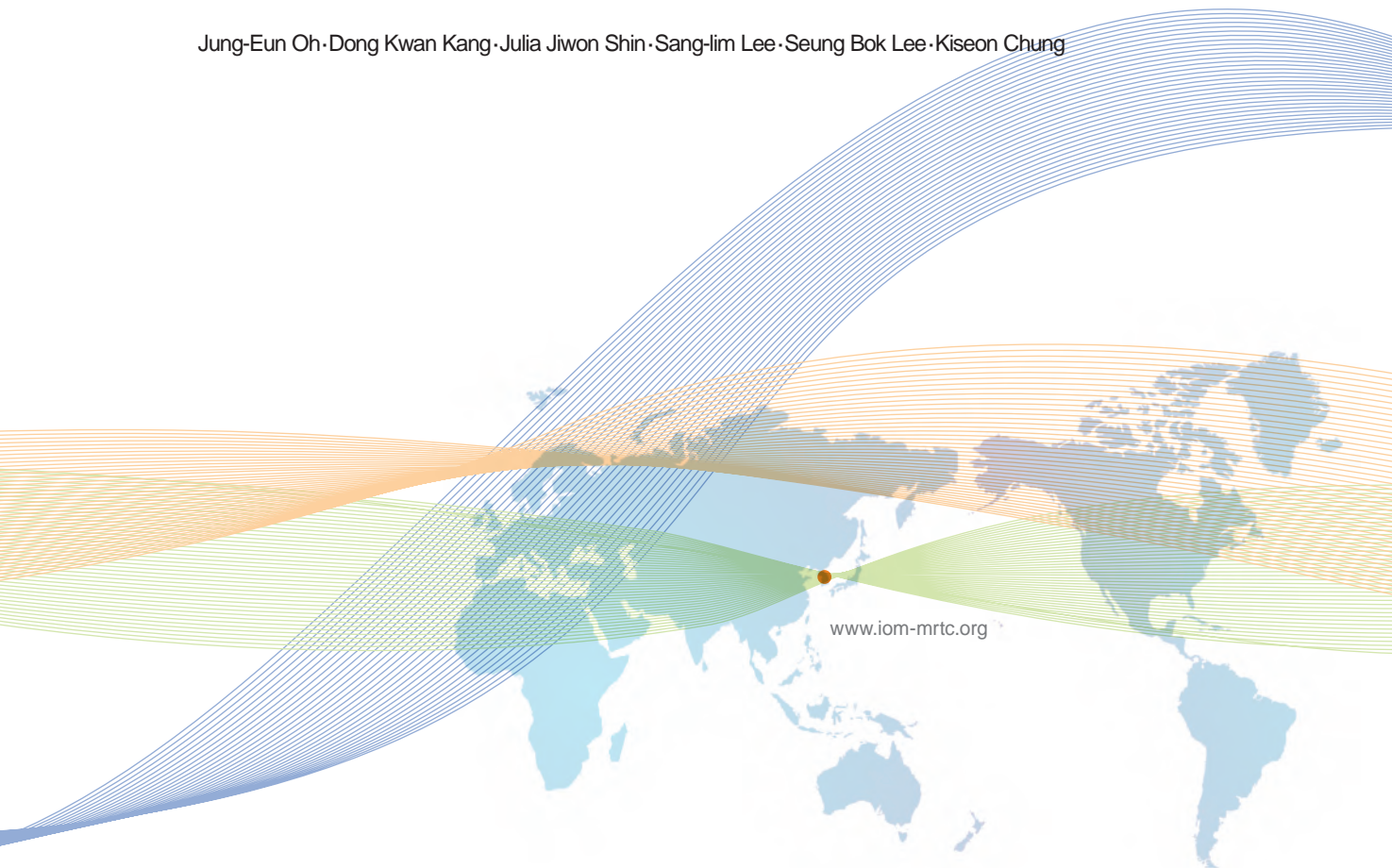


IOM MRTC Research Report Series
No. 2011-01



Migration Profile of the Republic of Korea

Jung-Eun Oh · Dong Kwan Kang · Julia Jiwon Shin · Sang-im Lee · Seung Bok Lee · Kiseon Chung



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IOM 이민정책연구원

The Migration Research and Training Centre of the International Organization for Migration Republic of Korea

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- Assist in meeting the growing operational challenges of migration management,
- Advance understanding of migration issues,
- Encourage social and economic development through migration,
- Uphold the human dignity and well-being of migrants.

본 연구가 수행될 수 있도록 적극 지원해 주신 법무부 출입국외국인정책본부, 경기도, 고양시 및 국내 협력 기관에 깊이 감사드립니다.

The MRTC expresses its deep appreciation for the support and guidance it receives from its partners in Korea, in particular: The Ministry of Justice and the Korea Immigration Service, Gyeonggi-do and Goyang-si.

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No. 2011-01

Migration Profile of the Republic of Korea

대한민국 이민정책 프로파일

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Migration Profile of the Republic of Korea

IOM MRTC Research Report Series
No. 2011-01

Abstract: This research report presents the Migration Profile for the Republic of Korea (hereafter, Korea). The report adapts and builds on the model of other migration profiles, and breaks new ground in approaching the profile exercise from the perspective of a highly developed country, and one now predominantly characterized by inward migration. The process of developing the Profile is briefly described and highlights the intention for this Profile to serve as both a consultative process and, ultimately, a definitive resource. The Profile examines the demographic, socio-economic, cultural and historic context of migration in Korea. It presents an analysis of the current migration situation in Korea from both its inward and outwards aspects. It also reviews migration policy governance including related laws, migrants support programmes, internal and external actors, and other related information. The Profile concludes by suggesting some key implications for future migration policy development for Korea, but does not intend to or attempt to set out a comprehensive new migration policy framework. It is intended to inform those concerned with developing such new policies for Korea.

Keywords: Korea, migration profile, immigration, emigration, basic plan, social integration, migration data

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I. Introduction

1. Purpose

Over the past 20 years, the immigration of foreigners into the Republic of Korea (hereafter, Korea) has increased at a rapid pace, while emigration of Korean nationals has declined substantially. Previously a country of emigration, Korea has now become a net migrant receiving country.

As of 2012, more than 1.4 million foreigners reside in Korea, and this represents a nearly thirty-fold increase from the 1990 figure of 49,500 persons. Responding to this rapid change, the government of Korea in recent years amended and adopted laws and regulations related to immigration, and has introduced new policies to facilitate the integration of migrants into Korean society. The evolving migration landscape in Korea and the development of new immigration policies have had a significant impact on Korean society. In this context, it is both highly relevant and timely to take stock of recent trends in migration and migration-related policies for Korea, and to use that perspective to inform policies that anticipate and prepare for potential future challenges.

The Migration Profile of Korea seeks to contribute to that perspective by providing a concise yet comprehensive overview of the current migration situation in Korea. Along with presentation and analysis of relevant statistical data, the Profile also examines the demographic, socioeconomic, cultural and historic context of migration in Korea. Furthermore, it reviews the national institutional and policy framework governing migration, and highlights recent regional and international cooperation efforts undertaken by the Korean government. Based on this information, the Profile identifies key implications of recent migration trends for policy makers. It concludes with recommendations

for enhancing immigration policy as well as proposals for the Profile's use in migration policy development.

International migration, by definition, involves the movement of people across national boundaries. As such, it is an issue which requires international cooperation. First proposed by the European Commission (EC) in 2005, the Migration Profiles have become an important tool for collecting and exchanging migration-related information, and have facilitated intra-governmental coordination, as well as cooperation among governments and between governments and other stakeholders. Currently, Migration Profiles have been produced or currently under development for more than 70 countries around the globe.

The Migration Profile of Korea has been directly influenced by the format and approach developed by the international community. At the same time, and as recommended by governments at the 2010 Global Forum on Migration and Development (GFMD), the overall content and structure of the Profile has been tailored to reflect the situation and priorities specific to Korea as a highly developed economy and one with migration issues more reflective of developed and destination countries.

It is expected that this Profile will be relevant not only for evidence-based policy making at the national level but also in enhancing coherence and cooperation at global and regional levels. As one of the first examples of the Migration Profile prepared in the Asia-Pacific region, and the first for a country with a highly-developed economy, it is hoped that it will promote further discussion and collaboration among partners, and encourage the collection, analysis and dissemination of comparable statistical data and other policy relevant information in the region. It is envisioned that the Migration Profile of Korea will serve as a springboard for strengthening Korea's international cooperation on migration issues.

2. Profile Process

The Migration Profile of Korea was prepared by the IOM Migration Research and Training Centre (MRTC) in close coordination and consultation with relevant government ministries, migration experts, international organizations and civil society.

The initial phase in the development of this Profile consisted of the collection and analysis of relevant information and statistical data by IOM MRTC researchers. A series of internal meetings were held over a period of four months to determine the specific structure and content of Korea's Profile. Based on the outcome of these discussions, a first draft was produced by the co-authors. Consultative meetings and migration policy workshops were held during the next five months to review the draft. Revisions were made based on comments and feedback received.

A wide range of documents and source materials were used in the preparation of the Profile, including: Migration Profiles developed in various countries; migration-related publications from international organizations, such as IOM, OECD and UN agencies; statistical data from government offices, including Korean National Statistics Office, Ministry of Justice (MOJ), Ministry of Public Administration and Security (MOPAS), Ministry of Foreign Affairs and Trade (MOFAT), Ministry of Employment and Labor (MOEL), Ministry of Gender Equality and Family (MOGEF), and Ministry of Education, Science and Technology (MEST); and various migration related publications and documents from domestic and international sources, including policy reports, research papers, conference papers and workshop reports.

The following external consultations were held during the development of the Profile: Conference on International Migration and Data Management for Policy Development held in Hanoi, Vietnam on 1–2 June 2011; Consultative meeting held

at the IOM MRTC on 30 June 2011 and 6 December 2011; and the Migration Policy Workshop (7 sessions), held from 1 November to 15 December 2011.

At the June 2011 conference in Hanoi, the lead researcher from the IOM MRTC presented the objectives and progress of the Migration Profile of Korea. Participating in the conference provided an opportunity not only to learn from previous experiences of developing Migration Profiles in Africa, Europe and Latin America, but also to receive feedback and suggestions for the preparation of the Migration Profile of Korea.

Consultative meetings were hosted by IOM MRTC on two separate occasions, bringing together representatives from government ministries (Ministry of Justice, Ministry of Foreign Affairs and Trade, Ministry of Gender Equality and Family, Ministry of Employment and Labor), international organizations (IOM, UNHCR), civil society and academia. Discussions focused on elaboration of a comprehensive and objective Profile for Korea.

The seven sessions of the Migration Policy Workshop gathered leading Korean migration scholars to identify and examine key points of debate concerning migration in Korea.

3. Key Definitions

A list of key terms used in the Migration Profile of Korea is provided below. All definitions are from the second edition of IOM's Glossary on Migration, published in 2011.

| | |
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| Diasporas | Diasporas are broadly defined as individuals and members or networks, associations and communities, who have left their country of origin, but maintain links with their homelands. This concept covers more settled expatriate communities, migrant workers based abroad temporarily, expatriates with the |
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| | nationality of the host country, dual nationals, and second-/ third generation migrants. |
| Emigration | The act of departing or exiting from one State with a view to settling in another |
| Governance of Migration | System of institutions, legal frameworks, mechanisms and practices aimed at regulating migration and protecting migrants. Used almost synonymously with the term “migration management”, although migration management is also sometimes used to refer to the narrow act of regulating cross-border movement at the state level. |
| Highly Skilled Migrant | While there is no internationally agreed definition, two overlapping meanings are often intended. In very general terms a highly skilled migrant is considered to be a person with tertiary education, typically an adult who has completed at least two years of postsecondary education. In a more specific sense, a highly skilled migrant is a person who has earned, either by tertiary level education or occupational experience, the level of qualifications typically needed to practice a profession. |
| Immigration | A process by which non-nationals move into a country for the purpose of settlement. |
| Immigration Quota | A quota established by a country for the entry of immigrants, normally for the purposes of labour migration. |
| Immigration Status | Status of a migrant under the immigration law of the host country. |
| International Migration | Movement of persons who leave their country of origin, or the country of habitual residence, to establish themselves either permanently or temporarily in another country. An international frontier is therefore crossed. |
| Labour Migration | Movement of persons from one State to another, or within their own country of residence, for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad. |
| Legalization | The act of making lawful; authorization or justification by legal sanction. |
| Less/Low skilled and Semi-skilled Migrant Worker | There is no internationally agreed definition of a less or low skilled and semi-skilled migrant worker. In broad terms, a semi-skilled worker is considered to be a person who requires a degree of training or familiarization with the job before being able to operate at maximum/optimal efficiency, although this training is not of the length or intensity required for designation as a skilled (or craft) worker, being measured in weeks or days rather than years, nor is it normally at the tertiary level. Many so-called “manual workers” (e.g. production, construction workers) should therefore be classified as semi-skilled. A less or low-skilled worker, on the other |

hand, is considered to be a person who has received less training than a semiskilled worker or, having not received any training, has still acquired his or her competence on the job.

