-one victims were U.S. citizens.

The problem of forced labor is not new to California. With 57 forced labor operations identified, involving 500 persons from 18 countries, in a dozen of cities of California between 1998 and 2003, California's modern day slaves work in prostitution, domestic services, as well as sweatshops and agriculture.

In this research led by the Human Rights Center, 4 out of the 57 cases studied involved Chinese victims of forced labor, representing 7% of all the cases investigated. Those cases of forced labor concerned approximately 20 Chinese nationals, i.e. 3.6% of all the victims identified.

1.13. Peter Kwong, Impact of Chinese Human Smuggling on the American Labor Market, Excerpts from "Global Human Smuggling: Comparative Perspectives", available at http://usinfo.state.gov/eap/Archive_Index/Impact_of_Chinese_Human_Smuggling_on_the_American_Labor_Market.html

Peter Kwong deals with the link between Chinese illegal aliens heading to the US and the specific features of the American labor market.

While at least 100,000 Chinese are being smuggled into the United States each year, it is believed that this business generates \$3, 1 billion. The reason of the development of this fast pace activity is explained by the fact that the migrants will upon arrival be able to find a job to pay off the debt contracted for their journey. However, employers will hire them only if their services are cheaper and if the benefits demanded are merest.

Most of the migrants come from the city of Fuzhou (in the Fujian province) and from the harbor city Wenzhou (in the Zhejiang province).

The use of violence, torture, and sequestration in safe houses are common tools at the hands of smugglers to speed up the payment of the smuggling fee. Sometimes, when the illegal migrant cannot pay, they become slaves to the enforcers, by working for a gang or in affiliated business.

Illegal migration for Chinese is also achieved in a familial perspective as the most capable young individual is sent abroad with the final goal to bring everybody there. In their process to choose the clients they will provide their services, they emphasize on two main qualities: the ability to pay the journey and the ability to keep silence. The family back in China knows that the life led abroad is harsh but it does not suspect practices such as torture. For them, if the relative does not succeed over there, he is perceived as useless.

If some figures show that each year between 1991 and 1994, 25,000 Fuzhounese migrants illegally entered the United States, the current period is one of “saturation point”. Indeed, the smuggling fees are increasingly important and migrants do not have the means to pay their debt. In the face of such a decline in the smuggling activity, snakeheads try to “squeeze more out of the illegals and of their relatives by force”.

For this reason, Kwong compares the Chinese illegals to modern day coolies: trapped by the threats uttered by the snakeheads, undocumented Chinese are in a situation of “virtual indentured servitude”. Working in very difficult conditions in the construction, garment, and restaurants trade, they usually have very low pays if any at all. This widespread practice has sometimes entailed legal actions against the employers.

Labor law in the United States is not effectively enforced, which causes Chinese employers to be more daring in committing abuse whereas the penalties incurred are not that important. According to Peter Kwong, the problem is not the inefficient immigration control and policy, but rather a problem of ineffective enforcement of existing labor law. “It is essentially a labor and not an immigration issue”.

1.14. Ling Li, Mass migration within China and the implications for Chinese emigration, from "Human Smuggling, Chinese migrant trafficking and the challenge to America's Immigration Tradition", CSIS Press, 1997.

1.15. Zai Liang and Wenzhen Ye, From Fujian to New York: Understanding the New Chinese Immigration from "Global Human Smuggling: Comparative Perspectives," edited by David Kyle and Rey Koslowski, The Johns Hopkins University Press, 2001, available at http://usinfo.state.gov/eap/Archive_Index/From_Fujian_to_New_York_Understanding_the_New_Chinese_Immigration.html

This piece from Liang and Ye discusses the case of Fujianese immigrants to the US. The Golden Venture brought national awareness to this underworld phenomenon of migrants smuggling. Chinese immigration to the United States has started since the mid-19th century. Today, migrants would pay around \$47,000 for this journey. The political (especially the one child policy), economical (poverty) and social situation are the main reasons for immigration. However, for people from Fujian, an economically well developed coastal region of China, a further factor resides in the long tradition of immigration.

The new wave of Fujianese immigration, composed mainly of rural peasants, has replaced the former one from the province of Guangdong. Some assess their presence to 100,000 in New York City. Fujianese immigration mainly targets places like Japan, Taiwan, Australia, and the United States.

A long tradition of migration can be found in the Fujianese history. High population growth, difficult living conditions due to the mountainous region helped to enhance this trend. Contrary to the common belief, Fujianese are not fleeing their region because of poverty, but because they suffer from "relative deprivation". Instead of assessing their welfare in accordance to their material possession, they are comparing their situation with others from their own community. Indeed, going abroad is seen as a criterion of social success. Most of the migrants are from 20 to 34 year-old, and have achieved at least junior high school education.

According to the authors, snakeheads are transnational organizations much more sophisticated than simple Mexican "coyotes". They are believed to have bases in Taiwan. Different strategies are used for smuggling activities like fake documents, travel to transit countries by foot, or travel on old freighters.

1.16. Ramón Mon, Mecanismos de la adaptación psicológica y procesos de integración de los inmigrantes Chinos, Escuela de Psicología, Universidad de Panamá, 2002.

In this paper, Mon offers a description of the social status of Chinese Panamanians as well as the psychological patterns common to Chinese migrants to Panama.

If Chinese migration to Panama started in the middle of the 19th century with the coming of the Panamanian railroad workers, their ongoing presence and arrival are less accepted in the beginning of the 20th century, as the enactment of the 1904 Act prohibiting the immigration of Chinese, Turkish and Syrian shows. In the 1950s and 1960s, the Chinese migratory current had slowed down, mainly because of the Chinese communist regime in 1949.

There have been 5 generations of Chinese Panamanian since 1850. The current wave of Chinese migration from 1980 to 2002 is the most numerous one. The latter group mostly arrived without papers or with fake visas and passports on the isthmus and could be as numerous as 20,000. They would pay around \$5,000 for a tourist or investor visa and about \$10,000 for the transfer from Panama to countries as diverse as the United States, Canada, Mexico, and Guatemala. In 1990, a raid to expose illegal aliens from the People's Republic of China led to many abuses like illegal searches, and illegal detentions.

