



Project  
**MUSE**<sup>®</sup>

*Today's Research. Tomorrow's Inspiration.*

# Will South Korea Follow the German Experience? Democracy, the Migratory Process, and the Prospects for Permanent Immigration in Korea

---

*Timothy C. Lim*

Long portrayed as an ethnically pure and homogenous nation-state—the quintessential “historical nation”—it has generally been taken for granted that South Korea was immune to the processes of global migration. Beginning in the late 1980s, however, the barriers to large-scale migration began to break down. The reason is easy enough to discern: after decades of rapid and sustained industrialization, combined with a continuous increase in economic wealth, severe labor shortages started to appear in certain segments of the Korean economy. The demand for foreign labor, in short, overcame Korean fears of an “ethnic invasion.” Despite this, many observers assume that the country is still immune to the deeper political, cultural, and social changes that increasing in-migration typically bring. In particular, many believe that South Korea will avoid becoming a country of immigration. In this article, I challenge this view. I argue that the processes of migration tend to unfold in a broadly similar, but not exact manner in different countries—including in South Korea—regardless of their unique social, institutional, political, and cultural circumstances.

## **Introduction**

Human migration is a global phenomenon. It affects all parts of the world, often in profound ways. This has certainly been true from a historical perspective, but it is no less true today. Indeed, over the past sixty years, the movement of people across borders has been growing in vol-

*Korean Studies*, Volume 32. © 2009 by University of Hawai‘i Press. All rights reserved.

ume, scope, and intensity; in addition, there is little evidence to indicate that this trend will abate anytime soon. Even countries once thought to be immune to migration—especially to *in*-migration—have proven to be unexceptional. South Korea is a case in point. Long portrayed as an ethnically pure and homogenous nation-state—the quintessential “historical nation”—the very thought of large-scale migration into the country was anathema to the Korean psyche. Beginning in the late 1980s, however, the barriers to large-scale migration began to break down. The reason is easy enough to discern: after decades of rapid and sustained industrialization, combined with a continuous increase in economic wealth, severe labor shortages started to appear in certain segments of the Korean economy. There is nothing surprising about this development. Almost every industrialized country has gone through the same general process, often referred to as the migration transition. Philip Martin, Andrew Mason, and Toshikazu Nagayama describe the migration transition—including the process leading up to this transition—in the following manner:

Most countries go through several fundamental transitions as they ‘develop.’ The industrial transition is the movement of the majority of the labor force and economic output from agricultural to industrial jobs, and then to service jobs. The demographic transition involves declines in fertility and mortality, slowing population growth rates, populations aging, and often a changed role for women, such as reduced childbearing and greater participation in the formal labor market. The migration transition refers to the movement of a country from being a net labor exporter to being a net labor importer. At [*sic*] low levels of development proceeds, the demand for labor increases, and the supply grows more slowly—a consequence of the demographic transition. A key turning point occurs when labor shortages appear in key sectors of the economy, and countries begin to import, as well as export, labor.<sup>1</sup>

The migration transition, then, can be seen as the result of a long series of interconnected changes within an economy and society. It can also be considered a “natural” and largely predictable product of economic transformation. And, while the early stage of the transition (i.e., labor *emigration*) may seem largely voluntary, the latter stage of *in*-migration is often involuntary and almost always presents a major and often unwanted challenge to societies. After all, a large number of countries view *in*-migration as a threat to social cohesion and, more abstractly, to their sense of national, ethnic, or “racial” identity. And, while some traditional “countries of immigration” have maintained relatively open borders throughout their history, tolerance for international migrants has generally depended on a basic cultural, ethnic, or “racial” affinity: the more different international migrants were perceived to be, the less

welcome they were. (Of course, differences or “otherness,” as many scholars argue, are generally socially constructed as a way to marginalize or control immigrants, or, more broadly, to reinforce existing relations of power in society.) Even before the rise of “global terrorism,” moreover, non-native migrants have been viewed with deep suspicion, as a potential fifth column—as a threat to national security. Accordingly, in-migration has generally been resisted, even as it inexorably unfolds in one society after another.

The seemingly inexorable nature of the migration transition suggests that few, if any, countries or societies are immune to its “homogenizing” effects. Indeed, a key objective of this article is to assess the extent to which the migratory process—wherein the migration transition is but one element—tends to unfold in a broadly similar, but not exact, manner in different countries regardless of their unique social, institutional, political, and cultural circumstances. More specifically, in this article I am concerned with the following interrelated questions: Why does migration, once begun, generally lead to *permanent settlement* (or long-term immigration), particularly in countries in which this outcome is both undesired and actively opposed? If so, what are the dynamics of this process, and, equally important, what are the economic, social, *and* political conditions that make this possible? Most specifically, I am concerned with these questions: Will South Korea become a country of immigration? Will it follow the same path as other “historical countries,” most notably Germany, that also attempted to resist the permanent settlement of foreign migrant workers?

## **Politics, Democracy, and the Migratory Process**

To address these questions I will draw, in part, from the work of Stephen Castles and Mark J. Miller, who argue that migration—and specifically economically motivated in-migration (as opposed to forced migration)—is a dynamic *social* process, one that contains a powerful internal logic only partly tied to economic factors.<sup>2</sup> Thus, while in-migration may start off primarily as a response to economic forces, as it develops, it is transformed into a complex, multifaceted process, which they refer to as the “migratory process.” At its core, according to Castles and Miller, is the development of social networks tied to the life cycle of individual migrants.<sup>3</sup> For various reasons (economic, political, and social), a significant proportion of international migrants who move to a new country will end up staying longer than they originally intended. As they prolong their

stay, many send for their families or start a new one—they may marry a compatriot or someone from their new “homeland.” Marriage and the birth of children, in turn, create an even stronger incentive for permanent settlement. As more and more international *migrants* become de facto permanent *immigrants*, moreover, they create ethnic communities or (minority) enclaves, which also involves the creation of business and social arrangements designed to serve their needs. This is another important part of the migratory process known as the migration industry (which, it is worth noting, usually begins well before permanent settlement). Once permanent settlement starts to take place, the stage is set: migrants begin to see themselves as part of the larger society—even if they continue to suffer from discrimination and marginalization. With a greater stake in staying, their resistance to voluntary or forced repatriation grows. They will adopt various strategies for remaining—sometimes this entails making themselves “invisible,” and sometimes just the opposite: becoming more vocal, more political, and more insistent that their status and importance be recognized by the larger society. We see this everywhere, including in the United States, which witnessed a surprising series of massive demonstrations by “illegal” immigrants in early 2006. In the longer run, Castles and Miller argue, the continuing significance of new groups will likely have a profound and far-reaching impact on the central social and political institutions of a society, and may even affect the very nature of the nation-state—that is, the concept of national identity.<sup>4</sup> This may be especially true in ostensibly homogeneous societies, in which the integration of individuals from diverse cultural and ethnic backgrounds requires a rethinking of hitherto taken-for-granted assumptions of identity.