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| Migrant Worker | “A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national” (Art. 2(1), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990). |
| Migration Management | A term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues. |
| Multiculturalism | Integration approach that recognizes, manages and maximizes the benefits of cultural diversity. Migrants remain distinguishable from the majority population through their language, culture and social behaviour without jeopardizing national identity. |
| Naturalization | Granting by a State of its nationality to a non-national through a formal act on the application of the individual concerned. International law does not provide detailed rules for naturalization, but it recognizes the competence of every State to naturalize those who are not its nationals and who apply to become its nationals. |
| Permanent Residence | The right, granted by the authorities of a host State to a non-national, to live and work therein on a permanent (unlimited or indefinite) basis. |
| Refugee | A person who, “owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” (Art. 1(A) (2), Convention relating to the Status of Refugees, Art. 1A(2), 1951 as modified by the 1967 Protocol). |
| Regularization | Any process or programme by which the authorities in a State allow non-nationals in an irregular or undocumented situation to stay lawfully in the country. Typical practices include the granting of an amnesty (also known as ‘legalization’) to non-nationals who have resided in the country in an irregular situation for a given length of time and are not otherwise found inadmissible. |
| Skilled Migrant | A migrant worker who, because of his or her skills or acquired professional experience, is usually granted preferential treatment regarding admission to a host country (and is therefore subject to fewer restrictions regarding length of stay, change of employment and family reunification). |
| Temporary Migrant | Skilled, semi-skilled or untrained workers who remain in the destination country |

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| Workers | for definite periods as determined in a work contract with an individual worker or a service contract concluded with an enterprise. Also called contract migrant workers. |
| Trafficking in Persons | “The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000).e |
| Undocumented Migrant | A non-national who enters or stays in a country without the appropriate documentation. This includes, among others: a person (a) who has no legal documentation to enter a country but manages to enter clandestinely, (b) who enters or stays using fraudulent documentation, (c) who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization. Also called clandestine/irregular migrant or migrant in an irregular situation. |
| Work Permit | A legal document issued by a competent authority of a State giving authorization for employment of migrant workers in the host country during the period of validity of the permit. |

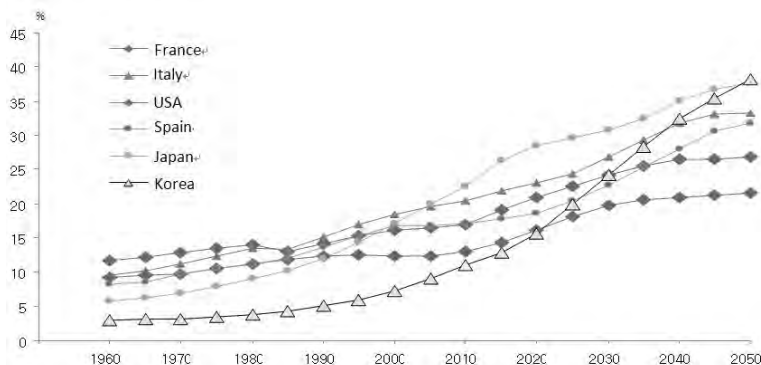
II. Korea's Migration Context

1. Demographic Context

The population in Korea is approximately 48.9 million as of 2011, and related data indicates a low population growth rate of less than average 0.5 percent for the past 10 years. Both the birth rate and the death rate in Korea are stable at a low level. The total birth rate in 2010 was 1.23, which is quite a low level by global comparisons. The life expectancy of total population in Korea (2009) is 80.6 years; 77.0 years for males and 83.8 years for females.

From 1970~1990, the population of Korea increased rapidly: 37.5 million in 1980, 42 million in 1990, and 47 million in 2000. Commonly-cited projections, however, anticipate that the population growth rate will begin to decline in 2018. The numbers forward in that projection are: 48.6 million in 2030, 46.3 million in 2040, and 42.3 million in 2050. There are also other, worst-case projections, which predict even more dramatic population reductions—all due to exceptionally low fertility and the rapid ageing of the population.

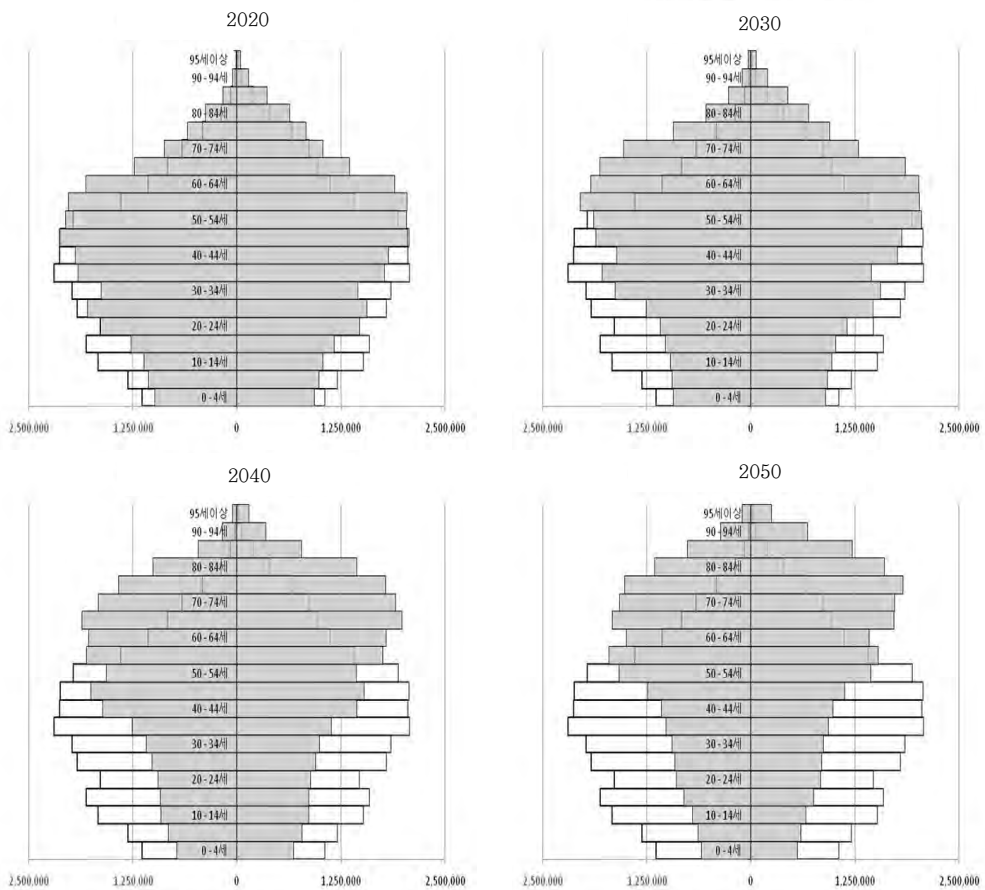
〈Figure 2-1〉 Proportion Ratio of Aging Population in Korea and OECD (1960-2050)



Source: UN, Population Database (<http://esa.un.org/unpp/>); Korean Statistical Information Service (<http://kosis.kr>).

This demographic change causes a rapid increase of the post-working age population, and a decrease of young working population in Korea. The increase of aging population infers an increase in social costs for supporting the elderly. It includes the funding for public welfare such as national pension and health insurance. Also, the decrease in the working-age population will likely cause a labor shortage in the future. Other related effects may include reduced domestic consumption and reduced intake of tax revenue. In short, Korea's basic demographics indicate a decrease in labor productivity and an increase of social benefit costs.

(Figure 2-2) Demographic Changes in Korea (2020-2050)



Note: White bar indicates the current population pyramid.
 Source: Korean Statistical Information Service (<http://kosis.kr>).

〈Figure 2-2〉 helps us see the process and extent of anticipated demographic changes in Korea for the years 2020 to 2050. The age sections for 20–50 year olds shows a decrease of future population (indicated in a shaded area), supporting the contention that Korea is heading into a sustained period of labor shortage.

Another noteworthy part is that the average age of the working population is gradually increasing. This can be observed in a demographic structure which has been transformed to a steep inverted triangle. The increase of average age for the working population means a decrease of labor unit productivity; therefore, it is expected that a labor shortage will be observed across all industries in the future, and not only the current manual labor industry which employs mainly younger workers.

The demographic changes in Korea are likely to have the following implications.

First, it will encourage a growing influx of foreign workers into Korea. While the primary policy to supply the labor scarcity and to support senior citizens will be the expansion of employment opportunities for women and elderly workers, this will not be sufficient considering the rapid pace of change in the population structure. There seems no other option than to attempt to redress the labor shortage by expanding the number and kind of foreign workers.

Second, it will diversify immigrants into Korea. The demographic change in Korea shows that the current labor shortage in manual labor industry will spread to other industries. This will create (and to some extent is already creating) a paradigm shift away from the current narrow low-skill labor immigration policies.

Third, it is expected that the number of long-stay visitors and permanent residents will increase. Current immigration policy in Korea is basically a short-term based circulation policy, except for immigrants married to Koreans; however, long-stay or permanent stay will gradually become a more dominant part of the picture as the number of immigrants and the socioeconomic dependence on those

immigrants increases. The current short-term based circulation policy hardly contributes to either national pension to support for the elderly or to the overall financial burden for national health insurance, and it does not have any meaningful effect on Korea's basic demographic dilemma. Therefore, it is expected that the Korean government will actively promote permanent residency for foreigners.

2. Economic Context

a. Overall Economic Conditions

Table 2-1 presents key Korean economic indicators, including: GDP (Gross Domestic Product), GNI (Gross National Income), GDP deflator (the ratio of nominal GDP to the real) measure of GDP, CPI (Consumer Price Index), and GDP growth rate.

(Table 2-1) Key Korean Economic Indicators

| Year | GDP(KRW) trillion | GDP(USD) million | Per capita GNI(KRW) million | Per capita GNI(USD) | GDP deflator | Consumer Price Index(%) | GDP Growth rate(%) |
|-------------------|----------------------|---------------------|--------------------------------|------------------------|-----------------|----------------------------|------------------------|
| 2001 | 6,514 | 504.6 | 13.72 | 10,631 | 90.2 | 88.3 | 4.0 |
| 2002 | 7,205 | 575.9 | 15.14 | 12,100 | 93.1 | 90.8 | 7.2 |
| 2003 | 7,671 | 643.6 | 16.04 | 13,460 | 96.4 | 93.9 | 2.8 |
| 2004 | 8,269 | 722.4 | 17.26 | 15,082 | 99.4 | 97.3 | 4.6 |
| 2005 | 8,652 | 844.7 | 17.96 | 17,531 | 100.0 | 100.0 | 4.0 |
| 2006 | 9,087 | 951.1 | 18.84 | 19,722 | 99.9 | 102.2 | 5.2 |
| 2007 | 9,750 | 1,049.3 | 20.16 | 21,695 | 101.9 | 104.8 | 5.1 |
| 2008 | 10,265 | 930.9 | 21.28 | 19,296 | 104.9 | 109.7 | 2.3 |
| 2009 | 10,650 | 834.4 | 21.95 | 17,193 | 108.5 | 112.8 | 0.3 |
| 2010 ^p | 11,728 | 1,014.3 | 24.00 | 20,759 | 112.5 | 116.1 | 6.2 |

Source: Statistic Korea (<http://www.kostat.go.kr>).

As the table details, Korean GDP has more than doubled over the last 10 years, from 504.6 billion dollars in 2001 to 1,014.3 billion dollars in 2010. The GDP

deflator indicator, which shows the trend of prices, has risen 22.3 percent, from 90.2 in 2001 to 112.5 in 2010. CPI has risen 27.8 percent, from 90.2 to 116.1 during that time, and its average annual growth rate for 10 years was 3.0 percent, which is considered very stable. GDP also has shown a very stable average annual growth rate of 4.17 percent for the last 10 years. Most economists conclude that the Korean economy will continue to show stable growth rates of 4~5 percent as long as there is no unexpected variable, and that the price level will also be maintained in the 3~4 percent range.

Given the stable economic growth and price level, the current industrial structure, the nature of the labor market, and the trade conditions of Korea, it is reasonable to conclude that that Korea will be an increasingly attractive destination for foreigners looking for work.

b. Labor Market

As of 2010, the Korean population over fifteen years of age numbers 40.6 million. Among them, 61.0 percent, or 24.8 million persons, are economically active—an employment-to-population ratio of 58.7 percent. Korea has a male-centered economic activity structure. The labor force participation rate for males is 73.0 percent, while it is 49.4 percent for females. The unemployment rate continues to rise but, at 3.7 percent in 2010, is still low. If people who had given up searching for jobs and who prepare for jobs are included, the unemployment rate goes up to 5.9 percent; considering only unemployed youths, the unemployment rate goes up to 8.0 percent.

(Table 2-2) Economically Active Population of 2010

(Unit: thousand, %)

| Age | Population (+15(=A)) | Economically Active Population(=B) | | | Economically Non-Active Population | Rate of Economic Activity(B/A) | Unempl oyment rate | Employ ment rate |
|-----------------|-------------------------|---------------------------------------|---------------|-------------------|--|--------------------------------------|--------------------------|------------------------|
| | | Sub total | employ ees | The unemployed | | | | |
| Total | 40,590 | 24,748 | 23,829 | 920 | 15,841 | 61.0 | 3.7 | 58.7 |
| 15-19 | 3,337 | 232 | 204 | 28 | 3,105 | 6.9 | 11.9 | 6.1 |
| 20-24 | 2,644 | 1,293 | 1,171 | 122 | 1,351 | 48.9 | 9.5 | 44.3 |
| 25-29 | 3,725 | 2,729 | 2,539 | 190 | 996 | 73.3 | 7.0 | 68.2 |
| 30-34 | 3,843 | 2,834 | 2,715 | 119 | 1,009 | 73.7 | 4.2 | 70.6 |
| 35-39 | 4,259 | 3,214 | 3,119 | 95 | 1,046 | 75.5 | 3.0 | 73.2 |
| 40-44 | 4,201 | 3,366 | 3,278 | 88 | 835 | 80.1 | 2.6 | 78.0 |
| 45-49 | 4,217 | 3,353 | 3,276 | 77 | 864 | 79.5 | 2.3 | 77.7 |
| 50-54 | 3,917 | 2,974 | 2,905 | 70 | 943 | 75.9 | 2.3 | 74.2 |
| 55-59 | 2,837 | 1,938 | 1,887 | 51 | 899 | 68.3 | 2.6 | 66.5 |
| 60-64 | 2,211 | 1,228 | 1,187 | 41 | 984 | 55.5 | 3.4 | 53.7 |
| More than 65 | 5,399 | 1,588 | 1,550 | 39 | 3,811 | 29.4 | 2.4 | 28.7 |

Source: Statistic Korea (<http://www.kostat.go.kr>).

Labor market conditions for Korea are presented in Table 2-2. Even though the population over fifteen and the economically active population continuously increased over the past several decades, it is expected that they will soon begin to decrease, due to the low birth rate. From 2001 to 2010, the population over fifteen increased by 1.11 percent; the economically active population and the number of employed people both increased by 1.10 percent; the number of unemployed people increased by 1.02 percent; and the not-economically-active population increased by 1.12 percent. Also, the labor force participation rate and the employment-to-population ratio both decreased by 0.01 percent, which indicates great stability in those indicators. The unemployment rate has decreased from 4.0 percent to 3.7 percent over the last 10 years, revealing an average annual unemployment rate of 3.55 percent for that period—which can be considered nearly full employment. However, the youth unemployment situation

is serious. The unemployment rate of the 20~24 age group is 11.9 percent, and the unemployment rate of age group 25~29 is 9.5 percent. Since these unemployment rates are based on ILO (International Labor Organization) criteria, the truly felt unemployment is even higher.