Finally, some Chinese mafia groups specialize in sequestering and extorting money from migrants. It is believed that those illegal migrants are requested by Chinese Panamanian businesses which make them work in servitude like conditions for about 3 years, generating around \$30,000 in work.

The violence suffered by Chinese migrants is individual, collective and institutional (illustrated by the price paid to have false documents). They are often victims of insults, attacks, sequestration, and extortion....

Also, their integration into the Panamanian society either by changing their group's features or by changing their environment had many consequences on the group's psychological well-being. Many Chinese Panamanians are affected by depressive signs.

1.17. Willard H. Myers, *Of Qinqing, Qinshu, Guanxi, and Shetou: The Dynamic elements of Chinese Irregular Population Movement*, from "Human Smuggling, Chinese migrant trafficking and the challenge to America's Immigration Tradition", CSIS Press, 1997.

Through the interviews of 4000 smuggled Fujianese migrants, encounters with law enforcement officials in the United States, Canada, Europe, Hong Kong and Australia, and the study of cases given media exposition, Myers draws a broad picture of the evolution of the situation of Chinese human smuggling.

One characteristic of Chinese illegal migration resides in the system of duty and care derived from kinship and non-kin dyadic relationships. There is a strong sense of mutual obligation which enhances assistance for immigration from one another. In this migration

scheme, the author distinguishes 3 phases: first, the migration is an economic one where the young male of the family is to leave home to achieve economic success. The second phase is a purely immigrant one: the seed is planted abroad and the close family is to come. Finally, the migration is a relational one: help is provided to those who benefit from an obligatory bond.

The human smugglers or shetou, went from 'mom and pop' operations to large but flexible networks. Taiwanese have a strong hold today on the smuggling activities by developing diplomatic relations with many Central American governments. The division of labor was very clear: Taiwanese were in charge of transportation services (thus taking the largest part of the profit) and Fujianese were debt collectors and working closer to the clients. In May 1990, a Taiwanese consortium found a new idea to transport large number of migrants: by using refitted cargos, 100 to 150 persons could be carried at the same time.

According to the author, the modern era in Chinese illegal immigration started with the Immigration Reform and Control Act of 1986. This piece of legislation and the following ones led to the arrival from 1990 to 1993 of about 100,000 Fujianese per year. The smuggling business found its heyday in 1992-1993, when air migration was in full bloom at the cost of about \$50,000. The favorite transit countries used were Thailand (the eastern terminus) and Guatemala, Belize (the western terminus).

In 1994, the migratory trend slowed down to about 5000 new entries per year. In order to continue their business, shetou had to replace their client base. They found a potential clientele in the Wenzhounese (Zhejiang province) who had similar social and resources structures to Fujianese but who usually favored Europe. Since 1996 and 1997, another turning point in the evolution of Chinese illegal migration has been reached: unlawful migratory waves multiplied again and were composed of aliens from regions as diverse as Fujian, Zhejiang, Sichuan, Hunan, and Anhui.

1.18. Kay Pih, Transnational Asian Organized Crime: A Critical Assessment, available at http://critcrim.org/newsletter/13_1_files/Page456.htm

This paper by Kay Pih mainly focuses on the political construction of "Asian organized crime" and academic assessments of Asian criminality within the United States.

Pih casts some light on a common stereotype: Asian organized crime is not necessarily materialized into criminal organizations, because "organized crime" does not have any permanent structure or membership. The involvement and cooperation could be temporary and can dissolve after the transaction is completed. Furthermore, Asian criminal organizations are not necessarily transnational in nature.

Using the studies done by Sheldon Zhang and Mark Gaylord in 1996, by Zhang and Chin in 2002, Pih stated that human smuggling rings are highly contingent and temporary in nature with no evidence of triad or other criminal organization involvement.

1.19. Paul J. Smith, Chinese Migrant Trafficking: A global Challenge, from “Human Smuggling, Chinese Migrant Trafficking and the Challenge to America’s Immigration Tradition”, 1997, CSIS Press.

This piece written by editor Paul Smith is an introduction to the basic facts surrounding Chinese smuggling. After detailing the horrible conditions of the dramatic Golden Venture episode in 1993, he analyses the consequences of such a tragic event. Indeed, 55 of the original 300 passengers were imprisoned, 80 were freed on bond, 99 were deported back to China, and 30 received political asylum. This catastrophe changed the American government and society’s views on the topic of immigration: Clinton’s administration ordered new responses to the Chinese smuggling issue, involving military and intelligence forces to stop freighters of illegal migrants. Legal changes were included as well: asylum applications were made more restrictive and the crime of human smuggling was punished by tougher penalties. The public was re-thinking the costs of their long tradition of immigration.

However, the Golden Venture was only a prologue: although the number of intercepted cargoes decreased right after the tragedy, Chinese smuggling was not disappearing; it was just using other routes and methods, such as air travel with forged passports or transit points in US neighboring countries. Indeed, Canada and Mexico were the new US borders. Also this phenomenon of Chinese human smuggling spread to or was already common in Europe, East Asia, Africa and South America.

In another section, Smith describes the constitutive elements of human smuggling while using interchangeably ‘smuggling’ and ‘trafficking’. The voluntary but illegal movement of an individual across international borders, made thanks to a facilitator who receives payment for its service, constitutes smuggling. However, there are cases where smuggling is coupled with infliction of abuses.

Uneven distribution of the fruits of China’s economic development, mass unemployment, and growing social and political factors such as decentralization and corruption seem to be the principal factors pushing Chinese people out of their country.

Finally, the issue of Chinese smuggling does affect China’s relationships with neighbor countries and the US. While in Asia, the fear is explained by a “peaceful absorption” of adjacent territories, for the US, the problem lies on the correct attitude to have in coping with the phenomenon: while desirous to help Chinese political refugees or business men seeking free market conditions, the US government is extremely cautious not to be trapped in its own ‘benevolence’. Illegal immigration of Chinese to the US is or will soon be a priority issue to be addressed by both countries.