Given the far-reaching and often profound changes the migratory process provokes within societies, we need to return to a question posed above: Why do states and societies accept the changes brought about by this process, particularly those changes that are, simply put, *unwanted*? To answer this question, it is important to move beyond the dynamics of the migratory process itself and look into the larger social and political context in which the process unfolds. In this regard, I argue (following Joppke and others) that existing domestic arrangements and circumstances do matter, but that the most important domestic considerations are political rather than, say, cultural or social. These “domestic political considerations,” however, are *not* unique to specific places; rather, they are grounded in a general framework of democratic institutions, norms, and procedures—especially legal procedures. *Democracy, in short, provides the key mechanism by which the migratory process unfolds.* Although, as Castles and Miller note, the lack of democratic norms and established legal pro-

cedures does not necessarily or always short-circuit the migratory process,<sup>5</sup> a preexisting framework of democracy and laws makes the movement from temporary (or rotating) migration to permanent settlement almost unavoidable. It is important to understand that “democracy” does not, by itself, dictate specific outcomes; rather, the existence of democratic norms and procedures creates a (domestic) framework that *constrains* the power or capacity of states in ways that make it exceedingly difficult (although not impossible) to block the migratory process. In this sense, it is a self-imposed constraint in that democracy is ultimately an expression of sovereignty. To put it in slightly different terms, the changes brought about by the migratory process—especially unwanted changes—are a product of what Christian Joppke calls *self-limited sovereignty*.<sup>6</sup>

The “practice” of self-limited sovereignty is common to all democratic polities. In Joppke’s view, moreover, it is fundamentally premised on the legal process in democratic countries. The logic here is simple: courts and judges, as relatively neutral arbiters, stand between the generally exclusionary interests of the state and the inclusionary interests of migrants or immigrants who want greater legal protections and rights as both workers and residents. Just as importantly, courts can act as a shield against populist pressures and client politics, both of which tend to act as powerful forces militating against the interests of migrant and immigrant groups. Courts and judges are not necessarily “pro-immigrant”; rather, as Joppke puts it, they are beholden only to the “abstract commands of statutory and constitutional laws.”<sup>7</sup> In practice, however, this means that courts tend to make decisions that enable the unfolding of the migratory process. Joppke’s analysis, I believe, goes a long way toward helping us understand the *political* component of the migratory process; it is an essential insight. At the same time, a narrow focus on legal processes may lead us to miss another crucial part in the politics of the migratory process, namely, the purposeful exercise of power or agency by actors with concrete interests. For the migratory process does not merely unfold (in a passive sense), but must sometimes, instead, be shoved forward.

In the case of South Korea, this was particularly evident in the early stages of the process, especially with regard to the expansion of labor rights for international migrant workers. The expansion of labor rights, it is important to note, was a strategic process: it involved the conscious creation of an alliance between migrant groups and Korean civic organizations; the intentional manipulation of symbols and norms (including the appropriation of discourses on human rights and social justice); and repeated use of “civil disobedience” (sit-ins, demonstrations, political organization, and so on).<sup>8</sup> Without this activity, it is doubtful that any

meaningful changes would have occurred. In the movement toward permanent settlement, therefore, it is equally likely that the exercise of agency by activists within the migrant and immigrant communities, by religious and civic organizations (i.e., nongovernmental organizations or NGOs), and other interested actors will play a central, if not essential role.

With all this in mind, the next section of this article will provide a brief and admittedly superficial overview of international migration to South Korea. This is primarily for reasons of space, but readers can find a number of much more detailed discussions elsewhere.<sup>9</sup> Following this overview, I will look more closely at Germany's experience with its guest worker program; the basic objective is to provide a general comparative framework within which South Korea's experiences can be better assessed. Third, I will address, in more detail, the prospects for permanent settlement in Korea by focusing on important developments within the migratory process: the establishment of a migration industry and the formation of migrant/immigrant communities. In the final substantive section, I will examine the significance of self-limited sovereignty and the "politics of immigration" in South Korea.

## **The Evolution of International Migration to South Korea, 1987–2006**

Since the late 1980s, international migration to South Korea has proceeded through a number of clear, but also overlapping steps. The first step was simply to adopt a "wink-and-nod" policy toward worker migration. That is, Korean authorities essentially allowed international migrants—most of whom entered Korea on tourist visas (or with no visa at all, since Korea has long maintained visa waiver agreements with a broad range of countries)—to enter Korea and find work. On this point, it is important to understand that Korean immigration law, until 1997, only permitted the employment of foreign nationals in professional or entertainment occupations: all other types of employment (e.g., in factories, on construction sites, on fishing vessels, etc.) were strictly prohibited. Despite these restrictions, thousands of international migrants found jobs in non-authorized sectors. More importantly, the Korean government did very little to discourage this activity: crackdowns on "illegal" workers, while they did occur, were few and far between (partly because of resistance by Korean businesses, which desperately needed the labor provided by foreign workers).<sup>10</sup> As a result, the numbers of *undocumented* workers grew steadily between 1987 and 1993, and until very recently has remained at a high level, reaching a peak of over 306,000 in 2002.

Integrally related to this “wink-and-nod” policy, Korea also employed a policy of encouraging “co-ethnic” migration. The basic idea of this type of policy is clear: to minimize the social tension that presumably arises when culturally distinct groups “invade” an otherwise homogeneous society. Of course, co-ethnic migration is only possible if there is a large population of ethnically related workers to draw on *and* if these workers come from a relatively impoverished area. The Yanbian Autonomous Prefecture in China’s eastern Jilin province fulfilled both these conditions. Thus, in the early 1990s, ethnic Koreans from China, known as *Chosŏnjok*,<sup>11</sup> constituted the largest proportion of international migrants to Korea. At the same time, almost all of these workers were undocumented; in other words, their migration was unequivocally a part of Korea’s “wink-and-nod” policy. Despite clear problems with this policy, the Korean government continues to give preference to *Chosŏnjok*. In May 2006, for example, the Ministry of Justice announced plans to create a new employment visa (H-2) specifically for ethnic Koreans. This new visa would enable *Chosŏnjok* and ethnic Koreans from Russia to freely enter and depart Korea for five years.<sup>12</sup>

The second step in the evolution of Korea’s policy on international migration was the creation of the Industrial Training System (ITS), which was, at its base, meant to provide a government-sanctioned system for institutionalizing and legitimizing the discriminatory and exploitive treatment of an entire class of “workers,” which the program simply labeled as “trainees.” The ITS, it is worth noting, was also borrowed from abroad: it was explicitly based on the Industrial and Technical Training Program (ITTP) in Japan. The ITTP was designed to circumvent an “inconvenient” aspect of Japanese labor law: in Japan, the Labor Standards Law and the Employment Security Law do not distinguish between foreign and native workers.<sup>13</sup> This means that *all* workers—domestic or foreign, legal or “illegal”—in principle, are entitled to the same basic protections and benefits. As “trainees,” however, such rights could be legitimately denied. Using the same logic, the ITS explicitly denied foreign migrants the “three basic rights” of Korea’s labor law: the rights of unionizing, collective bargaining, and collective action. In addition to stripping foreign workers of basic labor rights, the ITS was designed to institutionalize very low wages—the basic pay was set far below prevailing wage rates, and was even substantially lower than what undocumented workers received for doing the same work.<sup>14</sup> Another significant aspect of the ITS was its strict time limit: originally, “trainees” were limited to one-year stays (although this was subsequently extended to three years). The intent was obvious, namely, to create a system of worker migration whereby for-

eign workers would be rotated in and out of Korea in a smooth and predictable fashion.

Over the years, a number of revisions to the ITS program were made, including the decision, in 1993, to allow a private-sector business organization—the Korean Federation of Small Businesses (KFSB)—to run the program through an entity named the Korea International Training Cooperation Corps (KITCO), which was also named after its Japanese counterpart, the Japan International Training Cooperation Organization (established in 1991). Another significant change occurred in 1997, when the government made it possible for some “trainees” to acquire status as legal workers—as long as they completed two years under the ITS and passed a qualifying examination.