1) General Manpower Conditions

According to the 2010 Report on the Labor Demand Survey by MOEL (Ministry of Employment and Labor), and referring to Table 2-4, as of October, 2010, a total 8,380, 467 people were employed in establishments with five regular employees or more. The total number of job openings throughout all industries were 563,341 and the number of vacancies (manpower shortage) was 271,009. The manpower shortage rate was 3.1 percent and an increase of 0.24 percent over the previous year (the figure was 2.7 percent in 2009). The manpower shortage rates by industry are as follows: Manufacture of Wood Products of Wood and Cork (Except Furniture) 7.6 percent (1,957 shortage); Manufacture of Fabricated Metal Products, Except Machinery and Furniture 6.1% (17,732); Manufacture of Rubber and Plastic Products 5.4 percent (11,794 shortage); Manufacture of Textiles, Except Apparel 5.0% (4,933 shortage); Manufacture of Food Products 4.6 percent (6,750 shortage). (See <Table 2-3> for detail)

<Table 2-3> Manpower Shortage by Industry 5 or more employees

| | Current number of employees | Number of job openings | Number of filled job openings | Number of unfilled job openings | Number of vacancies | Number of employees to be hired | Rate of vacancies |
|--|-----------------------------|------------------------|-------------------------------|---------------------------------|---------------------|---------------------------------|-------------------|
| Total | 8,380,467 | 563,341 | 459,410 | 103,931 | 271,009 | 299,426 | 3.1 |
| Mining and quarrying | 14,205 | 392 | 338 | 54 | 233 | 221 | 1.6 |
| Mining of Non-metallic Minerals, Except Fuel | 9,586 | 371 | 318 | 53 | 229 | 217 | 2.3 |

(Continued)

(Table 2-3) Manpower Shortage by Industry 5 or more employees (Continued)

| | Current number of employees | Number of job openings | Number of filled job openings | Number of unfilled job openings | Number of vacancies | Number of employees to be hired | Rate of vacancies |
|--|-----------------------------|------------------------|-------------------------------|---------------------------------|---------------------|---------------------------------|-------------------|
| Mining of Coal, Crude Petroleum and Natural Gas | 3,977 | 11 | 11 | 0 | 0 | 0 | 0 |
| Mining support service activities | 429 | 2 | 2 | 0 | 0 | 0 | 0 |
| Mining of Metal Ores | 212 | 8 | 7 | 1 | 4 | 4 | 1.8 |
| Manufacturing | 2,806,306 | 178,276 | 131,315 | 46,961 | 119,360 | 129,282 | 4.1 |
| Manufacture of Fabricated Metal Products, Except Machinery and Furniture | 274,411 | 22,737 | 15,221 | 7,516 | 17,732 | 18,287 | 6.1 |
| Manufacture of Rubber and Plastic Products | 206,540 | 15,079 | 10,416 | 4,663 | 11,794 | 12,805 | 5.4 |
| Manufacture of Food Products | 135,862 | 10,156 | 7,612 | 2,544 | 6,570 | 7,328 | 4.6 |
| Manufacture of Basic Metal Products | 132,744 | 5,494 | 3,510 | 1,985 | 5,153 | 5,424 | 3.7 |
| Manufacture of chemicals and chemical products except pharmaceuticals, medicinal chemicals | 104,873 | 4,935 | 3,290 | 1,644 | 4,481 | 4,694 | 4.1 |
| Manufacture of Textiles, Except Apparel | 93,109 | 7,249 | 5,242 | 2,006 | 4,933 | 5,137 | 5.0 |
| Manufacture of Other Non-metallic Mineral Products | 81,768 | 3,743 | 2,540 | 1,203 | 2,609 | 2,985 | 3.1 |
| Manufacture of wearing apparel, Clothing Accessories and Fur Articles | 78,888 | 4,549 | 4,077 | 473 | 2,636 | 2,557 | 3.2 |

(Continued)

(Table 2-3) Manpower Shortage by Industry 5 or more employees (Continued)

| | Current number of employees | Number of job openings | Number of filled job openings | Number of unfilled job openings | Number of vacancies | Number of employees to be hired | Rate of vacancies |
|---|-----------------------------|------------------------|-------------------------------|---------------------------------|---------------------|---------------------------------|-------------------|
| Manufacture of Pulp, Paper and Paper Products | 52,034 | 2,638 | 1,422 | 1,216 | 2,309 | 2,413 | 4.2 |
| Printing and Reproduction of Recorded Media | 41,403 | 2,045 | 1,623 | 422 | 1,855 | 2,246 | 4.3 |
| Manufacture of Pharmaceuticals, Medicinal Chemicals and Botanical Products | 32,926 | 967 | 641 | 326 | 774 | 808 | 2.3 |
| Tanning and Dressing of Leather, Manufacture of Luggage and Footwear | 23,939 | 815 | 767 | 48 | 784 | 784 | 3.2 |
| Manufacture of Wood Products of Wood and Cork ; Except Furniture | 23,930 | 1,657 | 1,232 | 426 | 1,957 | 1,912 | 7.6 |
| Manufacture of Coke, hard-coal and lignite fuel briquettes and Refined Petroleum Products | 10,604 | 179 | 179 | 0 | 46 | 35 | 0.4 |
| Manufacture of Beverages | 9,426 | 360 | 279 | 82 | 277 | 166 | 2.9 |
| Manufacture of Tobacco Products | 2,485 | 11 | 8 | 3 | 3 | 3 | 0.1 |

Source: Ministry of Employment and Labor, *2010 Report on the Labor Demand Survey*.

2) Technical Manpower

Technical manpower generally refers to engineering majors who graduated from junior colleges or above, and who work for employers. As of the end of 2009, the technical manpower shortage was estimated at 33,473 persons or 5.2 percent, an increase of 12,521 persons or 1.7 percent over the previous year. The increase in shortage was due in part to the resurgence of urgent labor demands in technical areas after the global financial crisis in 2008. The shortage increase was noticeable even though the total number of technical manpower reached 611,691

in 2009, which was an increase of 26, 204 over the previous year. However as of 2010, the technical manpower shortage was estimated at 28,181 persons or 4.3% percent, and decrease of 12,521 persons or 0.9 percent over the previous year.

〈Table 2-4〉 Shortage of Technical Manpower by Industry

(Unit: person, %)

| Industry/manufacture | | Current Employees | Short-age | Short-age rate |
|---|---|-------------------|-----------|----------------|
| Total | | 626,636 | 28,181 | 4.30 |
| 8 Key Industries | Electronic Industry | 95,781 | 2,197 | 2.24 |
| | Machinery Industry | 57,325 | 3,241 | 5.35 |
| | Chemical Industry | 44,196 | 2,753 | 5.86 |
| | Automobile Industry | 33,522 | 914 | 2.65 |
| | Semiconductor Industry | 32,192 | 555 | 1.70 |
| | Ship Industry | 20,858 | 403 | 1.90 |
| | Steel Industry | 15,434 | 1,038 | 6.30 |
| | Textile Industry | 7,451 | 386 | 4.93 |
| Other Manufacturing Sectors | Manufacture of Fabricated Metal Products, Except Machinery and Furniture | 17,457 | 1,357 | 7.21 |
| | Manufacture of Medical, precise, optics. | 12,168 | 990 | 7.52 |
| | Manufacture of Food Products | 8,171 | 481 | 5.56 |
| | Manufacture of Other Non-metallic Mineral Products | 6,497 | 151 | 2.28 |
| | Manufacture of Pulp, Paper and Paper Products | 2,457 | 40 | 1.60 |
| | Manufacture of furniture and wood Products | 1,373 | 264 | 16.12 |
| | Reproduction of Recorded Media | 1,293 | 14 | 1.10 |
| | Manufacture of Beverages | 1,036 | 21 | 1.94 |
| | The other manufacturing business | 825 | 62 | 7.02 |
| | Manufacture of Tanning and Dressing of Leather, Manufacture of Luggage and Footwear | 447 | 16 | 3.38 |
| | Manufacture of Wood Products of Wood and Cork; Except Furniture | 335 | 16 | 4.57 |
| | Manufacture of Tobacco Products | 182 | 5 | 2.60 |
| | Research and development | | 78,584 | 2,454 |
| Printing | | 65,855 | 5,796 | 8.09 |
| Architecture, engineering, other technical service | | 41,901 | 1,945 | 4.44 |
| Computer programing, integration and management | | 31,376 | 1,095 | 3.37 |
| Professional service | | 18,299 | 801 | 4.20 |
| Information Service | | 8,642 | 493 | 5.40 |
| Communication | | 8,547 | 355 | 3.99 |
| Business facilities management | | 6,213 | 145 | 2.28 |
| Business support services | | 5,353 | 87 | 1.60 |
| The other professional, scientific, and technical service | | 2,478 | 82 | 3.19 |
| Renting and Leasing | | 390 | 24 | 5.82 |

Source: Statistics Korea (<http://kostat.go.kr>).

The industries that is higher than 5.00 percent in rate of manpower shortage are as follows: Manufacture of furniture and wood Products (16.12), Printing (8.09), Manufacture of Medical, precise, optic machinery (7.52), Steel Industry (6.60), Manufacture of Fabricated Metal Products, Except Machinery and Furniture (7.21) chemical Industry (5.86), Renting and Leasing (5.82), Manufacture of Food Products (5.56), Information Service (5.40).

c. Migration and Labor Policy

Despite of all the efforts to attract local recruits, some businesses are still understaffed; thus, Korean government is carrying out immigration policies to fill the job vacancies with foreigners. The Employment Permit System (EPS) is Korea's primary approach to organizing temporary foreign labor intake. There are two major windows within the EPS, the General Employment Permit Visa programme issuing E-9 visa for foreign workers and the Working Visit Visa programme issuing H-2 visa for overseas Koreans.

1) The General Employment Permit Visa Programme

The General Employment Permit programme allows foreign workers from 15 countries¹⁾ that concluded manpower supply agreements with Korea to take certain kinds of temporary employment in Korea. The General Employment Permit visas (E-9) are issued for selected workers from the 15 eligible countries to stay a maximum of 3 years (a 22-month extension is possible) in Korea, and the employment contracts with the employers are renewed every year. An employer who fails to recruit local workers can ask the Korean Federation of Small and Medium-sized Businesses, or the district employment support center, for a work permit to recruit foreign workers. Once the work permit is obtained,

1) EPS agreement countries: Bangladesh, Cambodia, China, East Timor, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, Sri Lanka, Thailand, the Philippines, Uzbekistan and Vietnam.

the employer can directly recruit foreign workers outside the country or through public institutions appointed by an executive order, or through certain nonprofit organizations. Foreign workers contact the employers through specially-recognized and designated organizations in their countries. However, to secure local workers' job opportunities, employers should post job openings at Work-Net first and wait for minimum 14 days prior to recruiting foreign workers; exceptionally, it can be reduced to 7 days in case the employers showed an effort to recruit local workers through newspapers, broadcasts, or other publications.

As of late 2010, E-9 workers numbered just over 217,000 and represented approximately 22 percent of the registered foreign workers of all kinds. As a visa or permit category, E-9 was the second largest window of intake for Korea, nearly approximating the H-2 group, described immediately below. The E-9 Employment Permit visa system does not include ethnic Koreans from China or the former Soviet Union, as this group has wider privileges for temporary employment in Korea, under the Working Visit Visa programme.

2) The Working Visit Visa Programme

The Working Visit Visa Programme was proposed by MOJ (Ministry of Justice) in 2005, and was supported by interagency cooperation with MOFAT (Ministry of Foreign Affairs and Trades) and MOEL (Ministry of Employment and Labor). It began implementation in 2007. This programme allows for multiple-entry employment visa status to overseas Koreans who are over 25 years old and from China or the former Soviet Union. They can work in any of 36 permitted occupations (simple-labor occupations) in Korea. The H-2 visa is valid for 5 years, and the visa holders must apply for extension of stay within 3 years from the initial date of entry into Korea. The Working Visit grants overseas Koreans without a domestic family register or surviving relatives entry after proficiency test and random drawing within yearly quota.

As the working visit visa programme has been in effect for almost 5 years and

many initial visas are facing expiration, illegal residency and return management have become major issues. People whose visas are expired can apply for re-entry after one year from returning to their home country; however, people who work at local manufacturing, agriculture/livestock, and fishery businesses for more than one year can apply for re-entry under H-2 after 6 months absence. The yearly-quota for H-2 visas varies, but has recently been in the range of 300,000 persons.

As of late 2010, H-2 workers numbered nearly 283,000 and represented approximately 26 percent of the registered foreign workers of all kinds. As a visa or permit category, H-2 was the largest single window of intake for Korea.

3) General Employment Permit Visa Programme vs. Working Visit Visa Programme

〈Table 2-5〉 Comparison between E-9 Visa and H-2 Visa

| | E-9 Visa | H-2 Visa |
|--------------------------|--|--|
| Duration of Stay | 3 years ※ One time extension is permitted for a period of less than 22 months (1 year and 10 months) ※ May work for up to 3 years from date of entry [worker may be re-hired upon request from their employer] | 3 years ※ May work for up to 3 years from the date of entry [worker may be re-hired upon request from their employer] |
| Eligibility Requirements | Individuals registered on the EPS roster after passing the Test of Proficiency in Korean (TOPIK) and completing a medical exam | <ul style="list-style-type: none"> • Overseas Koreans with relatives who are Korean nationals or listed in the Korean family register (No quota restrictions. Each Korean national can invite up to 3 overseas Koreans) • Overseas Koreans without relatives who are Korean nationals (Quota restrictions) |
| Permitted Occupations | Occupations permitted by the Foreign Workforce Policy Committee in the following sectors: manufacturing, construction, service, agriculture/livestock, fisheries. | Occupations permitted under the E-9 visa <u>plus</u> certain service occupations. |
| Employment Procedure | Korean proficiency test → Signing of labor contract → Entry into Korea with Non-Professional Employment (E-9) visa → Employment training → Begin work. ※Restrictions on change of workplace | Entry into Korea with Working Visit (H-2) visa → Employment training → Job search (assistance available from the Employment Support Center → Begin work after signing labor contract. ※ No restrictions for changing workplace |

(Continued)

〈Table 2-5〉 Comparison between E-9 Visa and H-2 Visa (Continued)

| | E-9 Visa | H-2 Visa |
|---|---|---|
| Recruitment Procedure | Effort to recruit Korean workers → Application for employment permits submitted to the Employment Support Center → Issuance of employment permits → Hiring of workers after signing of employment contract ※ No obligations to report start of work. | Effort to recruit Korean workers → Request filed with the Employment Support Center for certificate of permission for special employment → Hiring of workers after signing of employment contract. ※ Required to report start of work. |
| Permitted number of employees per workplace | Limits placed on the number of foreign employees per workplace based on the size of business. | Permitted number of E-9 workers based on the size of business <u>plus</u> same number of Working Visit (H-2) workers (excluding construction and service sectors) |

3. Cultural Context

a. Korean National Identity

Korea has been known as a relatively homogeneous society with 99.9 percent of population consisting of ethnic Koreans. Until recently, the idea has been widely accepted that Koreans, as the descendants of a common ancestor, or Dangun, have maintained ethnically a homogeneous nation state ever since 2333 BC—when Dangun founded the first state in the Korean peninsula. In recent years, there has been a lot of discussion whether Korea is moving towards a multi-ethnic and multi-cultural society. This has been triggered by the increased number of long-term immigrants such as marriage migrants, certain foreign workers and foreign students—among others.