1.20. Kenneth Yates, *Canada's Growing Role as Human Smuggling Destination and Corridor to the United States*, from "Human Smuggling, Chinese migrant trafficking and the challenge to America's Immigration Tradition", CSIS Press, 1997.

Kenneth Yates, a Metropolitan Toronto Police Service officer, focuses on the role of Canada in human smuggling. Since the past decade, i.e. the end of the 80s, Canada has become a destination and transit country for illegal migration from East Asia.

Although the United States are still the principal country of destination, many consider Canada as good alternative: its system of social assistance and its free medical care are significant appeals. Moreover Canada does little to repatriate illegal migrants.

As to the routes used to travel from China, the author emphasizes on the crucial role of Thailand, especially Bangkok as a dispersal point, with Cambodia more recently playing the same part. Routes through Europe, Central and South America are more and more developed.

Canada has been seen as applying an 'open door policy' as it is a signatory of the 1951 Convention on Refugees which does not allow asylum claimants to be expelled. Knowing this, smugglers would give instructions to their clients to fit into this category. Indeed, they would urge illegal aliens to destroy their travel documents in the plane, or to claim asylum upon arrival even with false document. The asylum procedure is thus launched: the migrant is made to promise to appear at an immigration hearing, what most of them do not do.

But once in Canada, the journey is not over, as the final goal is generally to cross the US borders. In order to come closer to the golden mountain, migrants have to pay smuggling fees. They are kept in safe houses while waiting for their relatives to make the down payments if they are not able to do it themselves. They can be locked up for weeks or months, and are often beaten.

In 1990, an international law enforcement investigation led to the arrests of snakeheads in Toronto and Hong Kong. This group is at the origin of the smuggling of more than 1200 illegals, who mainly decided to stay in Canada. Two year after their arrival, a large part of those migrants were registered for a felony conviction. The limited resources of national police allocated to fight transnational crime like smuggling depicts another problem of law enforcement, along with the small penalties incurred for smugglers. The author concludes with some policy recommendations specific to Canada (for instance the share of the burden of fight illegal migration between federal jurisdictions and provincial ones) or more general ones, like international multi-agency anti-smuggling task forces, or the need to convene an international conference on Asian migrants smuggling.

1.21. Ye Rong Qun, Investigation report on Human Smuggling in Fujian, Fujian Academy of Social Science, September 11, 2004, available at http://fass.net.cn/fassNews/fass_readnews.asp?NewsID=42

Illegal immigration is a severe global problem, mainly explained by the economy gap between developing countries and developed countries.

According to some statistics, there were 5,000,000 illegal immigrants in the United States in 1999. 60% of them came from Mexican and Central American countries. Only a small part of them was from China. But Chinese illegal immigrants are more and more numerous and tend to originate from the coastal cities in Fujian province.

Some recurrent methods are used to smuggle Fujianese out of China. For instance, in order to escape the inspection of the Public Security Bureau, the illegal migrants would depart China from coastal cities in Guangdong, Zhejiang, Shanghai instead of Fujian. There are three 'push' factors for Fujianese to go abroad: their traditional inclination towards travel, unequally benefiting economy and cultural reasons.

Big snakeheads are those Chinese, often living outside of China, investing money in a smuggling operation and supervising it. They are usually not known by those being smuggled. Little snakeheads live in China and work as middlemen between big snakeheads and customers. For this reason, Public Security officials are more successful in capturing little snakeheads.

The People's Court in Fujian ruled over 258 smuggling cases in 1999, with 475 persons involved. But only 97 of them were sentenced to imprisonment for more than two years.

Snakeheads use two main routes to transport snake people abroad: the sea and the air routes. The sea route is composed of three major steps. First, little snakeheads recruit candidates to illegal migration and collect the down payments. In the second phase, smuggled people are informed of the time and place of departure (they usually wait in hotels). In the last phase, customers are sent in small ships to bigger cargos, waiting in the open sea. Once onboard, snakeheads are in total control of the illegal migrants.

1.22. Gao Yun, Chinese Migrants and Forced Labour in Europe, Working Paper of the ILO, July 2004, available at http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=4416

In this paper, Gao Yun gives a detailed and analytical assessment on the situation of Chinese illegal migrants in Europe and its subsequent labor exploitation. She starts by stating that human smuggling and human trafficking should be distinguished by the fact that the latter is, besides encompassing the smuggling or illegal migration element, characterized by the forced labor component, i.e. by the forced integration into the destination country's labor market.

While arrived in Europe, Chinese migrants enter the Chinese diaspora economy, meaning that usually, they are forced to work in business of their own ethnic community. Migrants from different parts of China are interested in going to Europe: the recent waves from Fujian, usually reaching for South East Asia and North America, and Dongbei, and the ongoing migration from Zhejiang (where the city of Wenzhou is located) constitute the main Chinese migratory sources to Europe. Those migrants have to repay the debt contracted in order to leave their country. They usually start with the “3D” jobs: dangerous, dirty, and difficult jobs, which are generally accompanied by low wages and long working hours. Their conditions of living are also very harsh. The whole model can be compared to a contemporary form of debt bondage.

Chinese victims of forced labor are affected by different types of vulnerability: because of the lack of language skills, of legal status, the fear of repression, and the legitimate or illegitimate debt, the migrant does not have the choice of employment and can difficultly aspire to better conditions of living, at least for a certain time. Indeed, although only a few achieve this goal, some migrants manage to go from ‘slaves’ to ‘entrepreneurs’.

It is not certain whether employers and traffickers are involved together in this inhumane traffic. Employers could be simple beneficiaries of cheap labor or could as well be directly working with traffickers.

Even though provisions in the Chinese law criminalize some aspects of trafficking and forced labor, law enforcement operations are still very limited. Consequently, Gao Yun concludes her paper by recommending a greater focus on the forced labor side of the trafficking phenomenon and a closer cooperation between Chinese authorities and destination countries.