The third and most recent step was the establishment of the Employment Permit System (EPS) or “guest worker program,” which, from the government’s point of view, is meant to be final step in the evolution of South Korea’s policy toward international migrant workers. It is viewed, in other words, as *the* long-term solution to the country’s chronic—and structurally embedded—labor shortage in the small- and medium-sized enterprise sector. This does not mean that no changes in the EPS are anticipated; certainly, the system will need to be fine-tuned. But, the Korean government believes that it will provide an effective and viable framework for the management and control of foreign workers for as long as necessary. On the surface, the EPS represents a significant improvement over the ITS. In fact, workers hired through the EPS have the exact same legal rights under labor-related laws as native Korean workers, including the right to join labor unions, the right to industrial accident insurance, and a minimum wage guarantee. The new system, however, has a number of important qualifications. International migrants, for example, are restricted to work in five industries: manufacturing, construction, agriculture and stockbreeding, fishing, and service (refrigerated warehousing, restaurants, business support, social welfare, sewage disposal, auto repairs, nursing, and household service). Second, “in principle” workers are not allowed to change jobs—a change of jobs is permitted, but only with approval and under certain conditions.<sup>15</sup> Third, only international migrants from countries that have signed a bilateral agreement with Korea are eligible to send workers to Korea under the EPS. In addition, each country is assigned a quota. It is worth noting that the use of quotas and bilateral agreements are meant to ensure tighter regulation of worker migration. The logic here, as one Ministry of Labor official, Kwon Ki-sup, describes it, is simple: sending countries are meant to “compete” for larger quota allocations, wherein the competition is based primarily on each country’s

ability to adhere to sending procedures, to reduce sending costs, to eliminate “irregularities,” and to guarantee fairness in recruiting.<sup>16</sup> Finally, the EPS, as with the ITS, maintains a strict time limitation of three years. There are supposed to be no exceptions to this rule (although, in 2008, the government proposed extending this limit to five years).

The evolution of international migration to South Korea, it is important to recognize, reflects both careful planning *and* unanticipated failures. The “wink-and-nod” policy of tacitly allowing undocumented worker migration succeeded in bringing in much needed labor, but the process could not be adequately controlled. The failure of the ITS is even clearer. It failed, in particular, to establish an effective system of regulation. In fact, throughout its now more than two-decade-old history (which officially ended on January 1, 2007), most international migrants simply deserted their trainee positions to take up better paying work at different locations. At one point, almost 70 percent of trainees “ran away” from their assigned positions. In a similar vein, the program failed to ensure a process of strictly temporary migration. The one-year and current three-year limits, in particular, were routinely ignored. The program also failed to keep “trainee” wages artificially low. In a significant way, too, the ITS failed to maintain the fiction that international migrants were *not* workers: in 1995, foreign trainees were provided government-run industrial accident insurance and medical insurance on equal terms with Korean workers—a *de facto* (albeit still limited) recognition of their status as industrial workers. The question remains whether the EPS will suffer similar failures. Of course, the argument here is that it will, and that the biggest failure is likely to be the attempt to maintain a system of temporary worker migration. To understand why this is likely, it is useful to look at the experience of Germany,<sup>17</sup> which also created a guest worker program designed explicitly to prevent short-term worker migration from turning into long-term or permanent settlement.

### **“Guest Workers” and the German Experience: A Comparative Perspective**

Germany’s experience with its guest worker program provides a useful perspective from which to view the migratory process in South Korea. This is largely because the parallels between the Korean and German programs are fairly strong—both in terms of their broad objective and in their concrete details. The overarching objective of each, *was/is* easy to see: to institutionalize a system of temporary or rotating worker migration. As Castles and Miller explain it, “German policies [regarding

the guest worker program] conceived migrant workers as temporary labour units, which could be recruited, utilized and sent away again as employers required. To enter and remain in the FRG [Federal Republic of Germany], a migrant needed a residence permit and a labour permit. These were granted for restricted periods, and were often valid only for specific jobs and areas.”<sup>18</sup> In South Korea, the objective is the same. Indeed, as the director of the Foreign Employment Division at the Ministry of Labor, Kwon Ki-sup, bluntly put it, the three-year time limit in the EPS is expressly designed to “prevent permanent settlement of foreign workers in Korea.”<sup>19</sup> I will return to this issue shortly, but before I do, it would be useful to delineate, in broad terms, other basic similarities between the Germany guest worker program and South Korea’s EPS. Three are immediately apparent.

First, in Germany, recruitment offices were set up in sending countries (primarily in the Mediterranean), and potential workers were required to pass medical examinations and criminal background checks as prerequisites to obtaining work. In Korea, potential workers are also required to undergo a criminal background check and pass a medical examination; in addition, they must pass a Korean language proficiency test, which is conducted in the sending country. Second, as in South Korea, worker recruitment was limited to countries that signed bilateral agreements with the German government. The first of these agreements was with Italy (1955), followed by Spain and Greece (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965), and Yugoslavia (1968). Under this program, the number of foreign workers in Germany rose markedly from around 95,000 in 1956 (the first full year of the program) to 2,595,000 in 1973 (the year in which the guest worker program was ended). It is worth re-emphasizing a key point about bilateral agreements, namely, that they were designed as an additional layer of control and management. This is certainly the case in Korea and was likely the case in Germany. Third, as I noted in the preceding paragraph, the German program granted limited rights to foreign workers *as workers*, but guest workers were still generally restricted to specific jobs and areas.<sup>20</sup> Violation of the any restrictions was supposed to result in deportation. Korea enacted very similar policies and for the same reasons.

It is, of course, no accident that the Korean EPS and the German guest worker program are similar (albeit not exactly the same).<sup>21</sup> Korean officials routinely study and adopt programs and systems developed in other countries. As I noted earlier, for example, the ITS was directly borrowed from Japan, as was the idea to encourage the migration of “co-ethnics” (in

Japan, ethnic Japanese from South America are given special privileges and incentives to work in Japan). Even the policy of tacitly condoning illegal immigration was borrowed from the United States. Interestingly, however, Korean officials appear to have an almost Pollyannaish outlook when it comes to evaluating the potential pitfalls of the international “models” they embrace. In the case of the German guest worker program, the potential pitfalls or problems—at least in terms of the intentions of Korean officials—are obvious. For example, while virtually all of the workers who entered Germany under the guest worker program did so on short-term contracts,<sup>22</sup> the majority not only ended up settling in Germany, but also established permanent family-based communities.<sup>23</sup> By the end of 1990, in fact, the number of “foreigners” (i.e., non-German citizens) in Germany had grown to 5.82 million,<sup>24</sup> much of which was the result of family reunions.<sup>25</sup> Even more, the largest single group of former guest workers who decided to stay in Germany was from, among the seven sending countries in the guest worker program, the most culturally different country, namely, Turkey:<sup>26</sup> in 1990, Turks accounted for 31 percent of all foreign residents in Germany (with a population of almost 1.7 million).

It bears repeating that the permanent settlement of Turks and other former guest workers was an unintended and unwanted consequence, for both the German “hosts” and even the foreign workers themselves. The German government was clearly opposed to family reunions and imposed a range of restrictions on recruited workers as a way to dissuade them from staying in Germany. Yet, as Castles and Miller explain it, “when Germany stopped recruitment in 1973, many Turkish workers stayed on, and family reunion continued.”<sup>27</sup> The reason is clear: “Migrants realized that economic conditions at home were bad, and that there would be no opportunity to re-migrate to Germany later.”<sup>28</sup> This occurred, moreover, despite overt social and official discrimination. Turks and other former guest workers were essentially barred from obtaining German citizenship—as in South Korea, German nationality is based on the concept of *jus sanguinis* (citizenship based on blood) rather than *jus solis* (citizenship based on place of birth); in the 1970s, there was no indication this basic principle would ever change. Official discrimination even extends to refugees and asylum seekers, who are excluded from “all funding for German language and integration courses and from Germany’s otherwise generous social welfare benefits.”<sup>29</sup> Moreover, according to Gabrielle Frölich, xenophobia and racism are pervasive in German society, making everyday life for some foreign residents extremely difficult and, at times, dangerous (particularly because of the rise of extreme white supremacist

groups and movements<sup>30</sup>). Despite an unwelcoming environment, the number of foreign residents in Germany continues to rise. In 2005, the population of Turks had grown to 2.5 million, while the total number of foreign residents, according to Germany's Federal Statistical Office, reached nearly 7.3 million.<sup>31</sup>

The basic dynamics underlying the failure of the guest worker program (at least in regard to its overarching objective) in Germany are not difficult to discern. The program started off as a rational economic response to a severe shortage of workers in specific segments of the German economy—primarily low-skilled work in manufacturing, construction, textiles, clothing, cleaning, and the like. International migrant workers and their governments, in turn, responded to what, from their perspective, were attractive economic opportunities. As more and more foreign workers began filling these positions, however, whole job categories became stigmatized—they became known as “migrant work.”<sup>32</sup> The stigmatization of certain job categories as suitable only for migrant workers, not surprisingly, made it almost impossible—at least socially—for these jobs to be filled by German workers, even at times of high unemployment.<sup>33</sup> Indeed, it is easy to imagine how deeply ingrained the bias against “migrant work” became over the nearly three decades of the guest worker program. For, it was not only that the work was initially undesirable to German workers—akin to the so-called 3-D jobs in East Asia—but also that years of discriminatory rules and practices had essentially created an entirely new category of low status labor. The upshot? What started off as an economic process transformed into a largely social process.