Some scholars have doubted whether all Koreans currently residing in the Korean peninsula are the descendants of Dangun, and thus “pure-blooded” as it is believed (Han and Han, 2007). They argued that historically Korea was frequently invaded by surrounding countries such as China and Japan, and the evidence of trade and commerce between neighboring countries indicates that contact with other ethnicities was also very frequent. Additionally, many existing surnames adopted

by naturalized foreigners indicate that not a few Chinese, Japanese, Jurchens and Mongols immigrated to Korea in the past and became naturalized (Seol, 2007).

It has been argued that only in the late nineteenth and early twentieth century Korean ethnic nationalism, which emphasizes ethnic homogeneity based on the myth of Dangun, developed to construct a mono-ethnic national identity of Koreans (Heo, 2009). Since then, ethnic nationalism has been widely accepted amidst unusual political and cultural circumstances in Korean history. Mobilization of ethnic nationalism was sought for various purposes, from overcoming challenges of modern Western civilization in the late nineteenth century to fighting Japanese colonialism, to mending the psychological wounds of the Korean War and the subsequent permanent division of nation. It developed into modern Korean nationalism and became reinforced through the experiences of rapid economic growth in the face of intense competition between the two Koreas, and through the democratization movement which moved the country away from dictatorship in the 1970s and 1980s.

Hence, Korean ethnic nationalism is believed to be a modern invention because the idea of ethnic homogeneity came relatively late and was projected systematically to serve the political interests. However, it remains a strong influence on Korean consciousness and continues to have a meaningful impact on Koreans' perceptions of, and their interactions with other ethnic groups.

Korea had been a part of Hanja (Chinese characters) culture throughout much of its history, but linguistically Koreans have used a distinctive language from Chinese. And they have used a Korean native alphabet, Hangul, ever since King Sejong created it. As for the religion, Korea is a religiously diverse society recognizing the freedom of religion in its constitution. The result of the nationwide Korean General Social Survey for 2010 which targeted adults over 18 years of age showed that among respondents, 24.2 percent were Buddhists, 24 percent were Protestants, 7.6 percent were Catholics and 43.3 percent were without any religious faith.

Nonetheless, the tradition of Confucianism, which was the governing principle of Chosun Dynasty, emphasizing paternalism and the traditional family system remains strongly embedded in the everyday life of contemporary Korean society.

b. Limited Exposure to Foreign Cultures

Koreans, since establishing the government in 1948, had little or no exposure to foreign culture until hosting the Asian Game in 1986 and the Olympic Game in 1988. Even some Koreans who were sent to the Middle East amidst the construction boom in early 1980s as temporary migrant workers had little exposure to foreign culture, as they had to live in a highly restrictive environment. Studying or travelling abroad was tightly regulated by the government until the late 1980s due to fears over foreign currency outflow. It was only in 1989 when Korean citizens were allowed to travel abroad without any restrictions, and some time later in 2000 the government further lifted the ban imposed on teenagers who wish to finance their early studies abroad.

It was in the early 1990s when Koreans first had relatively close contact with foreigners who came through the industrial trainee system as foreign labors from China and other Southeast Asian countries. Koreans had mixed feelings towards those temporary foreign workers, who came largely from lesser-developed countries. Some tried to treat them with hospitality, recalling the Koreans who had to go abroad to work as miners or nurses in West Germany and construction workers in the Middle East. Other Koreans showed a less favorable attitude towards these foreign workers by ignoring or discriminating them, based on their lesser economic status. A study conducted in 1998 surveying Koreans who worked with foreign laborers indicated that 50~60 percent of respondents were in favor of considering Southeast Asians to be their close friends, neighbors or coworkers while 60~70 percent agreed on that with Americans (Chung, 2003). The figure dropped sharply to 7.7 percent (Southeast Asians), 11.8 percent (Korean Chinese)

and 11.6 percent (Americans) when asking whether they were in favor of considering foreigners to be the spouses for their children. Furthermore, the figures for those willing to accept full national inclusion of foreigners with non-ethnic Korean background were only 16.3 percent (Southeast Asians), 18.7 percent (Americans) and 25.1 percent (Chinese), while 49.5 percent agreed to full Korean national status for ethnic Koreans from China. The contrasting result can be interpreted to mean that Koreans, at that time, had a generally closed but differentiated attitude towards different ethnicities.

There has been a noticeable influx of foreign brides in the 2000s, and it has affected critical changes in the concept of national identity for those Koreans who strongly believe in mono-ethnic nation state. In the mid 2000's, Korean government officially initiated multi-cultural policy as the number as well as the diversity of ethnic background of foreign brides increased dramatically. Initially ethnic Korean Chinese made up the majority of foreign brides, but now more women come from the Philippines, Thailand and Vietnam, as well as some other countries. Koreans have now gradually accepted the fact that Korea is moving towards multi-ethnic and multi-cultural society, as marrying a different ethnicity and having mixed blood children become more and more widespread and more acceptable.

As a consequence, various policies to enrich the intercultural sensitivity of the Korean public have emerged out of governmental efforts to reduce prejudice and discrimination against foreign brides and their children. At schools, those efforts include revising the textbook which previously put an emphasis on the advantages of mono-ethnic nation, providing teacher training in multi-cultural concepts and issues, as well as incorporating additional multi-cultural curriculum into each level of education from preschool to university level. Efforts made for the general public also include encouraging mass media to produce various programs that can enhance multi-cultural sensitivity.

According to a recent social survey of the Korean public, a substantial improvement

in a sense of closeness towards different ethnicities was observed over a period of time. For those asked if they were willing to accept Southeast Asians or ethnic Korean Chinese as the spouses for their children, the positive response rate increased from 17–19 percent in 2007 to 28.4 percent in 2010 (Chung et al., 2011; Hwang et al., 2007). The figure of those accepting Americans to be the spouses for their children had gone up from 34.5 percent in 2007 to 40.2 percent in 2010. Compared to the figures given in the late 1990s, the percentage of Koreans who answered that they would be willing to consider Southeast Asians or Chinese to be their coworkers, friends or neighbors increased considerably to 60~70 percent while 70~80 percent agreed on that with Americans. The figure of Koreans who responded that they would accept full national membership of foreigners also increased significantly to 56.8 percent (Southeast Asians), 52.6 percent (Chinese) and 64 percent (Americans), compared to the responses from ten years ago (Chung et al., 2011). Despite the fact that more and more Koreans have shown accepting attitude towards international migrants, many other studies also confirm that Koreans have drawn hierarchical distinctions between different ethnic groups based on their wealth (Hwang et al, 2007; Cho, 2010; Chung et al., 2011).

According to the international comparative studies, Korea is yet distinguished as a country which places relatively more emphasis on ethnic factors when considering genuine Koreanness, such as being born to Korean parents or living in Korea for most of one's lives, in spite of the growing recognition of civil factors observed recently—such as a sense of belonging or respect for political and legal system of Korea (Chung et al., 2011).

As of January 1, 2011, the percentage of foreigners who obtained Korean nationality is only 0.1 percent (one-tenth of one percent) of the total population—fewer than 50,000 people have achieved that status. Furthermore, if foreigners with ethnic Korean background are not included, the number of long term foreign residents who stay over three months is only 586,000, which accounts for just

1.2 percent of the total population. As an additional point of perspective, just under half of the foreigners in the country are ethnically Korean; as such, ethnic diversity is just over one percent total.

It is too early to predict if the noted progress Korea has made toward becoming a more multi-cultural society will continue apace as the number of foreigners in the country increases. None the less, the progress to-date is noticeable and measurable. There is reason to be optimistic that further and sustained efforts by government and civil society will further ease Korea's transition from the mono ethnic ideology Koreans upheld for decades toward a more diverse orientation.

4. International Context

Korea's migration context has been influenced by global and regional trends. The end of Cold War and the establishment of diplomatic relations between Korea and communist countries triggered the influx of foreign migrant workers from ex-or present communist countries such as CIS countries, China, Vietnam etc. On the other hand, Korea's economic expansion and its participation in key international treaties and conventions began to reshape Korea's migration policies. This context is further reviewed in the following two discussion points.

a. Normalization of Diplomatic Relations with Communist Countries

Since the aftermath of the Korean War (1950–1953) to the end of Cold War, the phrases stressing security—such as ‘security first (*anbo jaeil*)’ and ‘the security dimension (*anbojeok chawon*)’—have often been used by policy makers and national leaders in order to justify unpopular decisions and to compel the Korean public and Korean firms to comply with government policies (Song, 1997). And publicly, Korea had close economic relations with the United States and Japan, while treading a cautious path with China and Russia. But as the Cold War ended,

Korean government lessened the emphasis on national–security and began to drive various domestic and international policy positions with more purely economic considerations.

However, between 1989 and 1991, when the Cold War reached its terminal stage with the fall of the Berlin Wall, the de–Sovietisation of Eastern Europe and the collapse of the Soviet Union heralded an acceleration of globalization, which has altered the very nature of international relations and the nature of Korea's foreign policy. Korea shifted the focus of a national policy from a security agenda to an economic one. Also, Korea normalized diplomatic relations with ex–and present communist countries such as Russia, China, Vietnam, and Eastern European countries while expanding economic and cultural relations with these countries, which subsequently led to vigorous personal and economic exchange. Considering the fact that the majority of migrant workers currently living in Korea are from China and Vietnam, this shift in the history of international relations surely had a major influence on the flow of migration.

The 1988 Seoul Olympic Games marked a turning point in the unfolding of Korea's active diplomatic and economic relations with the Soviet Union, China and other former communist and socialist countries in Eastern Europe. With the two previous games—in Moscow (1980) and in Los Angeles (1984)—having been adversely affected by boycotts from the two opposing blocs, the 1988 Seoul Olympic Games were attended by 161 of the 167 members of the International Olympic Committee, including the Soviet Union and China. This 'sports diplomacy' is evaluated as having provided the main impetus for Korea's 'northern diplomacy' (*bukbang oegyō*), which attempted to overcome the ideological and security constraints in the Cold War system.

In this atmosphere, Korea and the Soviet Union agreed to normalize diplomatic relations in September 1990. And the normalization of diplomatic relations with the Soviet Union boosted Korea's efforts to normalize diplomatic relations with

China. In 1985 the two countries agreed to set up a temporary channel of communication in Hong Kong, through the Korean Consulate and the China News Agency. Relations improved in 1986 when China sent a huge delegation to the Asian Games in Seoul, despite objections from North Korea (Sung, 1994). In 1990 a direct passenger ferry service between China and Korea was launched and the two countries established the Overseas Trade Promotion Offices in Seoul and Beijing. As a result, in August 1992 Korea and China agreed to normalize diplomatic relations. Since then, China has become one of Korea's major trading partners and one of Korean firms' overseas foreign direct investment (OFDI) sites. Furthermore, Korean government's relaxation of the immigration control toward Chinese nationals—in particular, ethnic Koreans with Chinese nationalities—after the normalization led to an increasing movement of people between the two countries.

Following the normalization of diplomatic relations with the Soviet Union and China, Korea established diplomatic relations with Vietnam in December 1992. Previously, the relationship between Korea and Vietnam had been hostile. During the Vietnam War (1969–1974), Korean troops were dispatched to assist the United States in that conflict, and from that point on the two countries had been opponents rather than allies in the Cold War system. However, although some political issues regarding the war remain unsettled, as far as the economic sector is concerned, bilateral relations between the two countries have been increasingly constructive. Since adopting the open-door policy of the '*Doi Moi*' reforms in 1986, Vietnam has attracted FDI on a large-scale, and experienced huge increases in exports—especially textiles and natural resources, such as rice, oil and gas.

Since establishing diplomatic relations with Vietnam in 1992, Korea has emerged as one of the largest foreign direct investors in Vietnam. At the end of July 1992, investments by Korean companies in Vietnam stood at US\$4.5 billion, ranking fourth among foreign investors in Vietnam in terms of size and there are over

668 Korean firms officially registered in Vietnam, including Korean firms having made unofficial advances into Vietnam under the names of local firms, the total number of Korean firms operating businesses in Vietnam is estimated to be more than 1000 (The Korean Times, 10 July 2004).

Vietnam has a number of positive factors for Korean foreign direct investment (FDI). The country is endowed with abundant and inexpensive labor and is located in a geographically strategic place for expanding Korea's business relations with other Southeast Asian countries. Furthermore, since significant levels of FDI from the United States, Japan and Europe have not yet made inroads into Vietnam; Korean investors still have had an advantage in the Vietnamese market. As there are large numbers of Korean firms in Vietnam, many Vietnamese workers were brought to Korea as 'trainees' in the late 1990s, and Vietnamese migrant workers currently constitute one of largest groups of migrant workers in Korea. Additionally, Vietnamese women are well-represented among the marriage migrants in Korea.

b. International Treaty Obligations

As an increasingly active member of the international community, Korea has signed various international agreements, such as the six core agreements on human rights, which include: International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; and, Convention relating to the Status of Refugees. Those and other notable International Conventions with Korean membership are noted in <Table 2-6>.

〈Table 2-6〉 Korea's Membership Status of International Conventions

| Convention | | Adopted in | Entry into force in | ROK ratified in |
|-----------------------------|--|------------|---------------------|-----------------|
| Conventions on Human Rights | International Covenant on Economic, Social and Cultural Rights | 1966 | 1976 | 1990 |
| | International Covenant on Civil and Political Rights | 1966 | 1976 | 1990 |
| | International Convention on the Elimination of All Forms of Racial Discrimination | 1965 | 1969 | 1979 |
| | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | 1984 | 1987 | 1995 |
| | Convention on the Elimination of All Forms of Discrimination against Women | 1979 | 1981 | 1985 |
| | Convention on the Rights of the Child | 1989 | 1990 | 1991 |
| | Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 268 | 2000 | 2002 | 2004 |
| Convention on Refugees | Convention relating to the Status of Refugees | 1951 | 1953 | 1993 |
| | Protocol relating to the Status of Refugees | 1967 | 1967 | 1992 |

A summary of Korea's participation status in various international Conventions and instruments that pertain to migration is presented in 〈Table 2-7〉.