1.23. Gao Yun, Chinese Migrants and Forced Labour in Europe, ILO working paper, July 2004

This piece by Gao Yun is focusing on the human trafficking and forced labor of Chinese migrants in France through the testimonies of Chinese immigrants, institutions and associations.

Through a few case studies, the forced labor side in this Chinese illegal migration phenomenon is being unveiled as well as the methods used to recruit potential workers.

The main goal of this report is to sensitize countries and the public to this global issue and push for the establishment of a dialogue between China and European countries.

Although Chinese immigrants, including southeast Asians from Chinese descent, constitute the biggest category of immigrants in Europe, in France, they are only a small part of the total immigrant population (4,4 %, i.e. between 170,000 to 200,000 in 2004%). In 2003, 5330 Chinese applied for asylum in France. However, it is difficult to

have an accurate number on the presence of Chinese illegal migrants. Some scholars count 50,000 Chinese illegal aliens.

The study points out that different socio-economic factors can explain the expatriation of thousands of Chinese: unemployment, “family chain” migration, faster economic enrichment in western countries.

Currently, migration from urban parts of south Zhejiang is outnumbered by migration from rural parts. Also, migration from Northern China (Dongbei, Shandong, Guang Xi, Jiangsu, and Henan), mainly constituted of women, is increasing.

The smugglers are either under the form of individual groups or can be intermediary companies providing business visas. The recruitment is ensured through friends or through small ads posted in public places. In 2004, people from Wenzhou were to pay between 13,000 and 22,000 euros to go to Europe. For the US, the fees would amount to 39,000 to 66,000 euros. Those prices include the transportation, the housing, and food.

Most of candidates for migration know what dangers they may have to face during their journey (extortion, kidnapping, attacks by strangers, starvation..).

Smugglers, also known as snakeheads, are generally seen as being part of triads or organized crime groups, though no evidence proving this thinking has been shown and though there is no official evidence of Chinese mafia. However, specialists in Chinese triads have reported that each triad has a particular expertise and use specific routes for their smuggling activities.

The risks supported vary according to the methods used to travel. The travel by plane is the most secured one, the “parachute” way consist in having a real passport but with a false visa for Europe and the most dangerous one is the “pa shan” or travel on land. The latter entails different transportation means like car, bus, boat... Migrants traveling by this method are subject to natural disasters, diseases, smugglers’ violence and dangers of the regions (like those at war). They are often kept in “ya zi lou” (literally, buildings for ducks) in transit countries when waiting for passports to be ready.

The fear of being deported or arrested is at the source of Chinese migrants’ isolation. Besides, they do not speak French, a fact that furthers their fear of going out of their environment.

Some candidates are able to pay the whole amount before departure but many have to contract a debt. In some cases, smugglers contact the families to make them pay the first smuggler. In other cases, where the migrant is not able to pay, he has to work for years at the service of an employer who removes a certain amount from the monthly salary. Sometimes, the migrant is required to work directly for the smuggler as a member of the gang.

The authors then mark the link between the debt contracted with the travel and the obligation to work. It is in order not to be sequestered for holding a debt that Chinese migrants work. They also take care of saving money to send remittances back home. It takes between 3 to 10 years to reimburse the debt contracted on the French minimum legal wages index (though the migrants' salary is probably less).

There are different sectors within the economic and ethnic niches of present Chinese community where Chinese migrants usually work. In the garment sector, the migrant works 15 to 18 hours a day and earn 310 to 460 euros a month. When not able to use a sewing machine, migrants are employed in restaurants, on construction sites, and in supermarkets. This indebtedness is believed to encourage forced labor.

Chinese migrants are victims of many crimes. As they are not able to go to the police, they constitute an easy prey for robberies especially on the pay day. Since a few years, more and more isolated minors cross the borders of Europe. In France, minors cannot be expelled.

Strengthening border controls did not lead to a decrease of illegal immigration. On the contrary, smuggling networks were more sophisticated and efficient while the costs of the service are being increased.

In the French legislation, smuggling and exploitation were being punished separately until the March 18, 2003 law on human trafficking. Even though China has doubled its efforts in the 90s to punish smugglers and prevent illegal migration, there is still much to be done.

While efforts should be made to train law enforcement officers to human trafficking issues, and to compensate victims of exploitation more rapidly, some actions should be taken to fight the problem at its sources. Indeed, specific sanctions and measures should target exploiters and full application of labor standards should be achieved in Chinese economic and ethnic niches. Finally, campaigns to sensitize to illegal immigration should be launched as urged by the Palermo Protocol. Indeed, it seems that illegal migrants do not know about the conditions of their future life and work in France.

1.24. Zeng Liu v. Donna Karan Int'l, Inc., 207 F. Supp. 2d 191; 2002 U.S. Dist. LEXIS 10542

The Donna Karan International asked, as part of its defense, the plaintiff, a former worker of one of its subcontracting clothing factories, to discover its immigration status. Such a request was denied by the judge of the District Court for the Southern District of New York, mainly because it is irrelevant to the case and because it could hurt the plaintiff.

1.25. Sheldon Zhang and Ko-lin Chin, Characteristics of Chinese Human Smugglers, USDOJ Research in Brief, August 2004.

In this report, Sheldon Zhang and Ko-lin Chin address the main players in smuggling activities: the smugglers themselves.

Throughout their research, they found that most of smugglers were ordinary citizens, with very diverse backgrounds. Instead of seeing themselves as criminals, they think that they are doing business, providing a “valuable service” to Chinese people who cannot leave China legally.

One limitation recognized by the authors is that they were not able to show a link between smugglers and traditional criminal organizations. Smugglers did not appear to be organized in a sophisticated network, nor having a strict hierarchy system and most of them were part of a group of no more than five persons. As their research was based on referrals from known contacts, they may have interviewed only the smugglers within a close sphere. They believe that even if those criminal organizations were to be involved in smuggling activities, they would only play a secondary role.