The same basic dynamic is already apparent in South Korea. During the Asian Financial Crisis, which began in 1997, the number of unemployed native Korean workers jumped from 660,000 to an estimated 1.8 million by February 1999 (with an unemployment rate of 8.7 percent). Certainly, then, there were more than enough Koreans to fill every single job in the SME sector—including jobs already held by foreign workers. Even more, Korean policymakers and business representatives were confident that the country's reliance on international migrant workers would soon—and, perhaps, forever—end. Kim Daejung, Korea's president during the height of the crisis, was quite clear on this point: he argued that it was “irrational” to employ two hundred to three hundred thousand foreigners when the country faced massive unemployment, and expressed a strong desire to severely limit if not entirely eliminate foreign labor in South Korea.<sup>34</sup> His views were echoed by the KFSB—as a spokesperson for the KFSB put it, “We expect a temporary vacuum in jobs occupied by foreign workers because Koreans are still reluctant to work in the sweat-

shop sector, known here as the three-D sector—dirty, dangerous, and difficult. But after a time, *the three-D market will be swamped with South Korean applicants*” (emphasis added).<sup>35</sup> Of course, this did not happen. Even without jobs, most Koreans were utterly unwilling to take up work in the SME sector: in fact, after a short-term decline in the number of authorized trainees under the ITS program—from a pre-crisis peak of 81,451 in 1997 to a low of 47,009 in 1998—the numbers quickly ramped up: 78,945 in 1999 and 104,847 in 2000. The figure for 1999 is especially significant given that that year marked the highest point of unemployment during the crisis. Yet, given the logic of the migratory process, the continuing need for international migrant workers should have been no surprise at all.

### **Toward Permanent Settlement?**

The bigger question is whether the structurally and socially embedded demand for foreign workers in the Korean economy will result in long-term or permanent settlement. In the German case, we know that it did, although it was not until well after the end of the guest worker program that this reality was accepted and ultimately acknowledged. This is because, until the formal end of the program, German officials and others in German society could at least cling to the myth that once foreign workers were “no longer needed” they would all suddenly return en masse to their original countries. Indeed, even decades after the end of the guest worker program—and with an ever growing “foreign” population—many Germans stubbornly resisted the notion that Germany had become a “country of immigration”<sup>36</sup> (it was only with the election of the Schröder government in 1998 that the “myth” was finally overturned in an official manner). In South Korea, it will also likely be necessary to wait until the EPS or similar programs are eliminated before the full extent of permanent settlement can be seen, still less recognized by the government. And, it is also very likely that the process will play out for many years, even decades. At the same time, it is possible to identify preliminary signs of permanent settlement. Such signs may be found, for example, in the development of a “migration industry” and in the formation of migrant communities, two important products of the migratory process. In South Korea, there is increasing evidence that both these phenomena are already taking root.

#### *The Migration Industry in South Korea*

Castles and Miller point out that, once migration begins, it invariably leads to the development of a specialized industry designed to organ-

ize, manage, and profit from migratory movements. As they explain it, “[w]hatever its initial causes, once a migration gets under way, a variety of needs for special services arise. Even when governments initiate labour recruitment, the need for agents and brokers is all the greater. There is a broad range of entrepreneurial opportunities, which are seized upon by both migrants and non-migrants. The role of agents and brokers is vital: without them, few migrants would have the information or contacts needed for successful migration.”<sup>37</sup> It does not take long for a migration industry to emerge, and when it does, it does not take long for it to become entrenched. Moreover, when an important part of the migration industry has strong connections with key state actors, as is the case in South Korea (where the KFSB plays a key role), it is not hard to imagine that the industry itself becomes the “main motive force in a migratory movement,” since the “agents have an interest in the continuation of migration, and go on organizing it, though the form may change.”<sup>38</sup> The implications of the migration industry are significant. It suggests, in particular, the beginnings of a social and economic network that will serve as the basis for an *ongoing* community constructed around the interests of migrant workers. This is not to say that the network is designed to look out for the needs of international migrants—it is often highly exploitive and deeply corrupt. But it does signify a process in which the interests of migrant groups become embedded in the larger society, through both mainstream economic and illicit or criminal activity. It is also important to note that networks are not limited to the borders of a specific country, but typically crosses multiple borders and political spaces. Such is the case with the migration industry built around migratory flows to South Korea.

One of the most obvious manifestations of the migration industry in South Korea revolves around the KFSB, which was given control of the ITS via KITCO (Korea International Training Cooperation Corps). In 1993, KITCO was given the authority to establish qualification rules, for both Korean companies and international migrants, and, more importantly, to recruit and send trainees to Korea.<sup>39</sup> Even more, KITCO and the KFSB were allowed to generate income from this system through (1) payments of commissions from agencies working with international migrants, (2) deposits paid by companies seeking foreign workers (deposits are forfeited if the trainee “runs away” from his or her assigned workplace), and (3) interest from these funds. From 1996 to 2002, the *Korea Times* reported that the total income from these three sources amounted to 56.5 billion *wŏn* (about \$58 million).<sup>40</sup> While not a huge sum, it is largely because of the KFSB’s financial interest in the ITS that the system remained intact even after the creation of the EPS. KITCO, of course, is

not alone in having a financial stake in the recruitment of foreign workers. A 2003 study by the Korea Labor Institute (KLI), for example, revealed that the large majority of foreign workers (63.8 percent) used “domestic private employment agencies” to find jobs in South Korea.<sup>41</sup> Not surprisingly, the establishment of the EPS did not change this: in a survey of 144 foreign workers from the Philippines, Thailand, and Vietnam, for example, more than 40 percent indicated that they had paid brokers or local (government) officials additional fees beyond the amount established by bilateral agreement (and specified in the Memorandum of Understanding, or MOU). These “additional” fees typically ranged from \$400 to \$600, but were sometimes much higher—one Vietnamese worker reported paying \$4,400. Another survey of Indonesian workers found comparable results: the majority of workers paid local brokers between \$900 and \$1,100, while a few paid as much as \$3,000.<sup>42</sup>

Smuggling, trafficking, and other criminal activities constitute another increasingly important part of the migration industry in South Korea, although it is difficult to quantify its significance due to the inherently surreptitious nature of such activity. Nonetheless, we can get a sense of the magnitude of these activities in South Korea through periodic news accounts. In 2001, for example, police detained 229 smugglers and 9,465 migrants who paid between 30,000 and 60,000 *yuan* (\$3,600 to \$7,200) to reach South Korea.<sup>43</sup> A year later, Chinese officials convicted 15 “snakeheads” of smuggling 180 Chinese nationals to South Korea, including 25 migrants who suffocated in the hold of a fishing boat.<sup>44</sup>