The main issue with the ratification of international conventions concerning migration is the fact that Korea is not a member of most of the major international conventions related to migrant workers and their families. Some articles of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, such as facilitation of the unification of migrant workers (article 44), the right to form associations and trade unions in the State of employment (article 40, item 1), conditions under which a migrant worker may be authorized to engage in work on his or her own account (article 52, item 4), and regularizing the situation of migrant workers with illegal status (article 69), present conflicts with some of the current legislation, including 'Immigration Control Act' and 'Act on Foreign Workers' Employment'. Moreover, the memberships of major conventions from International Labor Organization (ILO) are also deferred, as they may contradict domestic policies and legislation concerning

the introduction of migrant labor force, encroachment of employment opportunity for nationals, domestic economic situation, and permanent settlement matters. In the case of the UNESCO Convention against Discrimination in Education, negotiation for membership is still in progress as the Convention contains some items, such as permission for higher education of irregular (illegal status) immigrant children, that may conflict with domestic policies.

The Protocols related to human trafficking and migrant smuggling—two of the three Palermo Protocols of the Convention on Transnational Organized Crime—were signed by Korea in 2000 and their alignment with domestic legislations is being examined.

〈Table 2-7〉 International Conventions that Korea has not Ratified

| Convention | | Adopted in | Entry into force in | ROK signed in |
|---|---|------------|---------------------|---------------|
| Conventions regarding Human Trafficking and Smuggling | United Nations Convention against Transnational Organized Crime | 2000 | 2003 | 2000 |
| | Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime | 2000 | 2004 | 2000 |
| | Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime | 2000 | 2003 | 2000 |
| Convention on Migrant Workers' Rights | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | 1990 | 2003 | — |
| | ILO Convention No.97 concerning Migration for Employment(revised) | 1949 | 1952 | — |
| | ILO Convention No.143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers | 1975 | 1978 | — |
| | ILO Convention No.29 concerning Forced or Compulsory Labour | 1930 | 1932 | — |
| | ILO Convention No.118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security) | 1962 | 1964 | — |
| Convention on Education | Convention | Adopted in | Entry into force in | — |
| | UNESCO Convention against Discrimination in Education | 1960 | 1962 | — |

III. Analysis of the Migration Situation in Korea

1. Historical Overview of Migration into and out of Korea

Until the late 1980s Korea was a migration sending country, and within Korean society the term “immigration” generally stood for overseas migration. However from the late 1980s, the immigration of foreigners rapidly increased and the number of foreigners immigrating into Korea presently exceeds the number of Koreans migrating overseas.

Overseas migration of Koreans started from the late 19th century. Due to the loss of sovereignty of Korea to surrounding powerful nations, and the political/economic chaos of the time, a large number of people lost their homes, communities and livelihood. Many migrated to China, Russia or Hawaii to search for better life. Following Japan’s colonization of Korea in 1910, Koreans continued to migrate overseas. Korea’s independence in 1945 changed the nature of the outward movement, and encouraged many returns, yet the outward trend continued for some time. The overseas Koreans currently residing in China, Japan and what was termed the CIS are those who migrated during the turbulent period before 1945.

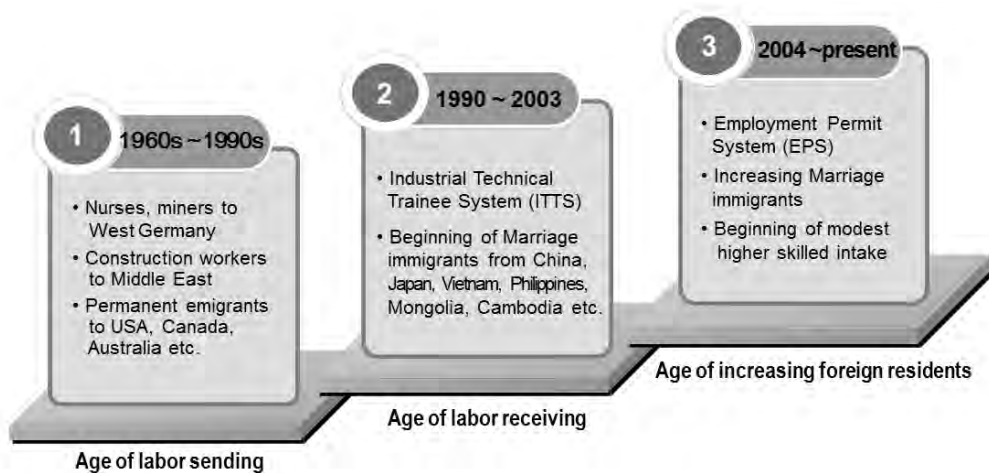
Independence, overseas migration of Koreans increased as mine workers and nurses were dispatched to Germany in the early 1960s, followed by a large-scale labor migration to the Middle East to service that region’s construction boom in the 1970–1980s. Another important factor influencing outward movement of Koreans was the amendment of Immigration Act of the United States in 1965, through which the US began to accept large number of migrants from Asia. As a result, the number of Korean migrants to the United States rose significantly.

Overseas migration of Koreans decreased greatly in the late 1980s, as Korea developed economically and as political anxiety within Korea diminished. At the same

time a new phenomenon, foreign workers immigrating into Korea, began to develop

The movement of foreigners into Korean society began with the influx of Chinese Koreans in the late 1980s. As diplomatic relations between Korea and China improved, the influx of Chinese Koreans to visit their ancestral country increased sharply. At that time, domestic construction companies were going through a shortage of labor, and Chinese Koreans could easily find employment in Korea, where wages are relatively higher than those in China. This combination of ancestry and work opportunity caused the number of Chinese Koreans to continually rise. Also, in 1993 the Korean government introduced the ‘Industrial Trainee System’ and officially invited foreign trainees from fifteen countries in Asia to become a special part of the Korean workforce. One result was the diversification of nationalities of foreign workers, and foreigners generally, in Korea.

〈Figure 3-1〉 Migration Trends in Korea after the Establishment of Government



However, with the progress of urbanization, it was getting difficult for young men in rural villages to find a woman to marry. As a result, a new initiative facilitating the marriage of single and mostly rural men to foreign women was initiated in the early 1990s. Women from China, Indonesia, Mongolia and

Southeast Asia began to immigrate into Korea through international marriages. By the late 1990s, the number of international marriage brokerage agencies increased significantly, and the influx of women into Korea through international marriage, and mainly from the mentioned countries, continues today. However, while the percentage of marriages in rural areas that involves marriage migrants is quite high, overall most marriage migrants live in non-rural environments today. This reflects the broader urbanization trend of Korea.

2. Current Inward Migration Picture

a. Present Status of Immigrants

The annual average number of migrants in and out of Korea is 38,416,614; almost 40 millions of people cross the border of Korea every year. Among them, foreigners who stay in Korea over 90 days are classified as ‘immigrants’, while Koreans who stay abroad over 90 days are classified as ‘emigrants.’

The Korean visa system has 31 categories for immigration and each category regulates the scope of activities and a given period of stay for the migrant. The visa holders who belong to B and C categories are allowed to stay up to maximum 90 days (short-term stay); on the other hand, visa holders who belong to A, D, E, F, G, and H categories can stay more than 91 days (long-term stay). <Table 3-1> shows a given period of stay for the first entry by visa category.

Based on the status of stay records as of September 30, 2011, over one million immigrants (1,102,129) are eligible for long-term stay (more than 91 days; however, the actual number of immigrants is larger than this since there are also many illegal immigrants who exceeded the given period of stay. <Table 3-2> shows the number of immigrants by their status of stay; when out-of-status immigrants are included, the number of long-term stay immigrants increases by

about eight percent to 1,189,427.

〈Table 3-1〉 Given Period of Stay for the First Entry by Visa Category

| VISA category | Given Period of Stay | VISA category | Given Period of Stay |
|--|--|---|--|
| 1. Diplomacy (A-1) | During incumbency | 19. Professorship (E-1) | 2 years |
| 2. Official Mission (A-2) | During duty | 20. Foreign Language Instructor(E-2) | 1 year |
| 3. Conventions/Agreements (A-3) | Period of stay on Agreements | 21. Research (E-3) | 2 years |
| 4. Visa Waiver (B-1) | Given period of stay of Agreements | 22. Technology Transfer (E-4) | 2 years |
| 5. Tourist in Transit (B-2) | Period determined by the Minister of Justice | 23. Professional Employment (E-5) | 2 years |
| 6. Temporary Journalism (C-1) | 90 days | 24. Arts & Performances (E-6) | 1 year |
| 7. Short Term Business (C-2) | | 25. Special Occupation (E-7) | 2 years |
| 8. Temporary Visit (C-3) | | 25-2, Internship (E-8) | 2 years |
| 9. Short Term Employment (C-4) | | 25-3, Non-Professional Employment (E-9) | 1 year |
| 10. Cultural Arts (D-1) | 2 years | 25-4, Vessel Crew (E-10) | 1 year |
| 11. Study Abroad (D-2) | 2 years | 26. Family Visitation (F-1) | 2 years |
| 12. Industrial Training (D-3) | Person who conforms to #1 or #3 of the first clause of Article 24-2 of the decree: 2 years | 27. Residential (F-2) | 3 years |
| | Person who conforms to #4 of the first clause of Article 24-2 of the decree: 1 year | 28. Dependent Family (F-3) | Period granted for the person who accompany his/her family |
| 13. General Training (D-4) | 2 years | 28-2, Overseas Koreans (F-4) | 2 years |
| 14. Journalism (D-5) | 2 years | 28-3, Permanent Residence (F-5) | No Limit |
| 15. Religious Affairs (D-6) | 2 years | 29. Miscellaneous (G-1) | 1 year |
| 16. Supervisory Intra-Company Transfer (D-7) | 2 years | 30. Working Holiday (H-1) | Given period of stay of Agreements |
| 17. Corporate Investment (D-8) | 5 years | 31. Working Visit (H-2) | 3 years |
| 18. Trade Management (D-9) | 2 years | | |

〈Table 3-2〉 Number of Immigrants by their Status of Stay

| Classification | Total (persons) | Regular residents (persons) | Illegal resident (persons) | Ratio of illegal residents(percent) |
|---|--------------------|--------------------------------|-------------------------------|--|
| Total | 1,418,149 | 1,247,535 | 170,614 | 12.0 |
| Visa Waiver (B-1) | 35,535 | 19,364 | 16,171 | 45.5 |
| Tourist in Transit (B-2) | 85,849 | 68,066 | 17,783 | 20.7 |
| Short Term Business (C-2) | 24,979 | 7,780 | 17,199 | 68.9 |
| Temporary Visit (C-3) | 81,466 | 49,528 | 31,938 | 39.2 |
| Short Term Employment (C-4) | 893 | 668 | 225 | 25.2 |
| Study Abroad (D-2) | 73,838 | 69,732 | 4,106 | 5.6 |
| Industrial Training (D-3) | 4,527 | 1,774 | 2,753 | 60.8 |
| General Training (D-4) | 56,402 | 51,527 | 4,875 | 8.6 |
| Religious Affairs (D-6) | 1,595 | 1,534 | 61 | 3.8 |
| Supervisory Intra-Company Transfer (D-7) | 1,650 | 1,626 | 24 | 1.5 |
| Corporate Investment (D-8) | 7,455 | 6,763 | 692 | 9.3 |
| Trade Management (D-9) | 4,695 | 4,669 | 26 | 0.6 |
| Professorship (E-1) | 2,518 | 2,510 | 8 | 0.3 |
| Foreign Language Instructor (E-2) | 22,859 | 22,720 | 139 | 0.6 |
| Research (E-3) | 2,520 | 2,507 | 13 | 0.5 |
| Technology Transfer (E-4) | 160 | 156 | 4 | 2.5 |
| Professional Employment (E-5) | 632 | 610 | 22 | 3.5 |
| Arts & Performances (E-6) | 4,493 | 2,955 | 1,538 | 34.2 |
| Special Occupation (E-7) | 13,317 | 12,132 | 1,185 | 8.9 |
| Non-Professional Employment (E-9) | 241,554 | 196,836 | 44,718 | 18.5 |
| Vessel Crew (E-10) | 9,150 | 6,240 | 2,910 | 31.8 |
| Family Visitation (F-1) | 43,920 | 37,503 | 6,417 | 14.6 |
| Residential (F-2) | 141,355 | 131,067 | 10,288 | 7.3 |
| Dependent Family (F-3) | 17,214 | 16,742 | 472 | 2.7 |
| Overseas Koreans (F-4) | 121,499 | 120,536 | 963 | 0.8 |
| Permanent Residence (F-5) | 59,222 | 59,222 | 0 | 0.0 |
| Working Visit (H-2) | 302,042 | 298,035 | 4,007 | 1.3 |
| Others | 56,810 | 54,733 | 2,077 | 3.7 |

Note: As of September 30, 2011.

Source: Korea Immigration Service (<http://www.immigration.go.kr>).

Foreigners who stay more than 91 days in Korea with non-A category visas are required to complete a foreigner registration; however, the number of registered foreigners is generally smaller than the number of foreigners who are eligible for long-term stay since in many cases foreigners holding long-term stay visas just

go back to their homelands earlier without foreigner registrations in Korea. <Table 3-3> shows the status of foreigner registration by visa categories as of September 30, 2011; it shows that there is a difference of about 190 thousands between the total number of immigrants in the <Table 3-3> and the total number of registered foreigners.