The Chinese snakeheads are present both in China and overseas, among the Chinese diaspora. Some are restaurant owner, car salesman, waiter/waitress, taxi driver, housewife...About one third of the 129 snakeheads interviewed were small business owners, and another third saw themselves as unemployed, though they were actually more self-employed. Most of them were male with high school education or less. They were 30 to 40 year old and married. Most were in a regular immigration status at the time of the interview though they may not have entered the US legally. Finally, most of them entered the business through connection in close friends or family circles. Their primary motive in getting involved in smuggling activities was to make money, helping friends or family only came second.

Different policies should be set up though the prevalent sentiment in the Chinese society about smuggling is not that of a criminal issue. First, action has to be taken to prevent and suppress public officials' corruption. Also, law enforcement efforts should concentrate on targeting specific networks or individuals part of the smuggling enterprise. The current war on terrorism reforms on internal and border security may play a favorable role for tougher actions on human smuggling.

1.26. Sheldon Zhang and Ko-lin Chin, Enter the Dragon: Inside Chinese Smuggling Organizations, NIJ Journal No. 248, 2002: 35-36., available at <http://www.ncjrs.org/pdffiles1/jr000248f.pdf>

Zhang and Chin point out through this paper that Chinese illegal migration to the United States has occurred for decades, but not until recently, did it receive public attention. There are three main characteristics in Chinese human smuggling:

First, Chinese smugglers, or snakeheads are all ordinary citizens, such as small business owners, housewives, handymen, taxi drivers... Rarely are they members of an organized criminal group.

Second, Chinese alien smuggling is not an organized crime activity. On the contrary, small groups of snakeheads will temporarily join together for a specific task and then dissolve after that task is completed.

Third, members of the smuggling rings are unfixed and changing. Thus, the smuggling organization can easily hide their operations from law enforcement institutions.

Zhang and Chin conclude that nowadays, Chinese smuggling rings use a lot of other means to transport their human cargos, such as container ships, air routes, fake documents such as tourist visas, fake marriages, and transit countries routes.

1.27. Sheldon Zhang and Ko-lin Chin, Chinese human smuggling in the United States of America, Forum on Crime and Society (a United Nations official journal) Vol. 1, No. 2, December 2001: 31-52., available at <http://www.unodc.org/pdf/crime/publications/forum1vol2.pdf>

The main idea of this article is that smugglers of Chinese illegals are not organized in famous triads criminal groups but are rather “ordinary citizens whose family networks and fortuitous social contacts have led them to take part in a profitable trade in shipping human cargo around the world.”

After reviewing the current knowledge about this business (especially the findings from two empirical studies in the late 1990s), Zhang and Chin go on assessing the current trends and changes in the smuggling trade. After the turning point in 1993 with the Golden Venture incident, smugglers would use more peripheral routes to unload human cargos. The air route was more developed; allowing the illegals to ask for asylum once in the United States. The origin of Chinese migrants has changed as there are more and more migrants from Wenzhou (in the Zhejiang province) and migrants from Northern China. Furthermore, new comers share the common feature of being well-educated and well-off. Finally, smuggling fees have increased from around \$30,000 in 1993 to \$60,000 in 2000.

Smugglers do not see themselves as criminals, but rather as service providers, while “doing something positive for China”. It is believed that the number of existing smuggling networks would be around 7 or as much as 50. The down payment usually asked for would be around \$3,069. A candidate to illegal immigration would generally have to wait for a month or more and can transit in as much as 9 different countries such as Hong Kong, Thailand or Bolivia. Usually, the travel to the final destination would last around a hundred days.

According to the authors' findings, those groups of smugglers are small and are not part of larger criminal organizations like triads, as it is commonly believed.

As a conclusion, the authors present some recommendations for future research and policies. Indeed, the organizational and operational characteristics of the Chinese human smuggling are not very well known. The phenomenon of illegal human smuggling adds new pressures on the United States law enforcement strategies, community planning, social services, immigration control, and the domestic labor market. Those aspects should not be neglected when conceiving new policies.

2. Official reports

2.1. United States Department of Justice, Garment Factory owner sentenced to 40 years for human trafficking, 2005-06-23

The US Department of Justice announces the largest human trafficking prosecution it has ever led. Kil Soo Lee, the former owner of a garment factory located in American Samoa, was convicted in 2003 for numerous federal criminal violations, including involuntary servitude of over 200 Vietnamese and Chinese immigrants, extortion, and money laundering. He was sentenced to 40 years of prison.

The laborers recruited from China and Vietnam were asked to make a down payment as high as \$8000 in order to secure the job in the Daewoosa factory. The workers, mainly female, were subjected to extremely harsh conditions and under paid. Lee and his henchmen used threats of deportation, food deprivation, and physical violence against the workers to ensure obedience.

After 2 other accomplices of Lee were convicted in January 2004, Kil Soo Lee was the last but not the least one to be prosecuted.

More and more trafficking in persons cases are being examined by the Justice Department. Since January 2001, it has opened 400 investigations and prosecuted 215 traffickers.

2.2. United States Department of Labor, Chinatown garment operators sentenced for making false statement to federal investigators, News Release, September 7, 2000 available at <http://www.dol.gov/esa/media/press/whd/ny186.htm>

On Tuesday September 5, 2000, three Chinatown garment shop operators were sentenced in Manhattan Federal Court for giving false statements to Department of Labor

investigators about the number of hours worked by their employees, the wages paid, and the methods used to pay them. They were charged with violations of the Fair Labor Standards Act such as non compliance with minimum wage, overtime, and recordkeeping requirements. They were asked to pay restitution of unpaid wages, were fined, and were sentenced to probation.

2.3. United States Department of State, Trafficking in Persons Report 2005, Cases of China, and of other countries for which it is explicitly mentioned that some Chinese are being trafficked to (Belize, Brazil, Costa Rica, Panama, Suriname, Uruguay, Venezuela), available at

<http://www.state.gov/g/tip/rls/tiprpt/2005/>

The US Department of State, Trafficking in Persons Report 2005 explicitly mentions 7 countries of the Latin American and Caribbean region involved in the human trafficking of Chinese. Belize, Panama, Suriname, Uruguay, Brazil, and Venezuela are believed to host Chinese trafficking victims, involved in forced labor in reason of debt bondage. The report even says that Costa Rica have Chinese victims of sexual trafficking.