Mainstream Korean businesses are also joining the migration industry. Recently, for example, some of South Korea’s largest banks—the Korea Exchange Bank (KEB), Hana Bank, and Kookmin Bank—have set up special services for foreign migrant workers. KEB has two branches, one in Ansan (Kyönggi Province) and another in Pusan, designed to serve the needs of the *Chosönjok* and Russian migrants respectively.<sup>45</sup> According to the KEB, currency transactions by foreign migrants at just these two branches amounted to \$200 million in the first full year of operation. More generally, the KEB estimated that, in the first half of 2003, foreign workers remitted \$280 million each month.<sup>46</sup> Hana Bank runs a similar branch in Kuro (a district in Seoul) to serve a population of approximately thirty thousand to forty thousand *Chosönjok* residents. Kookmin Bank, Korea’s largest retail bank, has taken, perhaps, the most aggressive approach: it has established business partnerships with the China Construction Bank and the Indonesia Internet Bank, and is explicitly developing its network to boost its overall market share by targeting the entire overseas remittance market in South Korea. To build its network, Kookmin

Bank has started to provide free accident insurance valued at 10 million *wŏn* (a little more than \$10,000) to foreign workers who remit more than \$1,000 overseas. The motivation, according to a bank spokesperson, is clear: “foreign workers will become an important source of revenue as they remit regularly.”<sup>47</sup>

Finally, as I will discuss in additional detail in the following section, more mundane elements of the migration industry—providing foodstuffs, telephone cards, basic services, housing, and so on—have also sprung up around areas with high concentrations of migrant workers, as in Kuro and Ansan, but also in Ilsan, Inch’ŏn, Ŭijŏngbu, Anyang, and many smaller towns and areas around the country. Admittedly, this entrepreneurial activity remains at a relatively small scale, but it is growing. In this regard, it is important to examine the growth of small-scale businesses in relation to the formation of distinct migrant communities, since it is the communities upon which these businesses will be based.

#### *The Formation of Migrant/Immigrant Communities*

In Germany, as Castles and Miller point out, community formation was driven, in large part, by the tendency of employers to house employees in hostels or camps near the work site.<sup>48</sup> This led to the concentration of workers in certain areas, which are largely separate from the majority of the population. These areas, however, cannot be described as “ethnic ghettos”; rather, they are areas characterized by “class-based segregation, with migrants sharing certain areas with disadvantaged groups of the local population: low-income workers, the unemployed, social security recipients and pensioners.”<sup>49</sup> At the same time, a few ethnic enclaves or neighborhoods have developed in Germany, the best known of which is the Turkish community of Kreuzberg in West Berlin.<sup>50</sup> The concentration of foreign workers into separate areas is significant in that it “offers the opportunity for community formation and the development of infrastructure and institutions. The most visible sign of this development is the establishment of shops, cafés, and agencies [that] . . . cater for migrants’ special needs.”<sup>51</sup> In addition to the growth of small businesses, areas with a high concentration of international migrants are likely to see the emergence of welfare and social organizations that compensate for gaps in existing social services; cultural and political associations are another significant manifestation of community formation. Religion also plays a central role. Sometimes migrants will join existing structures or institutions, particularly for religions that have a transnational presence, such as the Catholic Church. Other times, migrant groups may establish their own churches and religious communities.<sup>52</sup> Although the exact process

of community formation unfolds differently in different countries, Castles and Miller assert that the general process can be found in *all* countries of immigration. “They are at the nexus of the migratory process, where transitory migrant groups metamorphose into ethnic communities.” The process underlying community formation, in short, represents growing awareness—even if not fully recognized—of long-term or permanent stay.<sup>53</sup>

In South Korea, the process of community formation is still nascent. Not surprisingly, moreover, it has some of its own specific characteristics. At the most general level, though, there is little to distinguish South Korea from other countries that have gone through the migratory process. While there are no large single-factory worksites, migrant workers have been concentrated in and around certain areas because small factories themselves tend to be geographically concentrated. As I noted above, areas such as Kuro and Ansan have upwards of thirty thousand migrant workers, mainly *Chosŏnjok*. In Inch’ŏn, to cite another example, there are approximately forty thousand foreign migrants.<sup>54</sup> As in Germany and other more recent countries of immigration, these areas are characterized more by socio-economic or class-based segregation than race or ethnicity. And while it is generally true that migrant communities tend to coalesce on the basis of national origin, many areas with significant migrant worker populations are “ethnically” diverse—a product of the relatively scattered distribution of migrant groups in terms of national origin. This is evidenced, in part, by the plethora of small stores that have sprung up to service the needs of migrant worker communities. In one store I visited in P’aju city (located north of Seoul, near the demilitarized zone), the Pakistani owner—married to a Korean citizen—has painted the flags of twelve countries on the store’s façade: China, Nepal, Bangladesh, Pakistan, Philippines, Thailand, Malaysia, Vietnam, Uzbekistan, Mongolia, Indonesia, and Singapore. His clientele included individuals from all twelve countries.<sup>55</sup> Such stores are by no means exceptional; indeed, they can be found in virtually any area of Korea where there are large pockets of foreign migrant workers.

In Korea, it is worth noting, even the more cohesive migrant communities tend to be geographically dispersed. The best example of this, perhaps, is the Filipino community in Korea, which numbers about thirty thousand to forty thousand overall. While relatively large, there is no fixed district in which a large number Filipinos live and work. Instead, there is an informal “weekend community” that revolves around the Hyehwa Catholic Church, located in the central district of Seoul on a very popular street known as Taehangno. The church not only holds a mass for

Filipinos, which attracts upwards of three thousand worshipers, but also purchased several properties specifically for the Filipino community.<sup>56</sup> Over the past several years, this area—known as Little Manila—has become the central gathering point for Filipino migrants in Seoul. Every Sunday, in fact, a street market is held in front of the Hyehwa Catholic Church. This market typically attracts several thousand Filipinos and includes approximately forty vendors, most of whom are also Filipino. Beyond the street market, there is also a burgeoning migration industry—as Castles and Miller predict—revolving around the specific interests of Filipino migrants. This is evident in a semimonthly news and advertising magazine called *Newsgate Philippines*. In its May 15, 2006, issue, for instance, sixty-seven commercial advertisers were listed—these included wholesalers selling phone cards, Philippine food products (everything from Lumpiang Shanghai to Longganisa), automobiles, and electronics; there were also a number freight forwarders and foreign exchange service providers. A few mainstream companies, including Philippine Airlines, MoneyGram, and Western Union, also had advertisements.

The strongest indicator of community formation, however, is among the *Chosŏnjok*. As I have noted several times already, there are large concentrations of *Chosŏnjok* in many areas throughout the country, especially in and around Seoul. One particularly important area is the Karibong market in Kuro. Karibong market has become a central shopping, service, entertainment, and dining location for the *Chosŏnjok*. Looking down the main street, one can count dozens of establishments catering to the *Chosŏnjok*: restaurants, *karaoke* bars (or *noraebang*), video game rooms, clothing stores, calling centers (where customers can make direct calls to China), beauty salons, travel agencies, and so on. There is also a community center and community newspaper located here, as well as organizations that purport to provide immigration services and advice. During my visit there, even members of the Falun Gong were distributing leaflets and other materials to passersby. Karibong, as might be expected, has become known as Seoul's Chinatown.