<Table 3-3> Registered Foreigners

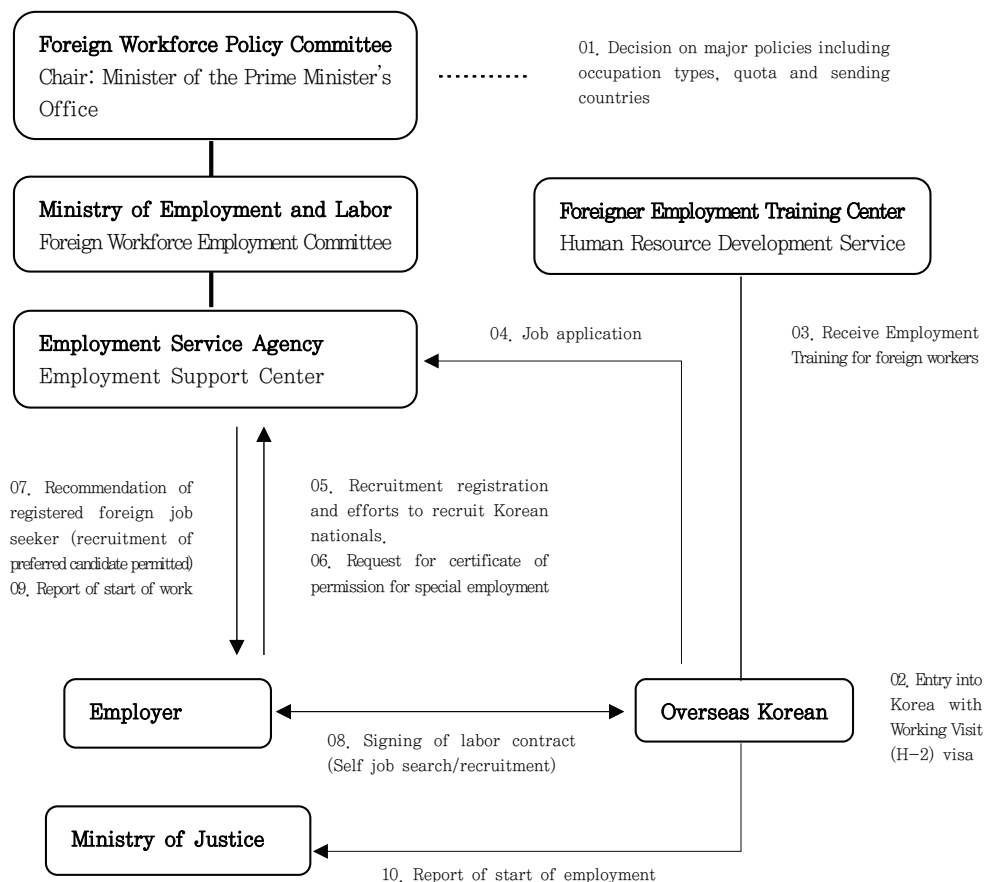
| Classification | Total (persons) | Regular resident | Irregular Resident | Irregular residency rate (percent) |
|--|--------------------|---------------------|-----------------------|---------------------------------------|
| Total | 996,607 | 913,869 | 82,738 | 8.3 |
| Cultural Arts (D-1) | 95 | 92 | 3 | 3.2 |
| Study Abroad (D-2) | 73,063 | 69,100 | 3,963 | 5.4 |
| Industrial Training (D-3) | 3,235 | 1,535 | 1,700 | 52.6 |
| General Training (D-4) | 54,118 | 49,601 | 4,517 | 8.3 |
| Journalism (D-5) | 90 | 90 | 0 | 0.0 |
| Religious Affairs (D-6) | 1,546 | 1,500 | 46 | 3.0 |
| Supervisory Intra-Company Transfer (D-7) | 1,613 | 1,592 | 21 | 1.3 |
| Corporate Investment (D-8) | 7,372 | 6,700 | 672 | 9.1 |
| Trade Management (D-9) | 4,597 | 4,573 | 24 | 0.5 |
| Professorship (E-1) | 2,481 | 2,475 | 6 | 0.2 |
| Foreign Language Instructor (E-2) | 22,144 | 22,015 | 129 | 0.6 |
| Research (E-3) | 2,480 | 2,471 | 9 | 0.4 |
| Technology Transfer (E-4) | 156 | 153 | 3 | 1.9 |
| Professional Employment (E-5) | 629 | 607 | 22 | 3.5 |
| Arts & Performances (E-6) | 4,009 | 2,677 | 1,332 | 33.2 |
| Special Occupation (E-7) | 12,748 | 11,606 | 1,142 | 9.0 |
| Non-Professional Employment (E-9) | 235,807 | 192,052 | 43,755 | 18.6 |
| Vessel Crew (E-10) | 7,988 | 5,631 | 2,357 | 29.5 |
| Family Visitation (F-1) | 41,752 | 35,335 | 6,417 | 15.4 |
| Residential (F-2) | 141,303 | 131,015 | 10,288 | 7.3 |
| Dependent Family (F-3) | 16,901 | 16,462 | 439 | 2.6 |
| Permanent Residence (F-5) | 59,222 | 59,222 | 0 | 0.0 |
| Working Holiday (H-1) | 830 | 830 | 0 | 0.0 |
| Working Visit (H-2) | 296,624 | 292,749 | 3,875 | 1.3 |
| Others | 5,804 | 3,786 | 2,018 | 34.8 |

Note: As of September 30, 2011.

Source: Korea Immigration Service (<http://www.immigration.go.kr>).

As of September 30, 2011, the largest group of migrants in Korea is H-2 visa holders who entered through Working Visit System (WVS); they form 27.4 percent (302,042) out of total 1,102,129 migrants into Korea. The H-2 visa is for over persons 25 years of age or older who are overseas (ethnic) Koreans with foreign nationalities, and who are from China or the former Soviet Union. As shown in the <Figure 3-2>, H-2 visa holders can get jobs through Job Centers or by individually applying to businesses which hold a Special Employment Availability Certificate. Once they finish job trainings and apply for jobs, H-2 visa holders can freely change their employers and only need to report the change to the government.

<Figure 3-2> Employment Procedure for Overseas Koreans with Foreign Nationalities



Source: EPS System homepage (<http://www.eps.go.kr/wem/kh/index.jsp>).

Before the WVS was introduced in 2007, it was actually impossible for overseas Koreans who were Chinese or CIS nationalities, and who had no connection with Korean relatives, to enter Korea; however, the number of overseas Koreans with foreign nationalities has rapidly increased since WVS became effective. While the number of overseas Koreans from China and CIS was only 130,000 before the WVS, it increased to 318,581 as of March 31, 2011. As of September 30, 2011, it became 302,042 which is the biggest group of immigrants into Korea.

Of the total 96.5 percent of the WVS immigrants are from China and the number of people from CIS is very small. The main reason for this big gap between two groups is because people from China can communicate in Korean and thus easily get a job while people from CIS rarely speak Korean well. <Table 3-4> details the number of H-2 visa holders by nationality.

<Table 3-4> Number of H-2 Visa Holders by Nationality

| Nationality | China | Uzbekistan | Russia | Kazakhstan | Other | Total |
|-----------------|---------|------------|--------|------------|-------|---------|
| Holder (Person) | 291,352 | 7,888 | 2,054 | 506 | 242 | 302,042 |
| Ratio (percent) | 96.46 | 2.61 | 0.68 | 0.17 | 0.08 | 100.0 |

Note: As of September 30, 2011.

Source: Korea Immigration Service (<http://www.immigration.go.kr>).

The second largest group of immigrants is non-professional workers who hold E-9 visas through Employment Permit System (EPS). The number of E-9 visa holders is 235,807 which accounts for 21.9 percent of total immigrants into Korea. EPS allows employers who failed to recruit local workers to legally hire the appropriate number of foreign workers and the government facilitates the matching or introduction process. Foreign workers who entered Korea through EPS can pursue lower-level jobs at small and medium-sized manufacturing establishments, and at agriculture/live stock, coastal fishery businesses which have less than 300 full-time workers and which are capitalized at under 8 billion won.

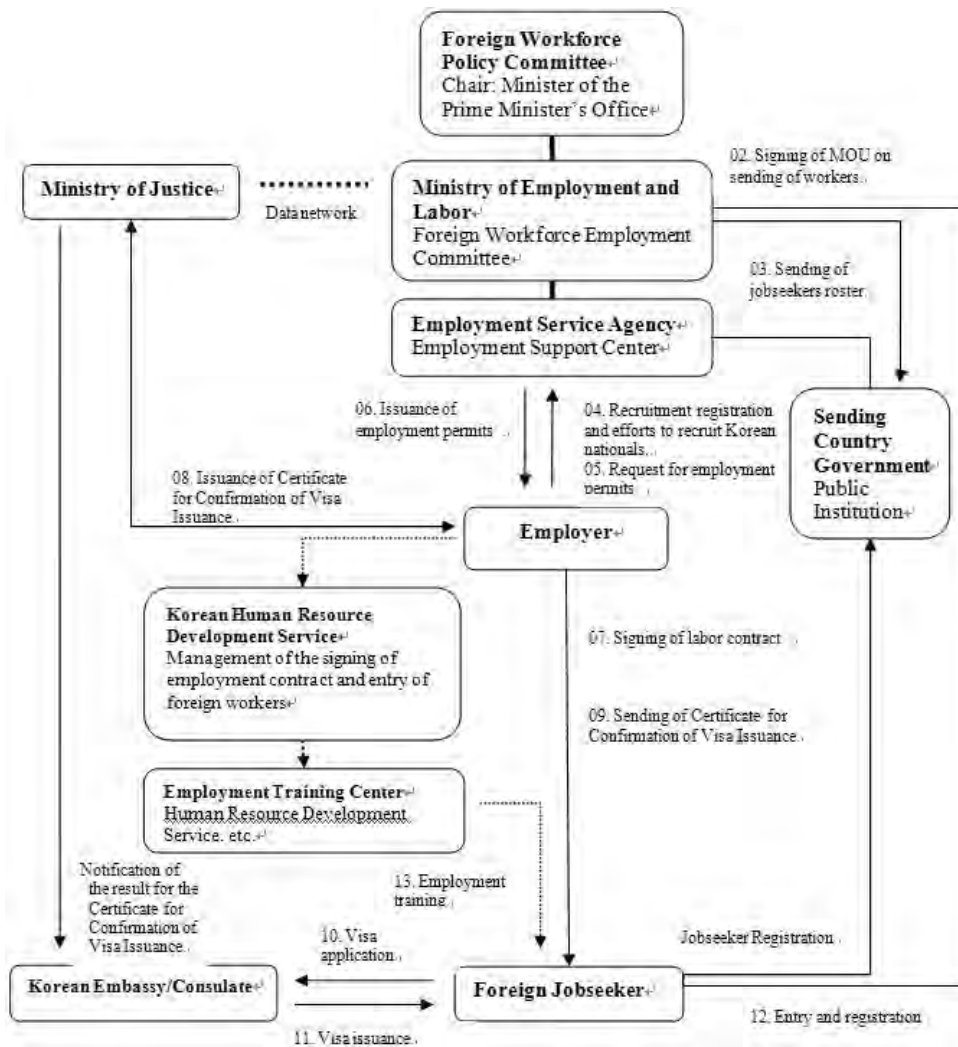
Most policies in the EPS—including annual foreign worker quota, types of

business, and the eligible worker-sending countries-are deliberated and decided by the Foreign Worker Policy Committee (chairman: Prime Minister). The selection and introduction procedure for EPS foreign workers is as follows. First, the Korean government concludes a MOU with the worker-sending country about terms and methods of selection for foreign job seekers, organizational issues, mutual rights and duties, and similar features. This part of the process excludes any intervention by private organizations. The government of the sending-country makes a list of job seekers and send it to Korea using objective indexes such as TOPIK (Test of Proficiency in Korean) score and job experiences. MOEL (Ministry of Employment and Labor) Job Centers issue Employment Permits to the employers who have showed efforts to recruit local workers for a minimum of 7~14 days. EPS recommends foreign job seekers through a computer network for foreign recruitment management linked with the employers, and then the employers directly select necessary qualified people. The HRDSK (Human Resources Development Service of Korea) is responsible for specific immigration administration aspects for foreign workers (including conclusion of labor contracts), and HRDSK, private agencies, and KILF (Korea International Labor Foundation) conduct job training.

Foreign workers can remain employed in Korea for an initial maximum of three years and are not allowed accompanying family members. It is possible to make a labor contract and renew it upon the agreement between the employer and the worker within 3 years. According to the Foreigner Employment Act, foreign workers whose visas expired and their employers requested for their re-employment approval before leaving Korea, can prolong their stay to maximum 2 years (one time only). EPS requires the employers to make labor contracts based on a standard labor contract form, to take out insurance policies for the employees' departure after visa expiration and to cover their return expenses, and to subscribe to guarantee insurance for overdue wages and accident insurance. The

employees are allowed to change their workplaces under unavoidable circumstances such as suspension or closure of business, justifiable cancellation of a labor contract, etc. <Figure 3-4> show the employment procedure for foreign workers with E-9 visa.

<Figure 3-4> Employment Procedure for Foreign Workers with E-9 Visa



Source: EPS System homepage (<http://www.eps.go.kr/wem/kh/index.jsp>).

As of September 30, 2011, 76.3 percent of the foreign workers who entered through EPS (E-9 visas) worked in the manufacturing business. Other participation rates were as follows; construction (5.8 percent), agriculture (5.4 percent), and fishery (2.0 percent). Further breakdown of EPS/E-9 participation rates by industry is provided in follow. <Table 3-5> shows the current state of E-9 visa holders by business.

<Table 3-5> Current State of E-9 Visa Holders by Industry

| Classification | Total Sojourner | Legal Sojourner | | Illegal Sojourner | |
|--------------------------------|-----------------|-----------------|--------------|-------------------|--------------|
| | | | | | |
| Total | 241,554 | 196,836 | 81.5 percent | 44,718 | 18.5 percent |
| Manufacturing (E-9-1) | 184,250 | 168,600 | 91.5 percent | 15,650 | 8.5 percent |
| Constructing (E-9-2) | 13,947 | 12,466 | 89.4 percent | 1,481 | 10.6 percent |
| Agriculture (E-9-3) | 13,116 | 11,380 | 86.8 percent | 1,736 | 13.2 percent |
| Fishery (E-9-4) | 4,752 | 3,322 | 69.9 percent | 1,430 | 30.1 percent |
| Refrigerated Warehouse (E-9-5) | 501 | 428 | 85.4 percent | 73 | 14.6 percent |
| Material Collection (E-9-6) | 64 | 58 | 90.6 percent | 6 | 9.4 percent |
| Livestock (E-9-8) | 555 | 553 | 99.6 percent | 2 | 0.4 percent |
| Others ¹⁾ | 24,369 | 29 | 0.1 percent | 24,340 | 99.9 percent |

Note 1) Former Recommended Training (E-9-95)~Former Legal Action (E-9-98).