3. Newspaper articles

Articles on Sister Ping's trial

3. 1. Mistrial in Golden Venture case, New York Times, June 29, 2005.

Judge Michael B. Mukasey in the Ping case declared a mistrial when the jurors failed to reach a verdict on the hostage-taking count after 2 weeks of deliberation.

3. 2. Robert Gearty, Jury hits an impasse on snake hostage rap, NYT, June 24, 2005.

3.3. Alan Feuer, Businesswoman Known as Sister Ping Is Found Guilty on Federal Conspiracy Charges, 23 June, 2005, available at

<http://www.nytimes.com/2005/06/23/nyregion/23verdict.html>

Sister Ping has been convicted on June 22, 2005 for money laundering, trafficking in ransom proceeds by the jury of the Federal District Court in Manhattan. However, she was acquitted for a separate money laundering count and for hostage taking.

3.4. Maki Becker, They swam for lives & freedom, June 23, 2005, available at

http://www.nydailynews.com/news/crime_file/story/321678p-275036c.html

This article explains that the 300 Chinese on the Golden Venture which ran aground a beach in New York City in 1993, paid ten of thousand dollars each as smuggling fees, and that they spent more than 100 days at sea. The brain that orchestrated this smuggling operation, Sister Ping has organized about a dozen of the same operation, bringing thousands in New York.

3.5. Dave Goldiner, Survivors continue to struggle, June 23, 2005, available at http://www.nydailynews.com/news/crime_file/story/321682p-275056c.html

This article informs us about the fate of the Golden Venture tragedy survivors. About half of the 296 Chinese were deported, voluntarily or forcibly. About a dozen were granted asylum in the United States. 50 went to Canada or other countries. More than 40 of them were held in the York County Jail in Pennsylvania for about 4 years.

3.6. Robert Gearty, Immigrants' smuggler iced, June 23, 2005, available at <http://www.nydailynews.com/front/story/321724p-275021c.html>

Big Sister Ping, the snakehead behind the Golden Venture disaster was charged with 5 counts in her trial in front of the Manhattan Federal Court. She was found guilty for conspiracy in participating in international human smuggling and hostage-taking operation, for money laundering for wiring \$30,000 to smuggle four people from China, and for trafficking in ransom proceeds for receiving money from families of illegal immigrants as payments for their release. However, she was not found guilty for another count of money laundering for wiring \$60,000 to Thailand to smuggle 300 people from China and no agreement was sought for the count of hostage taking for sequestering 130 people offloaded from a boat.

She can face 35 years in jail. Some information about the golden venture catastrophe are given. Indeed, the smuggling fee requested by the Big Sister amounted to \$40,000. But she also used the Fu Ching gang to squeeze smuggled migrants for more money. Before running aground the Rockaways beach, the Golden Venture sailed to Kenya to load some illegal aliens.

3.7. Chinese people smuggler convicted, News.com.au, June 23, 2005, available at <http://www.news.com.au/story/0,10117,15703661-23109,00.html>

Cheng Chui Ping was found guilty of laundering \$30,000 from New York to Bangkok in March 1991 in order to smuggle four Chinese by plane. Smuggling fees could be as high as \$50,000. It was said during the trial that Cheng paid one gang \$750,000 to bring some illegal aliens to Boston by fishing boats.

3.8. Julia Preston, Prosecutors say defendant in smuggling case ran an underground empire, NYT, May 23, 2005.

This article details the different elements constituting Sister Ping's criminal past. Among other things, it mentions Ping's precedent in catastrophic smuggling operations. In May 1998, a boat she financed, loaded of immigrants heading towards Guatemala, ran into a squall. Fourteen people drowned while trying to reach the shore.

3.9. Julia Preston, Trial Starts With Details of Immigrant Smuggling, NYT, May 17, 2005.

The present article gives some details about the trial of Big Sister Ping. In her opening statement, Ping's lawyer declares that she was never a smuggler and that she was running an underground banking house that made loans to illegal immigrants to leave China. But other testimonies claimed that she would directly be involved in smuggling operations by sending ships full of immigrants from China through Thailand and Guatemala and Mexico before arriving to the United States.

3.10. Alleged 'snakehead' boss on trial, BBC news, 2003, available at <http://news.bbc.co.uk/2/hi/americas/3037024.stm>

Cheng Chui-Ping is on trial in front of the Manhattan Federal Court for four major shipments of illegal immigrants dating back to 1992. She faces life imprisonment. According to the prosecution, she ran this smuggling business since the early 1980s. The Chinese immigrants would arrive by ships and would be kept upon arrival until they pay the smuggling fees that amounted to \$30,000 per person. In order to keep track of smuggling fees payments and to make sure that the clients pay, Mrs. Cheng used members of criminal gangs to engage in torture. She is believed to have orchestrated the shipment of about 300 Chinese immigrants in June 1993 on the Golden Venture, which ran aground off New York.

3.11. HK to hand over 'human trafficker', BBC news, 2001, available at <http://news.bbc.co.uk/1/hi/world/asia-pacific/1386474.stm>

Big Sister Ping is to be extradited from Hong Kong to New York for her involvement in the Golden Venture scandal, after she has lost a court appeal to stay in the territory.

Other smuggler involved in the disaster, Guo Liangchi was extradited as well by Hong Kong in 1993. He was sentenced to 20 years jail and fined \$200,000.

3.12. Extradition for people-trafficking suspect, BBC news, 2001, available at <http://news.bbc.co.uk/1/hi/world/asia-pacific/1386352.stm>

After having been arrested in 2000, Cheng Chui-Ping was extradited from Hong Kong to New York to respond to human smuggling charges. She was suspected of being the mastermind of the Golden Venture catastrophe.