Another indicator of community formation can be found in the increasingly well-established network of social welfare organizations (including NGOs)—many with strong religious affiliations—centered on various migrant communities. In South Korea, these organizations emerged almost immediately after the first significant arrival of foreign migrant workers. From just a handful in the early 1990s, there are now at least 150 such organizations, many of which focus on specific migrant communities (e.g., Bangladeshi, Filipino, Nepalese, Pakistani, Sri Lankan, *Chosŏnjok*, and so forth). Most, however, open their doors to any migrant

worker regardless of nationality. The rapid growth and development of social welfare organizations devoted to migrant worker issues is impressive: many organizations started out as small offices set up within existing institutions with a staff frequently limited to one or two full-time individuals, plus a small number of volunteers. By the mid-2000s, however, some of these organizations—while still operating on shoestring budgets—had become significant entities. The Migrant Workers' House, to cite one prominent example, started off as a single center in Söngnam run by Kim Hae-sung. By 2006, Kim had opened eleven additional centers plus a hospital exclusively dedicated to the treatment of international migrant workers. The Migrant Workers' Hospital, which opened in 2004, offers a full range of in- and out-patient care, including surgical procedures. In its first full two years of operation, the hospital treated more than fifty thousand patients.<sup>57</sup> One other development should also be noted: the establishment of a television station devoted to migrant workers called, appropriately enough, Migrant Workers TV (MWTV). MWTV began in April 2005 and is meant to enable migrant workers to “create their own voice” and build a stronger sense of community among the various migrant groups within Korea.<sup>58</sup> (MWTV is assisted by local Korean broadcaster, RTV. Its programs are also accessible from its Web site [[www.mwtv.or.kr](http://www.mwtv.or.kr)] and are produced in English, Bangladeshi, Nepalese, Burmese, Mongolian, and Indonesian, with Russian to come.<sup>59</sup>)

The more important issue, of course, is the influence of the Korean NGO community in Korean society generally and on the Korean government specifically. The influence has been significant. Although I address this point in more detail below, suffice it to say that the NGO community centered on migrant worker issues has become a firmly entrenched and highly credible social force. The community has gradually transformed the issue of migrant labor rights into an issue of fundamental human rights and social justice.<sup>60</sup>

### ***Self-Limited Sovereignty and the Politics of Immigration***

A burgeoning migration industry and nascent community formation tells us that the migratory process is, in fact, unfolding in South Korea. It does not tell us, however, what the limits on this process are. After all, it is certainly possible that, despite a host of changes brought about by migration, the Korean government, when the time comes, will simply force all international migrants to leave. There are reasons, however, to believe that this will not happen. It is already clear, for example, that the state has little will to detain and deport overstayers en masse. Indeed, the number of

illegal or overstaying migrant workers continues to be very high, despite government assurances that the problem would be resolved. In 2004, for example, in a joint statement issued by Justice Minister Kang Gum-Sil and Labor Minister Kwon Ki-Hong, the two confidently announced: "Foreigners will not be allowed to stay illegally any longer."<sup>61</sup> They even promised to bring the number of overstayers down to fewer than fifty thousand by the end of the year.<sup>62</sup> In December 2004, however, according to the government's own (conservative) estimate, there were still at least 185,719 illegal foreign workers in South Korea.<sup>63</sup> This number is made more significant by the fact that 2003 and 2004 witnessed major reductions in the number of illegal workers due to a voluntary registration and an amnesty program, the first of which began during the Korea-Japan 2002 World Cup games, and the second of which was initiated shortly before the implementation of the EPS. During these two periods, hundreds of thousands of formerly illegal workers were granted (temporary) legal status, bringing the proportion of illegal workers down to 35.5 percent in 2003. Almost immediately, however, the proportion of illegal workers increased—to 44 percent in 2004<sup>64</sup> and to 55 percent in 2005.<sup>65</sup> Since then, the proportion has gradually decreased, but the absolute number is still very large: as of December 2007, there were an estimated 202,000 foreign workers in Korea illegally.<sup>66</sup> Given the long-term intractability of illegal migration, there is no reason to believe that the EPS will make an appreciable difference.

A much more important sign that the migratory process will not be easily stopped can be found in the legal decisions that have gradually expanded the rights of foreign workers in Korea. Indeed, despite the relatively recent emergence of Korean democracy, it took almost no time for foreign workers and their allies in Korean civil society to tap into the country's new democratically constituted legal system. One of the first significant legal developments occurred in 1993 with a decision by the Seoul Superior Court establishing the right for undocumented foreign workers to receive compensation for industrial injury. A few years later in 1995, a special court was created to deal exclusively with the problems of foreign workers, such as wage issues and severance pay. The Seoul Supreme Court decided another important case in 1997. This decision affirmed the right of illegal aliens employed in Korea to receive severance pay.<sup>67</sup> Meanwhile, a series of similar cases by lower courts eventually compelled the government to adopt a more general policy position.<sup>68</sup> As a result of all this, on October 14, 1998, the Ministry of Labor announced that all undocumented immigrant workers in Korea would be protected under the Labor Standards Act.<sup>69</sup> According to a Ministry spokesperson, the Act was

amended because “The relevant Supreme Court’s judicial precedents regard illegal foreign workers as workers to whom the Labor Standards Act applies. . . . Accordingly, when employers . . . violate the Labor Standards Act against illegal foreign workers, the employers are subject to the same level of punishment as that against domestic workers.”<sup>70</sup> This decision was only a qualified victory since the act applied to companies with five or more employees, which left out a large proportion of undocumented workers since they were employed in companies with fewer than five workers. In July 2000, however, this limitation was partly overcome when the occupational accident law extended to cover workers in all companies regardless of size.<sup>71</sup>

In Germany, a similar though far more expansive process occurred. As Joppke explains it, the German judiciary has played an aggressively activist role with regard to immigration policy. It did so on the basis of a constitution that drew fundamental lessons from German history: “first, to subordinate state power to the rights of individuals; and second, to grant the most fundamental of these rights without respect to nationality.” It was on these grounds that “a series of Constitutional Court rules obliterated the official ‘not-a-country-of-immigration’ policy.”<sup>72</sup> Joppke’s analytical focus begins in the 1970s, following the official end of the guest worker program. It was then that the first major cases involving residence rights were decided by the German courts. According to Joppke, residence rights were established by a series of court cases that firmly and unequivocally nullified the official no-immigration policy. “Once the resident rights of guest workers were secured,” Joppke notes, “the Constitutional Court turned to the issue of family reunification—a much trickier terrain.”<sup>73</sup> It was trickier in part because it involved the granting of rights to individuals who were not established residents of Germany; many, in fact, may not have ever set foot on German soil. Despite a more equivocal position, though, the courts made it possible for extensive family reunification to take place. The growing numbers of foreign residents in Germany since the 1970s certainly bears this out.

Given the expansion of residence and reunification rights in Germany, is it reasonable to expect that South Korea will experience the same process in the future? It is impossible to say for sure. However, there are few compelling reasons to believe that the process in South Korea will be materially different from that in Germany and other liberal democracies—at least not at this point. Certainly, the South Korean judiciary has already demonstrated a high degree of independence and a strong commitment to the rule of law. Moreover, there is a growing insistence among segments of the migrant community that they have a *right* to stay in Korea. We can

see this in the development of political organizations run by international migrants themselves. One of the most well known of these organizations is the Migrants' Trade Union (MTU), which was established in 2005 (the predecessor of the MTU was the Equality Trade Union Migrants' Branch or ETU-MB, which was formed four years earlier). The leadership of the MTU is composed entirely of illegal migrant workers, primarily from Bangladesh and Nepal (there also members from Indonesia and the Philippines). Although tiny—with a membership (in early 2006) of no more than three hundred<sup>74</sup>—the MTU has been extremely active and quite public despite its illegal status. Its leadership appears frequently in television and newspaper interviews, and all of its events are well publicized on the organization's Web site: <http://migrant.nodong.net/ver3/>. Significantly, the main target of the union is the EPS, which the MTU leadership views as unjust, inhumane, and economically shortsighted. The most objectionable provision of the EPS, however, is the three-year time limitation. Shakil, vice president of the MTU, expressed the basic objection clearly in an extended interview with the *Korea Times*. As he put it, "Korean society should also change its attitude toward migrant workers and treat us equally and fairly because *we are now an integral part of Korean society*" (emphasis added).<sup>75</sup> Indeed, he argues that foreign workers have become "the backbone of 'Corporate Korea.'"<sup>76</sup> While this might be viewed as hyperbole, the change in discourse should not be underestimated, for it represents the emergence of a new consciousness or awareness, which underscores a growing sense of belongingness to Korean society.