2) As of 30 September 2011

Source: Korea Immigration Service (<http://www.immigration.go.kr>).

The biggest group of E-9 visa holders is from Vietnam (30.0 percent); Philippine (12.2 percent), Indonesia (12.4 percent), and Thailand (11.0 percent). The number of E-9 visa holders from China including Korean-Chinese takes 8.3 percent.

〈Table 3-6〉Current State of E-9 Visa Holders by Nationality

(Unit: Person)

| Nationality | Total Sojourners | | Legal Sojourner | Illegal Sojourner |
|---------------------|------------------|------------------|-----------------|-------------------|
| | Number | Ratio (percent) | | |
| Total | 241,554 | 100.0 | 196,836 | 44,718 |
| Vietnam | 64,426 | 30.0 | 53,996 | 10,430 |
| Philippine | 26,227 | 12.2 | 20,901 | 5,326 |
| Indonesia | 26,564 | 12.4 | 22,319 | 4,245 |
| Thailand | 23,568 | 11.0 | 20,253 | 3,315 |
| Sri Lanka | 20,359 | 9.5 | 18,902 | 1,457 |
| China ¹⁾ | 13,185 | 6.1 | 4,736 | 8,449 |
| (Korean-Chineses) | (4,791) | (2.2) | (505) | (4,286) |
| Mongol | 11,524 | 5.4 | 8,287 | 3,237 |
| Uzbekistan | 13,238 | 6.2 | 11,568 | 1,670 |
| Bangladesh | 8,728 | 4.1 | 6,722 | 2,006 |
| Cambodia | 11,505 | 5.4 | 10,630 | 875 |
| Nepal | 10,423 | 4.9 | 9,471 | 952 |
| Pakistan | 5,156 | 2.4 | 3,826 | 1,330 |
| Myanmar | 4,337 | 2.0 | 3,809 | 528 |
| Others | 2,314 | 1.1 | 1,416 | 898 |

Note 1) Including Korean-Chineses.

2) As of September 30, 2011.

Source: Korea Immigration Service (<http://www.immigration.go.kr>).

The third biggest group of immigrants is F-2 visa holders who are immigrants married to Koreans. Immigrants married to Koreans represent 12.8 percent of total number of foreigners in Korea. Their entrance into Korea began in earnest in the late 1990s. As young females in rural areas left to the urban areas cities to find jobs, single farmers experienced difficulties in finding their spouses; accordingly, local governments conducted single farmer marriage campaigns to solve these socio-structural problems, and females mostly from Southeast Asian countries began to enter Korea through arranged marriages. That trend has generally increased over time. While this kind of marriage arrangement started to happen in rural areas, overall most marriage migrants

tend to live in urban areas, which is a direct reflection of overall urbanization of the population of Korea. Recently, there are many cases of marriage between Korea–Chinese females and Korean males.

〈Table 3–7〉 Immigration of International Marriage by Nationality and year

| Year | Total | China | Korean–Chinese | Vietnam | Japan | Philippines | Cambodia | Others |
|-------|---------|---------|----------------|---------|--------|-------------|----------|--------|
| 2002 | 23,414 | 3,022 | 10,055 | 455 | 4,147 | 2,518 | 4 | 3,213 |
| 2003 | 41,428 | 5,177 | 17,380 | 1,767 | 6,583 | 4,227 | 17 | 6,277 |
| 2004 | 56,001 | 8,363 | 24,553 | 3,717 | 7,544 | 3,738 | 73 | 8,013 |
| 2005 | 74,176 | 14,658 | 30,602 | 7,449 | 7,731 | 3,865 | 206 | 9,665 |
| 2006 | 93,127 | 20,377 | 35,528 | 14,820 | 6,539 | 4,263 | 457 | 11,143 |
| 2007 | 109,861 | 26,489 | 36,401 | 21,604 | 5,817 | 4,978 | 1,919 | 12,653 |
| 2008 | 122,173 | 32,020 | 35,520 | 27,084 | 5,216 | 5,777 | 2,683 | 13,873 |
| 2009 | 125,087 | 33,426 | 32,566 | 30,173 | 5,074 | 6,321 | 3,230 | 14,297 |
| 2010 | 141,654 | 35,023 | 31,664 | 35,355 | 10,451 | 7,476 | 4,195 | 17,490 |
| Total | 786,921 | 178,555 | 254,269 | 142,424 | 59,102 | 43,163 | 12,784 | 96,624 |

Source: Korean Immigration Service (<http://www.immigration.go.kr>).

〈Table 3–8〉 indicates that the number of refugee applicants and those approved for refugee or humanitarian status has been gradually increasing but not on a uniformly upward path, and the totals are still rather. Korea joined both the UN Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees in 1993, and started to accept refugee–status applicants in 1994. As of the end of 2010, there are 2,915 refugee–status applicants in Korea; 222 were accepted among them, which shows 8.9 percent of refugee–acceptance rate. In 2010, Korea granted citizenship to the first Ethiopian refugee. It is notable that only Korea and the Philippines among Asian countries have granted citizenship to a person who had been granted refugee status in the country.

For the granted refugees who are ill–off, Korean government supports their basic living costs and a full range of other assistance, including through Juvenile

Welfare Support Act of Ministry of Health & Welfare. As a member of the UNHCR executive committee, Korea supports UNHCR programs and provides humanitarian aid to Uganda, Cote d'Ivoire, Myanmar, and other countries needing emergency relief.

〈Table 3-8〉 Status of Refugee Applications by Year (1994-2010)

(Unit: Person)

| Year | Application | Examination Completed (2,491) | | | |
|-----------|-------------|-------------------------------|----------------|--------------|------------|
| | | Approved | Humane Sojourn | Not Approved | Withdrawal |
| Total | 2,915 | 222 | 136 | 1,577 | 556 |
| 1994~2000 | 96 | - | - | 35 | 9 |
| 2001 | 37 | 1 | - | 3 | 11 |
| 2002 | 34 | 1 | 8 | 7 | 14 |
| 2003 | 84 | 12 | 5 | 5 | 5 |
| 2004 | 148 | 18 | 1 | 7 | 9 |
| 2005 | 410 | 9 | 13 | 79 | 29 |
| 2006 | 278 | 11 | 13 | 114 | 43 |
| 2007 | 717 | 13 | 9 | 86 | 62 |
| 2008 | 364 | 36 | 22 | 79 | 109 |
| 2009 | 324 | 74 | 22 | 994 | 203 |
| 2010 | 423 | 47 | 43 | 168 | 62 |

Note: Pending examination for 424 people.

Source: Korea Immigration Service (<http://www.immigration.go.kr>).

There is also indication of movement into Korea by human trafficking. Most trafficked immigrants are swindled by employment agencies promising good careers, and then are forced to work as prostitutes or forced-laborers. Females who entered Korea with E-6 (arts & performances) visas, and who work at entertainment establishments near US military bases, may particularly vulnerable. Another vulnerable group is the women from less developed countries who enter Korea under fraudulent promises for marriage with a Korean man. The employers or facilitators of the trafficked women confiscate their passports and don't pay them, claiming that the women are in debt of thousands dollars for transportation and other expenditures. They are helpless against threats, assault, or rape of

traffickers and pimps since they have no family or relatives in Korea, and lack access to people who might be inclined to help them. Moreover, as foreigners, they don't know how to escape or how to get supports and tend not to report their abuse to the police, being afraid of any possible negative consequences. Thus, it is very difficult to estimate the number of trafficked immigrants or to prepare countermeasures.

As mentioned above, there is no firm statistics for victims of human trafficking in Korea, however, IOM estimated a rough figure in a 2002 report, based on the number of foreigners who stay in Korea with employment visas and the number of foreigners who entered Korea with arts & performances visas. The number of foreigners who entered Korea with culture/art visa (E-6) has gradually increased since 1995, and 90 percent of them are from Asia or Europe, especially from Philippine and the former Soviet Union, as of 2000. According to the Overseas Workers Department of Philippine, the estimated number of Filipinas who worked near US military bases in Korea was about 1,000 in 1999; most of them were young teenagers or in their early twenties. Females except the trafficked immigrants with E-6 visa were mostly holding a temporary visit visa. According to a Korean NGO (Korean Church Women United) in 1999, most Russian females who worked at bars in Busan had entered into Korea with tourist in transit visa (B-2) or temporary visit (C-3). This does not equate with their being trafficked, but puts them in a logical risk category for that abuse.

Korea signed the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Transnational Organized Crime"; however, the procedure for joining has not been completed yet since it was not ratified by the National Assembly.

The 2011 Trafficking in Persons Report from US State Department lists Korea as a Tier 1 country, and remarks as follows:

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government reported significant efforts to prevent trafficking during the reporting period, including through anti-trafficking public awareness campaigns targeting vulnerable groups, such as teenagers at risk of commercial sexual exploitation and foreign wives in South Korea. South Korea also maintains an extensive network of victim protection services throughout the country, and works in cooperation with NGOs to provide care to identified victims of trafficking. In addition, South Korea allocated significant resources to protecting victims of trafficking and continued to train law enforcement and other government officials on trafficking in persons. The government's efforts to investigate labor trafficking remained relatively weak, however, and the government did not institute formal procedures to proactively identify victims of trafficking.

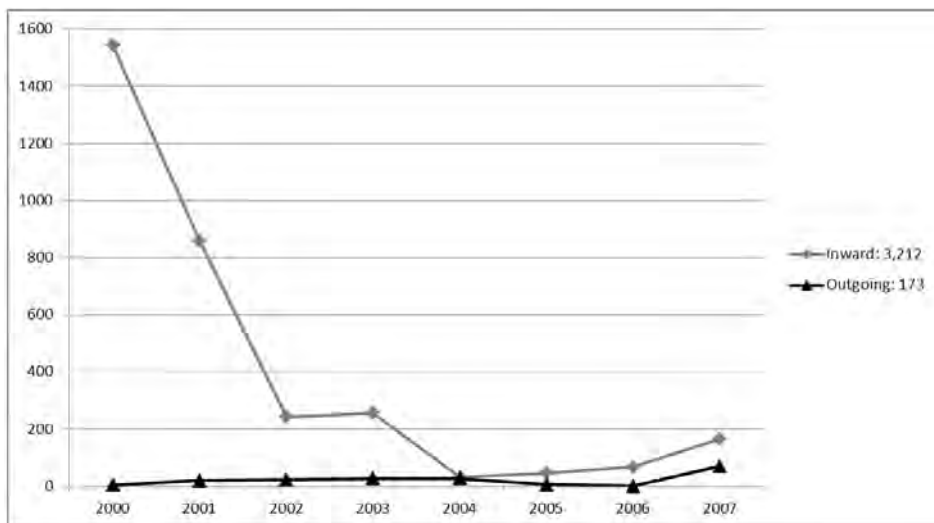
The Report offers the following recommendations for Korea:

Enact drafted comprehensive anti-trafficking legislation that defines and prohibits trafficking in persons; increase efforts to investigate, prosecute, and convict trafficking offenders, including those involved in labor trafficking; ensure that convicted traffickers receive jail sentences for trafficking offenses; develop and implement formal victim identification procedures to proactively identify trafficking victims among vulnerable populations, including women arrested for prostitution and illegal immigrants; make greater efforts to identify victims of forced labor among migrant workers, such as those who file complaints of unpaid wages; proactively grant victims permission to work pending investigations and prosecutions against their traffickers; and take steps to increase awareness of child sex tourism and enforce laws against South Koreans engaging in such acts.

In addition, there are a small number of persons who enter Korea by smuggling channels. Korea also signed the "Protocol against the Smuggling of Migrants by

Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime” in 2000, but this too remains yet to be ratified by the National Assembly. Meanwhile, the Korea Coast Guard (KCG) is strengthening its crackdown on stowaways into Korea. According to the KCG statistics, the number of smuggling immigrants exposed was 1,544 in 2000; it reduced to 859 in 2001 and to 30 in 2004; however, it increased again to 166 people in 2007.

〈Figure 3-5〉 The Number of Smuggling Persons Apprehended by Korea Coast Guardn (2000-2007)



Source: Korea Coast Guard (<http://www.kcg.go.kr>).

b. Social Issues Regarding Immigration

Currently the major issues regarding migration into Korea are illegal residency of foreign workers whose visas have been expired, and changing E-9, E-10, and H-2 visas to E-7 (special occupation) for low-skilled foreign workers.

A large number of foreign workers who had entered through the E-9 visa have already been staying in Korea illegally after the expiration of their visas. Those in the H-2 visa channel also appear to be susceptible to overstaying and the next few years will provide a clearer picture on that group, as many H-2 visas are

set to expire in 2011. Dealing with illegal residency and return management creates many difficulties for the government, as it attempts to both crackdown on migration offenders, and adequately protect the human rights of migrants. Some observers feel that the increase in illegal residency negatively affects public support for social inclusion and integration of foreigners, and exacerbates the ghettoization of the foreign enclaves.

On the other hand, there has been a rising interest in the E-7 (Special Occupation) visa among foreign workers since the Korean government in October 2011 opened up a channel into the E-7 category for some foreign workers who entered through the WPS H-2 visas process. To qualify for an E-7 visa, the foreign workers (considered to be low skilled) should meet the following requirements: 1) have more than 4 years of authorized working experience in the manufacturing, construction, or agriculture/living stock/fishery businesses during the last 10 years; 2) have at least a two-year post high school degree; 3) be under the age of 35; 4) have earned at least a technician's license in the relevant field or has merited higher-than-average pay at their workplace for over one year of their employment; and 5) obtained at least TOPIK (Test of Proficiency in Korean) level 3 or has completed a designated social integration program.

The E-7 visa is very attractive for low-skilled foreign workers since there is no limit on the length of stay and the workers can invite their family to Korea; realistically, however, it is very difficult for low-skilled foreign workers to obtain E-7 visa since the quota for E-7 is very limited, the requirements may be too high for most workers in H-2, and the daily demands of their work may prevent them from fulfilling some of the requirements.

3. Special Issues Regarding Immigration into Korea

a. Ethnic Korean Immigrants of Foreign Citizenship

1) Immigration of Overseas' Koreans from China and the CIS Region

As earlier detailed, from the 1860s onwards, and up to the birth of the Republic of Korea in 1948, a large number of Koreans emigrated to China and the CIS region. Until the mid-1980s, however, there had been no or little relations between the South Korean government and ethnic Korean emigrants in those countries, as during the Cold War period any movement out of China and the Soviet block countries was greatly restricted.