Diverse articles

3.13. Ela Zambrano, Negocio de visas a chinos implica varias ententidas, El Universo, 27 Junio 2005m, available at [http://www.eluniverso.com/2005/06/27/8/432fcc0ce48a4c258e635dd867e096ec.html?EUID="](http://www.eluniverso.com/2005/06/27/8/432fcc0ce48a4c258e635dd867e096ec.html?EUID=)

According to the Ecuadorian Direction of Migration, 6.744 Chinese arrived in the country from 2003 to 2004, but only 2.846 of them possessed a visa. Different institutions of Ecuador possibly involved in this phenomenon are being investigated: it is believed that change and procurement of visas are made available by immigration officers in Ecuador in compensation of \$3,000 or 4,000.

3.14. 17 Chinese restaurants raided in Michigan, Associated Press Writer, June 8, 2005.

The police raided 17 Chinese restaurants around Michigan in order to confirm that owners are involved in embezzling money by hiring undocumented workers and declaring only one third of their income to elude employment and use taxes. Dozens of homes sheltering undocumented immigrants were also found. Prosecutor James Linderman of the Emmet County qualifies the situation of undocumented workers as “some sort of modern version of indentured servants”.

3.15. Informe vincula a Ramon Romero con mafia china, Diario El Heraldo, April 25, 2005, available at <http://www.elheraldo.hn/detalle.php?sec=2&fecha=2005-04-25>

A Honduran State Intelligence report reveals that some officers of the General Directorate of Migration and Foreign Affairs, including General Director Ramón Romero participated in the illegal entry of Chinese migrants into Honduras, in compensation of thousands of dollars.

The Directorate would be linked to the Chinese mafia leading those smuggling operations. The General Director is now being investigated after evidence of him meeting members of Chinese mafia in Chinese restaurants late at night was found.

The modus operandi described in the article consists first of the use of so-called “lost” Honduran passports, and second of the use of passports of Honduran citizens with Chinese origins. Illegal Chinese migrants usually first land on Cuba, an easy entry point thanks to the Sino-Cuban relationships. From there and with the help of Migration and

Foreign Affairs officers, they head towards Honduras where they work in restaurants or other business while waiting for their papers to go to the US to be ready. Sometimes, migrants enter the territory legally but leave without lawfully registering their departures: they then send back their passports which can be used again by other migrants.

The human smuggling business is believed to be equally profitable as drug trafficking, as each migrant would pay the sum of \$15,000 to \$20,000. Those Chinese mafias have been active in Honduras for several years and even start to touch to drug trafficking.

3.16. Miguel Durán, Preocupa el aumento de inmigrantes ilegales, La Voz del Interior Online, April 18, 2005, available at http://www.hispanoargentinos.com/noticias/2005/abril/180405_lavozdelinterior_net_inmigracion_ilegal.htm

One of the most serious risks Argentina has to face is the increasing flows of illegal migrants attempting to enter the country. They originate from countries as diverse as China, Bolivia, Paraguay, Chile and Brazil. The police announced the arrests of 1,229 illegal aliens in the 3 first months of 2005. The flux mainly enters through Bolivia. Among the 1,015 persons expelled from the region of Salta, 24 were Chinese.

At the international level, China is the principal source for human smuggling, closely followed by South Asia, Afghanistan, Iraq, Nigeria, Sri Lanka, and Sudan. But Argentinean authorities have a particular distrust for the smuggling of Chinese migrants as most of the migrants are enslaved by triads operating in Argentina since the 70s. In exchange of \$30,000, they accept to bring an illegal and hide him until he is sent to Europe, Canada or the United States. One characteristic of Chinese triads is that they always exploit people from their own ethnicity. For instance, they require protection fees from Chinese small business owners, usually protection from potential harm they may cause. The strong implantation of Chinese triads in Argentina dates back to the 1990s, when 8,500 Chinese were given temporary or definitive residency status. When most of them were targeting the United States, some others decided to stay and integrate the Argentinean society and labor market. Chinese immigrants generally work in restaurants and garment factories.

3.17. Terror Hoax Uncovers Border Threat, CBS News, February 7, 2005.

CBS News reports that a terrorist attack hoax allowed Californian police to pay greater attention to Chinese smuggling operated from the town of Mexicali, Mexico to Calexico, California. Mexicali is believed to constitute one of the busiest transit points of entry used by Chinese human smugglers, along with Los Angeles, New York City and Seattle. Mexicali is a city of 800,000 people. 35,000 of its residents have Chinese descent, thus forming an important Chinese community. Most Chinese people speak Cantonese and work in Chinese restaurants in Chinatown there. That makes it easy for Chinese migrants to blend in while trying to get across the border.

An American law enforcement official says that a journey from China to the United States usually costs \$30,000 to \$50,000. A possible route would be flying from Milan or Paris, then Mexico City, then Tijuana or Mexicali on the American borders to reach human smugglers.

3.18. Indigaran a funcionarios Uruguayos por trafico de personas, Ansa, January 16, 2005.

In Uruguay, some civil servants of the National Direction of Migration are suspected of being involved in Chinese migrants smuggling. A possible smuggling route would be Uruguay to Argentina, then Brazil, Paraguay, Mexico and finally the United States. Some figures from the intelligence agencies estimate that at least 100 Chinese have been entering and leaving the country without any type of documentation. The smuggling fees evolve around 10,000 to 20,000 USD. But many would work in rural establishments before being transported by boats across the Rio Uruguay.

3.19. Detienen a 4 hombres que ingresaban ciudadanos chinos, Agencia Dyn, 11 January 2005.

In the Argentinean province of Jujuy, the National Police arrested four men driving two trucks in which Chinese nationals were hiding in inhumane conditions. In order to cross the Argentinean borders from Bolivia, the trucks were transporting 7 persons in one and 8 in the other, with among them 4 women and a young child. A federal judge ordered the expulsion of the detainees.

3.20. Tres detenidos en Jujuy por ingresar ilegalmente al país a 15 chinos, Clarín, DyN y Télam (Argentina), January 7, 2005, available at <http://www.clarin.com/diario/2005/01/07/um/m-900095.htm>

Three individuals have been arrested for having helped 15 Chinese entering Argentina illegally. They drove two trucks transporting the aliens from Bolivia to Buenos Aires, Argentina. Passengers include women and children.