None of this is to say that Korean authorities will not try to prevent permanent settlement or, later, family reunification: they almost assuredly will, as was the case in Germany. But, as in Germany, there are constitutional and legal protections that *democratic* governments are obliged to obey. Just as assuredly, there will be strong voices, both within the government and outside, that will oppose, on legal *and* moral grounds, efforts to forcibly remove former guest workers and their families, many of whom will have been in Korea for several decades by the time the question of permanent settlement emerges as a major issue. In fact, the question of permanent settlement, after being almost completely ignored since the first foreign workers arrived in Korea, is now being raised within Korea: in November 2005, a coalition comprised of 120 civic groups started a movement to urge the government to grant citizenship to the children of illegally staying foreigners. Their appeal asked, "How can a baby, who has never crossed the border nor received a visa from Korea, be an illegal alien?"<sup>77</sup> In my interviews with a wide variety of NGOs and

activists in summer 2006, moreover, all expressed an understanding that the question of residency and permanent settlement can no longer be avoided.

The government, not surprisingly, is strongly opposed. The real issue, however, is exactly how this initiative will play out if the government continues to resist. One obvious answer is that it—and similar initiatives—will eventually be resolved in the courts. Korea's experience with the expansion of foreign worker rights, in fact, tells us that this will almost assuredly be the case. This experience also tells us, moreover, that it will not be a purely legal process; instead, we should expect that the move toward permanent settlement will be a profoundly political process, one in which migrant worker groups (such as the MTU), "migrant communities," and their allies in the Korea's civil society must play a central role.

## **Conclusion**

The prospects for permanent settlement in South Korea are, admittedly, still uncertain. There are strong signs, however, that the migratory process—which led from temporary worker migration to permanent settlement in Germany—is unfolding in relatively predictable fashion in South Korea. The development of a migration industry is unequivocal, while the outlines of community formation are becoming stronger every year. Similarly, it is clear that the court system has played a large role in the expansion of migrant labor rights in Korea. That this has happened, to a large extent, against the desires of the Korean state is significant. Equally significant is the development of stronger and stronger political voices within the migrant community. These voices reflect a growing conviction that international migrants have not only become integral to the Korean economy, but have also become a part of Korean society in a much larger sense. A powerful push beyond the question of labor rights to rights of long-term residency and even citizenship, therefore, is almost inevitable. Perhaps the most significant question, then, is not whether permanent settlement will take place, but how quickly and in what manner it will come about. On this issue, there are, I believe, a number of important conditions specific to Korea that will likely play a key role. I have already suggested one of these, namely, the existence of a broad-based, politically savvy and socially powerful network of civic and religious organizations devoted to the promotion and protection of migrant worker rights. This network provides a degree of legitimacy to the demands and interests of the migrant worker community that is lacking or much weaker in many

other countries of immigration. Second, among Koreans in general and within the government in particular, there is a strong sensitivity to the country's international "image." In the struggle for migrant worker rights, the government often acceded to demands on the part of migrant workers and the NGO community in order to protect Korea's image.<sup>78</sup> Third, South Korea's astoundingly low birthrate of 1.08—the lowest in the world (Japan is second at 1.29)—and its rapidly aging population will put continuing pressure on the country to import workers far into the future.<sup>79</sup>

Finally, in parallel with a continuing high demand for worker migration is a sudden and dramatic rise in international marriages in Korea. From 2003 to 2004, for instance, the number of marriages between Korean citizens and non-Koreans increased 38 percent to 35,447. This figure accounted for 11.4 percent of all marriages reported in the country for the year; in farming villages the figure is even higher—almost 28 percent of all marriages are between Korean men and foreign women.<sup>80</sup> Even more, it is estimated that by 2012, international marriages will account for one out of every four elementary school students in Korea's rural areas.<sup>81</sup> In combination, these three factors are creating an increasingly strong basis for far-reaching change in Korea's immigration policy. The rapid increase in international marriages, in particular, may soon force a rethinking of both Korean identity and citizenship. In other words, Korea's myth of ethnic homogeneity, upon which Korean identity is based, will become less and less sustainable when an increasingly large proportion of the country's children are of "mixed blood."

Much, of course, remains to be seen. In fact, there is one factor that could change the equation considerably: the collapse of the North Korean regime. If this were to happen—and, certainly, this is not an unlikely event—South Korea would suddenly have a vast pool of "cheap" labor upon which to draw. It is worth noting, though, that even East Germany's collapse and subsequent incorporation by the FRG did not make the "immigration question" vanish. Thus, if the movement toward permanent settlement in South Korea cannot be avoided, it would behoove Korean policymakers to reconsider the country's migration/immigration policy. For, the effort to cling to a policy based on false premises is bound to create serious problems, especially when that policy is, in essence, designed to marginalize an entire category of people who are clearly contributing to Korean society. Such marginalization breeds indignation and hostility: it is a recipe for social conflict. To avoid this, a more "realistic" policy premised on rational plan of integration and assimilation is needed. Before this step can be seriously discussed, though, it is important to recognize the nature of the migratory process.

## Notes

1. Philip Martin, Andrew Mason, and Toshikazu Nagayama, "Introduction to Special Issue on the Dynamics of Labor Migration in Asia," *Asian and Pacific Migration Journal*, 5.2-3 (1996): 171–72.
2. Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, 3rd ed. (New York and London: Guildford Press, 2003).
3. Castles and Miller, *The Age of Migration*, 31.
4. Castles and Miller, *The Age of Migration*, 48.
5. Castles and Miller, *The Age of Migration*, 31–32.
6. Christian Joppke, "Why Liberal States Accept Unwanted Immigration," in *The Migration Reader: Exploring Politics and Policies*, ed. Anthony M. Messina and Gallya Lahav (Boulder, Colo.: Lynne Rienner, [1998] 2006).
7. Joppke, "Why Liberal States Accept Unwanted Immigration," 529.
8. For further discussion, see Timothy C. Lim, "The Fight for Equal Rights: The Power of Foreign Workers in South Korea," *Alternatives* 24 (1999): 329–59.
9. See, for example, Dong-Hoon Seol, "Past and Present of Foreign Workers in Korea 1987–2000," *Asia Solidarity Quarterly*, 2 (2000): 6–31; Timothy C. Lim, "NGOs, Transnational Migrants, and the Promotion of Rights in South Korea," in *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspective*, ed. Takeyuki Tsuda (Lanham, Md.: Lexington Books, 2006); and Timothy C. Lim, "Racing from the Bottom in South Korea? The Nexus between Civil Society and Transnational Migrants," *Asian Survey*, 43.3 (2003).
10. Seol, "Past and Present of Foreign Workers."
11. Ethnic Koreans from China, as Kim Hae-sung (president of the Migrant Workers' House) pointed out, prefer the term *Chung-guk tongp'o* to *Chosŏnjok*. The former term loosely translates as "brothers (or compatriots) from China." Interview with Kim Hae-sung in Seoul, June 18, 2006.
12. "Work Visa Rules Eased for Ethnic Koreans in China, Russia," *Korea Herald*, May 19, 2006.
13. Interview with Torii Ippei, secretary general, ZWU Zentoitsu (All United) Workers Union, in Tokyo, June 5, 2002.
14. Seol, "Past and Present of Foreign Workers."
15. For a complete list of conditions, see the Employment Permit System (EPS) Web site established by the Ministry of Labor. Available at <http://www.eps.go.kr/wem/en/contents/important.jsp>.
16. Ki-sup Kwon, "The Prospects and Challenges for the Employment Permit System," unpublished remarks (2004).
17. Germany's experience with migration incorporates much more than its guest worker program, which represents one of several major migratory movements since

1945. The first and largest involved more than eight million expellees from the eastern parts of the Reich and three million refugees who came from the German Democratic Republic (GDR).

18. Castles and Miller, *The Age of Migration*, 72.

19. Kwon, "The Prospects and Challenges."

20. Castles and Miller, *The Age of Migration*, 72.

21. The Korean government itself makes a distinction between the EPS and the guest worker program in Germany, which it calls a "Labor Permit System." The difference is that the EPS does not, in principle, allow foreign workers to move from job to job, while the LPS does. See "What is EPS: Introduction" (<http://www.eps.go.kr/wem/eh/inf/eh9901010b01.jsp>).

22. Panikos Panayi, "The Evolution of Multiculturalism in Britain and Germany: An Historical Survey," *Journal of Multilingual and Multicultural Development*, 25.5-6 (2004).

23. Cited in Panayi, "The Evolution of Multiculturalism," 469.

24. Federal Statistical Office Germany, "Foreign Population 1980–2004," *DeStatis*. Available at <http://www.destatis.de/basis/e/bevoe/bevoetab7.htm>.

25. Panayi, "The Evolution of Multiculturalism," 469.

26. Castles and Miller, *The Age of Migration*, 201.

27. Castles and Miller, *The Age of Migration*, 201.

28. Castles and Miller, *The Age of Migration*, 201.

29. Gabrielle Frölich, "Discrimination in German Immigration," *Peace Review*, 16.4 (2004): 480.

30. Frölich, "Discrimination in German Immigration," 483.

31. The figures are inconsistent. The OECD, for example, lists the number of foreign residents (at the end of 2002) at 8.9 million, while Frölich ("Discrimination in German Immigration") uses a figure of 10 million. OECD figure from Organization of Economic Co-operation and Development (OECD), "Stocks of Foreign Population in Selected OECD Countries" (table), in *International Migration Data* (2003). Available at <http://www.oecd.org/dataoecd/23/50/34641722.xls>.

32. Stephen Castles, Heather Booth, and Tina Wallace, *Here for Good: Western Europe's New Ethnic Minorities* (London: Pluto Press, 1984); cited in Castles and Miller, *The Age of Migration*.

33. Castles and Miller, *The Age of Migration*, 207.

34. "Kim Dae-jung Negative on Employing Foreigners," *Korea Times*, Dec. 21, 1997.

35. "South Korea Expects Mass Exodus of Foreign Workers This Year," *Agence France Presse*, Feb. 16, 1998, accessed in Lexis-Nexis, World News, available at <https://web.lexis-nexis.com/universe>.

36. Christian Joppke chastises scholars who criticize the German state for its "not a country of immigration" philosophy. According to Joppke, this is a groundless criticism

since “[n]o immigration reality could ever contradict the state’s philosophy, because it is a normative statement reflecting the Bonn Republic’s self-description as a homeland of the subjugated German diaspora in communist Eastern Europe” (Joppke, “Why Liberal States,” 539).

37. Castles and Miller, *The Age of Migration*, 114–15.

38. Castles and Miller, *The Age of Migration*, 115.

39. Seoul, “Past and Present of Foreign Workers.”

40. “KFSB Finds Foreign Workers Attractive Revenue Source,” *Korea Times*, Sept. 17, 2002.

41. Cited in Kil-sang Yoo, “Migrant Workers’ Labor Market in Korea,” unpublished paper presented at the 5th Asian Regional Congress of the International Industrial Relations Association (IIRA) held in Seoul on June 23–26, 2004. Available at [http://www.kli.re.kr/kli\\_eng/elabor/34/papers/paper1.pdf](http://www.kli.re.kr/kli_eng/elabor/34/papers/paper1.pdf).

42. All figures cited in Yoo, “Migrant Workers’ Labor Market.”

43. “China Catches Migrants Using World Cup Travel to Reach S. Korea: Report,” *People’s Daily Online*, June 24, 2002, available at [http://english.people.com.cn/200206/23/eng20020623\\_98386.shtml](http://english.people.com.cn/200206/23/eng20020623_98386.shtml).

44. “China Sentences Smugglers after Migrants Suffocate in Fishing Boat,” *Associated Press*, Mar. 29, 2002, accessed in Lexis-Nexis, World News, available at <https://web.lexis-nexis.com/universe>.

45. “Banks Target Foreign Workers,” *Korea Times*, Sept. 3, 2004.

46. “Korea’s Dying Industries,” *Digital Chosun/The Chosun Ilbo*, July 30, 2003, available at <http://english.chosun.com/w21data/html/news/200307/200307300008.html>.

47. “Banks Target Foreign Workers.”

48. Castles and Miller, *The Age of Migration*, 208.

49. Castles and Miller, *The Age of Migration*, 209.

50. Castles and Miller, *The Age of Migration*, 209.

51. Castles and Miller, *The Age of Migration*, 209.

52. Castles and Miller, *The Age of Migration*, 210.

53. Castles and Miller, *The Age of Migration*, 210.

54. Rough estimate provided by Choi Hyun-Mo, general secretary of the Korea Migrant Workers’ Human Rights Center, which is based in Inch’ön. Interview by author, June 5, 2006, in Inch’ön (Korea).

55. Interview by author, Mar. 25, 2006, in P’aju City (Korea).

56. Interview with Father Glenn, May 6, 2006, in Seoul.

57. Interview with Kim Hae-sung in Seoul, June 18, 2006.

58. Interview with Ahmed Mahbub, co-founder, Migrant Workers Television, in Seoul, June 16, 2006.

59. “Migrant Worker Takes Creative Action,” *Korea Times*, Jan. 10, 2006.

60. See Lim, “Racing from the Bottom.”

61. “South Korea Announces New Crackdown on Illegal Foreign Workers,” *Chan-*

*nel NewsAsia*, July 15, 2004, accessed in Lexis-Nexis, World News, available at <https://web.lexis-nexis.com/universe>.

62. "Seoul to Step Up Crackdown on Illegal Workers," *Korea Herald*, July 7, 2004.
63. "S. Korea to Increase Efforts to Repatriate Illegal Aliens," Yŏnhap News Agency, Dec. 27, 2004.
64. "Illegal Foreign Workers Face Tougher Punishment," *Korea Times*, July 16, 2004.
65. "Illegal Foreign Workers on the Rise," Yŏnhap News Agency, July 31, 2005.
66. "Korea to Bring in More Foreign Workers," *Korea Herald*, Feb. 15, 2008.
67. In this case, South Korea's Supreme Court upheld a lower court's decision that ruled all foreign workers, including those working illegally, deserve severance benefits. More specifically, the court ruled that, even though a foreign worker (Mohamed Abdul Kalek from Bangladesh) clearly violated immigration-control laws, his employment contract was valid and he was, therefore, entitled to 3.67 million *wŏn* in severance benefits from his former employer ("Illegal Foreign Workers Awarded Severance Pay," *Korea Herald*, Aug. 8, 1997).
68. In 1996, to cite one example, a Korean-Chinese woman, who had already returned to China, sued the Labor Welfare Corporation, arguing that it had no right to deny her compensation for an injury she suffered in 1994. According to a government directive, only foreign workers injured after March 1995 (when the law was changed) were to be eligible for compensation. A three-judge panel, however, ruled that the ministry guideline had no legal force, and, therefore, the plaintiff was fully entitled to compensation for her injuries ("Court Rules Invalid Gov't Denial of Foreign Worker's Right to Industrial Accident Compensation," *Korea Times*, Jan. 30, 1997).
69. The full text of the Labor Standards Act is available at <http://www.globalmarch.org/virtuallibrary/ilo-natlex/korea-standards.htm>.
70. Ministry of Labor Press Release, Oct. 14, 1998.
71. Interview with Sr. Josephina Cheong (Foreign Workers Labor Counseling Office), June 10, 2002 (Seoul).
72. Joppke, "Why Liberal States," 540.
73. Joppke, "Why Liberal States," 541.
74. Interview with Shakil, acting president, Migrants' Trade Union, May 22, 2006.
75. "Migrants Want Flexible Employment System," *Korea Times*, Jan. 1, 2006.
76. "Migrants Want Flexible Employment System."
77. "Foreigners Worry about Children's Education," *Korea Times*, Nov. 21, 2005.
78. Lim, "The Fight for Equal Rights."
79. "Birthrate Falls to Record Low," *Korea Herald*, May 9, 2006.
80. "One in 4 Rural Bachelors Marry Foreigners," *Korea Times*, June 28, 2005.
81. "Minorities in Korea" [editorial], *Korea Herald*, Nov. 12, 2005.