The article emphasizes that the illegal entry of Chinese across the border with Bolivia is an increasing phenomenon which is being under the scrutiny of the Justice. In 2004, more than 200 persons have been detained for having attempted to enter the country illegally.

3.21. Hernán Cappello, Inquietante aumento de los chinos ilegales, La Nación, December 15, 2004.

The Argentinean police discloses an increase in deportations of Chinese illegal migrants during 2004 of 102.67%. They now use different means to arrive to Argentina (planes,

buses, boats) and pay up to \$20,000. In 2003, 189 persons were deported but in 2004, the figure increased to 383. Sixty persons were accused of helping this traffic, all of them being Argentines or Bolivians.

The methods of smuggling have changed: before, the Chinese migrants were entering the country by Ezeiza (near Buenos Aires), were discovered and then deported. Nowadays, they enter by the north side of the country.

The director of the migration office does not doubt about the fact that the workers are slaves and that the women are forced into prostitution. The Chinese embassy in Buenos Aires denies the existence of a Chinese mafia leading this smuggling activity.

The travel of those Chinese illegal migrants starts in Fujian, with the millenary tradition of migrating and with a strong hold of Chinese mafias. They are then transferred to Peru, from then they go to Bolivia, and then to Argentina.

Different stories about Chinese illegal immigrants have been exposed these last years, providing evidence of a growing phenomenon.

The traffickers are “pasadores”, generally Argentines or Bolivians cab or bus drivers. They help small groups of Chinese to pass the Argentinean boundaries. If they get caught, the organization then arrives to bribe local law enforcement officers.

Until 2003, smuggling was not a crime in Argentina. However, with the new law, illegal migrants are considered victims and are sent back to the country they came from, in the present case, Bolivia. The traffickers are punished with sentenced to 1 to 6 years of imprisonment. It can increase to 20 years if they are also involved in prostitution or terrorism.

There exists particular fraudulent practice used by Chinese migrants to obtain Argentinean papers. Today, there are 2100 identification documents of unborn Chinese babies. Chinese couples obtain a birth certificate of a child that was never born. Then they register him and obtain a national document of identity, and with it they have their situations regularized.

3.22. Amy Zimmer, Slaves to fashion, City Limits Weekly, September 8, 2003, available at <http://modelminority.com/article529.html>

The following case serves as an example of possible labor law violations Chinese illegal migrants probably face when working in restaurants or garments looking for cheap labor workforce.

Zeng Liu, a 50 year old worker in a garment factory, and three of his co-workers launched in 2000 a historic class action lawsuit against Donna Karan International and

some of its subcontractors for withholding millions of dollars of overtime pay (for their 70-plus-hour workweeks) and imposing sweatshops conditions. A private settlement between the two parties will be found.

3.23. Kelvin Wu, Fujianese-Speaking Social Workers Hard to Find, January 2003 (translation from Singtao Chinese Daily), available at http://www.gothamgazette.com/citizen/feb03/chinese_fujianese.shtml

New York City social services working with the Chinese community are lacking of workers speaking Fujianese dialect. Indeed, more and more Fujianese immigrants want to benefit from health and social benefits often offered for free in those Chinese service centers. In 1994, the US State Department estimated that the city's Fujianese population was about 100,000 and that it would grow by 10,000 a year. According to this trend, there was approximately 200,000 Fujianese in New York in 2003.

3.24. Steve Berry and Frank Luba, Frustrated migrants smash up their jail: Recent return of 90 to China sparks fear among detainees, The Province, June 13, 2000.

Forty-nine detained Chinese illegal migrants set fires, smashed windows and wrecked toilets at the Alouette River Correctional Center (Canada) before surrendering to the authorities.

Apparently, the riot started as a protest to the Canadian government sending ninety boat people back to China in 2000.

About six hundred Chinese boat people were discovered in four ships in 1999 trying to enter Canada illegally.

3.25. Deutsch Presse-Agentur, Top Hong Kong immigration official arrested in corruption probe, January 24, 2000.

Xu Ganlu, the director of the Exit and Entry Administration under the Chinese Ministry of Public Security was arrested on January 10, 2000 and placed under house arrest for suspicion of taking bribes, harboring smuggling activities, and illegally issuing one-way entry permits to Hong Kong to about 500 mainland Chinese, according to the report of the newspaper, the Hong Kong Standard.

At the same time, officials from the Fujian province are being investigated as well and banned from leaving the country. Up to 159 party and government officials have been accused of being involved in corruption.

Xu Ganlu's predecessor, Li, was arrested in December 1998 for suspected involvement in smuggling scandals.

3.26. Chinese nabbed migrants, Caplan says, Toronto Star Newspapers, November 2, 1999.

The Chinese Immigration Minister announced that China has intercepted two refugee boat heading to Canada, before they left the Chinese waters.

Canada's Prime Minister Jean Chrétien discussed the problem with Chinese President Jiang Zemin in September 1999 at the APEC Summit. The two countries signed a Memorandum of Understanding on fighting this crime.

In the summer 1999, four boats carrying nearly 600 Chinese migrants arrived to Canada and upon arrival claimed refugee status.

3.27. 150th anniversary of Chinese immigration to Peru celebrated, Xin Hua News Agency, October 11, 1999.

3.28. Victor Yukum Wong, Refugees echo mistakes of the past, The Vancouver Sun, August 30, 1999.

In response to the widespread argument that Chinese illegal migrants are not "real refugees", Victor Yukum Wong questions whether the rejection of those people is not leading to a mistake. He says that the most important question is rather why people are trying so hard to flee this country? And how can those operations take place without the Chinese authorities knowing it?

He seems to claim that human rights violations and corruption are the respective answers.

3.29. Bruce A. Scruton, INS detains 5 Chinese restaurant workers, Capital region, February 25, 1999.

Federal agents caught five alleged undocumented Chinese nationals working in local restaurants.