Ethnic Korean Chinese first began to visit South Korea in 1986 when the Search Campaign for Separated Families was launched (Kim, 2009). In 1992, normalization of diplomatic ties between South Korea and China opened the door wider to more ethnic Koreans from China to visit their ancestral homeland. At that time, rapid growth of the Korean economy and the subsequent increase in national income level brought about exacerbating labor shortage problem especially in 3D (Dirty, Dangerous and Difficult) industries in South Korea. To fill this gap, many ethnic Korean Chinese came to South Korea on visitor visas and sold traditional Chinese medicine or simply found jobs illegally in Korean restaurants or construction sites. Even after the Industrial Trainee Program for foreigners was introduced in 1993, both female and male Chinese trainees with ethnic Korean background have absconded from the assigned firms for higher wages and found jobs illegally in restaurants, as domestic helpers or as construction workers. Their fluency in Korean is a great advantage for them in seeking out and settling into these off-the-record positions.

The proportion of undocumented ethnic Korean immigrants reached 57 percent in 2001, which was mainly attributable to the growing increase in illegal

employment. Challenged by undeniable presence of undocumented ethnic Korean immigrants from China, Korean government introduced a new program at the end of 2002, the first policy measure to give worker status to low skilled ethnic Koreans. Under this new Employment Management Program, ethnic Koreans of at least 40 years of age who have close relatives in Korea are allowed to enter at the invitation of their relatives and may find jobs legally for three years in eight areas of labor-starved industry, including construction. With this new program, however, low skilled ethnic Koreans were effectively put into the position of a foreign labor force which was to be managed and regulated within a larger framework of foreign labor policy.

With the introduction of the Employment Permit System (EPS) in August 2004, the existing Employment Management Program was folded into the special case of the EPS. From this moment, the power to determine the number of ethnic Koreans to be received under the special case of the EPS and the type of authorized field of employment was handed over from the Ministry of Justice to the Foreign Workers Policy Commission chaired by the Prime Minister. The transition of responsibility to the Foreign Workers Policy Commission signified that the position of low skilled ethnic Koreans was systematically reinforced once again as foreign labor force. The Overseas Koreans Act which was revised in 2004 technically equated all overseas Koreans by addressing implicit geographical or any social distinctions between ethnic Koreans and granted almost all of the same rights enjoyed by Korean citizens (F-4). None the less, the skills requirement in the visa regulations and stringent condition applied to some individuals coming from the countries that are assumed to produce a large number of undocumented migrants essentially nullified the revision. This policy was the result of an effort to prevent diplomatic friction with the Chinese government by allaying fears that Korea was actively luring ethnic Korean Chinese away from China, and its restrictive nature was also meant to protect Korean citizens from competing with

cheap labor from China.

In March 2007, Korean government opened its door wider to ethnic Koreans from China and the CIS by introducing the ‘Visit and Employment Program’ which made it easier for members of that group to qualify for working visas. It allows ethnic Koreans from those locales who are over the age of 25 to receive a ‘Visit and Employment (H-2)’ visa and permits free entry and departure from Korea for five years and employment in the specific industries for three years. However, it remains targeted at economic sectors that need low-skilled labor, such as construction, manufacturing and the service industry. One of the advanced features of this new system is that it allowed ethnic Koreans, who were previously excluded from entering the country because of lack of family ties in Korea, to visit and work in South Korea through a random lottery within an annual quota, after obtaining certain score on a state-administered Korean language test. Since its introduction, this newly introduced system has played a vital role in reducing ‘illegal’ or ‘undocumented’ migration between the two countries. It has been called a remarkable policy in the 20-year history of Korean Chinese migration (Kim, 2009). Under the Visit and Employment Program, however, ethnic Koreans continue to be viewed as a foreign labor force which is brought to supplement the domestic labor market, and thus they are expected and required to return home after the authorized period of stay. During their stay, they do not have the right to bring any family members with them to reside Korea. Nevertheless, ethnic Koreans have a privileged place in foreign labor policy in that they have more freedom of seeking employment and changing workplace than enjoyed by the non-Korean foreigners.

With the unemployment rate hitting its highest rate ever in 2009 due to the global economic crisis, Korean labor authorities pruned the H-2 visa issuance from the 60,000 figure issued annually since 2007, to 17,000 in 2009. Since the year 2010, Korean government has applied more tightened control by maintaining

the target number of H-2 visa holders at the level of 303,000 (Korea Immigration Service, 2011). This policy change was intended to prevent an undue influx of ethnic Koreans, assuming that an oversupply might lead to their encroaching upon the job market for locals in the wake of the weak domestic employment market (Kwak, 2011). In line with this stringent policy change, government adopted a permit system in 2009 under which ethnic Koreans have to get permission to work in construction and thus native workers get more job opportunities.

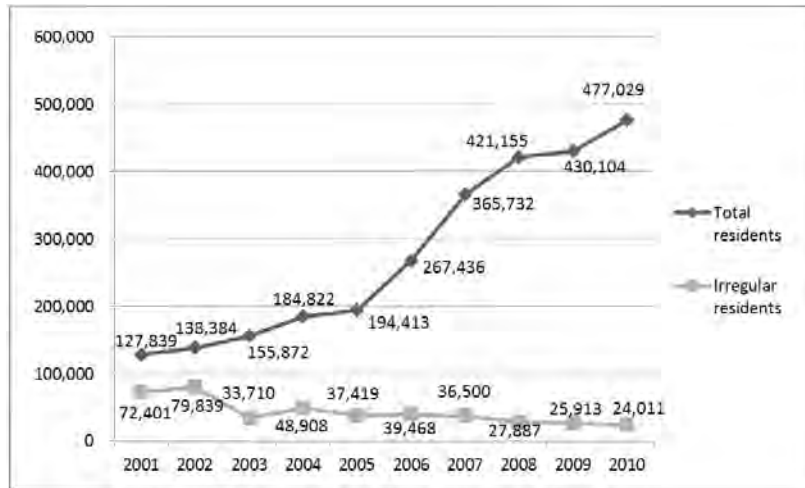
However, there existed a large portion of 60,000 to 70,000 ethnic Koreans who unfortunately had not been awarded an H-2 visa through the computer-generated random lottery. In order to alleviate complaints from these individuals, Korean government had to take action and non-working visas were issued to these individuals with a provision enabling them to later change their visa status to H-2 on the condition that they complete the occupational skills training programs conducted by the Overseas Korean Technical Training Foundation.

With respect to the first group who entered the country with H-2 visas and whose residence period will be up in 2012, Korean government decided to allow them to renew the H-2 visa which will permit to stay and work for another four years and ten months—if they first return voluntarily to their home country (Korea Immigration Service, 2011). This shows government's interest and willingness to treat ethnic Koreans with the principle of temporary circular migration of low skilled foreign labor force (Kwak, 2011). In addition, every ethnic Korean, regardless of family ties in Korea, will have to be included in the computer-generated random lottery within a quota from 2012 forward. The successful applicants will be offered more options for migration either through Occupational Skills Training Visa or the Visit and Employment Visa. For those applying for an Occupational Skills Training Visa, they will be allowed to change their visa status to H-2 which permits them to work in South Korea.

2) Social Issues caused by Ethnic Koreans staying in Korea

As of 2010, the total number of ethnic Korean immigrants staying in South Korea is 477,029, which accounts for 37.8 percent of total foreign residents. There has been a sharp increase in the proportion of ethnic Korean immigrants by 209 percent from 127,000 in 2001 to 267,000 in 2006. <Figure 3-6> shows the trend in the number of ethnic Korean immigrants over a ten-year period from 2001 to 2010.

<Figure 3-6> Trend in the Number of Ethnic Korean Immigrants (2001-2010)



Source: Korea Immigration Service (<http://www.immigration.go.kr>).

Among the ethnic Koreans residing in Korea as of 2010, those with Chinese citizenship constitute the largest community at 415,004 persons (87 percent), followed by 35,822 (7.5 percent) from America and 9,502 (2.0 percent) from Canada. Koreans holding Uzbekistan citizenship came next at 6,368 (1.3 percent).

〈Table 3-9〉 Status of Ethnic Korean immigrants by Nationality

| Nationality | Number(Persons) | Ratio(percent) | Nationality | Number(Persons) | Ratio(percent) |
|-------------|-----------------|----------------|-------------|-----------------|----------------|
| China | 415,004 | 87.0 | New Zealand | 1,148 | 0.2 |
| America | 35,822 | 7.5 | Germany | 725 | 0.2 |
| Canada | 9,502 | 2.0 | Kazakhstan | 643 | 0.1 |
| Uzbekistan | 6,368 | 1.3 | Japan | 510 | 0.1 |
| Russia | 2,992 | 0.6 | Others | 1,536 | 0.3 |
| Australia | 2,779 | 0.6 | Total | 477,029 | 100.0 |

Note: As of 2010.

Source: Korea Immigration Service (<http://www.immigration.go.kr>).

According to the purposes of stay among ethnic Korean immigrants residing here in 2006, the majority responded that they came to visit relatives (41 percent), which was followed by work (27 percent). Since 2007 when the Visit and Employment Program was introduced, the trend in purpose of stay changed dramatically and now only 3.3 percent came to Korea to visit relatives, while 65.5 percent came to work. This is the result of legalization of ethnic Koreans who overstayed the visitor visas and joined the workforce before 2007. 〈Table 3-9〉 shows the trend of sojourn qualification and the purposes of stay among ethnic Korean immigrants residing in Korea.

It is particularly noteworthy in 〈Table 3-10〉 that the proportion of F-4 (Overseas Koreans) visa holders increased meaningfully in 2010. This was the result of a more generous policy measure that made it easier to obtain F-4 visa by ethnic Koreans from China and the CIS since January 2008. Those eligible to benefit from this new measure were ethnic Koreans having a least the possibility of working in low skilled labor, holding a status of corporate representatives or working in the agriculture and livestock industry, or in a designated manufacturing industry area. Holding a F-4 visa indicates that they are allowed to stay as long as they like and also given chances of obtaining a permanent resident status (F-5), which might lead to a permanent settlement. As shown in 〈Figure 3-7〉, among F-4 visa

holders, those with American citizenship constitute the largest community with 42 percent, followed by 38 percent from China. The number of ethnic Korean Chinese with an F-4 visa is expected to grow as the visa transition becomes much easier. This would be responsive to Korea's continuing need for persons with H-2 visas to work in the particular industries not found attractive by Korean nationals.

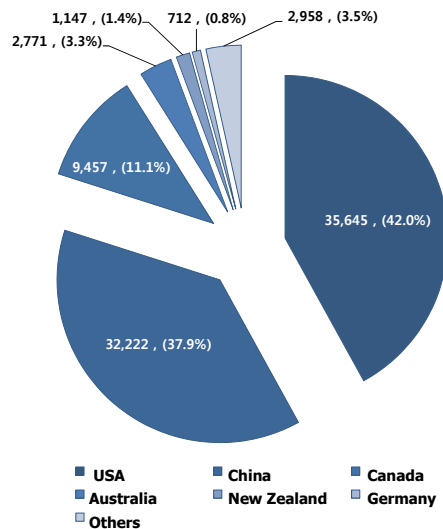
〈Table 3-10〉 Status of Ethnic Korean Immigrants by Residence Status and Purpose of Stay (2006-2010)
(unit: person)

| Year | Work | | Visit (Non-working) | Study (D-2) | Overseas Korean (F-4) | Others | Total |
|------|-------------|---------|------------------------|----------------|--------------------------|--------|---------|
| | Low-skilled | Skilled | | | | | |
| 2006 | 72,264 | 699 | 109,457 | 3,415 | 29,574 | 52,027 | 267,436 |
| 2007 | 245,986 | 808 | 30,504 | 3,480 | 34,695 | 50,259 | 365,732 |
| 2008 | 309,558 | 473 | 19,282 | 3,415 | 41,732 | 46,695 | 421,155 |
| 2009 | 314,813 | 336 | 18,271 | 3,220 | 50,664 | 42,800 | 430,104 |
| 2010 | 312,665 | 212 | 15,766 | 2,595 | 84,912 | 60,879 | 477,029 |

Note: 1) low skilled visa status includes D3, D4, E8~10, H-2, highly skilled visa status includes E1~7, visitor visa includes F-1, F-3

2) The number of low skilled ethnic Koreans with H-2 visas is 228,686 in 2007, 299,332 in 2008, 306,283 in 2009 and 286,586 in 2010.

〈Figure 3-7〉 F-4 (overseas Korean status) visa holders by Nationality



Note: As of 2010.

Source: Korea Immigration Service (<http://www.immigration.go.kr>).

With respect to low skilled ethnic Korean immigrants, the debate on whether to manage and regulate them as foreign workforce or to treat them equally with other Korean compatriots has been around for as long as migration of ethnic Koreans has appeared in the policy arena. Current policy, while not taking an explicit position on this matter, takes into consideration both views. Low skilled ethnic Koreans are maintained as part of a temporary workforce tied to specific industry and are, as such, subject to close government management and regulation. On the other hand, the Korean government places them in a privileged position by giving them special permission which is not available to non-Korean foreign workers, such as freedom of employment in service and construction industries and freedom to change workplaces.

Another issue to consider regarding ethnic Korean immigrants is that ethnic Korean Chinese are criticized for being in competition native workers in specific industry—most notably construction. Domination of ethnic Koreans in certain industries is attributable to the tendency of ethnic Koreans to rely on private networks to find jobs. This tendency is complemented or reinforced by some apparent limitations in the job search service provided by the government. For this reason, there is a growing interest in developing effective policy to improve job search service for low skilled ethnic Koreans and, further, to prevent them from falling to the underprivileged class through the provision of skills training. The Korean government is also interested in supporting returning ethnic Korean immigrants and their reintegration process. Last, but not least policy attention is now being paid to developing an effective policy measures to prepare the possible permanent settlement of ethnic Korean immigrants along with predicted influx of further low skilled ethnic Koreans in coming years.

b. North Korean Defectors

North Korean defector issue is a Korean-specific migration phenomenon. North

Korean defector (*bukhanitalchumin*) is a legal term meaning a Korean who has an address, immediate family, a spouse, or a job in North Korea and didn't acquire any other nationalities than Republic of Korea's after escaping from North Korea. The term indicating North Korean defector has changed in Korea with the times. Before 1990's, it was defector (*guisoonja*) or defecting warrior (*guisoonyongsa*). Most of the North Korean defectors at that time came to the South for political freedom. From the 1990's onward, the number of North Korean defectors have gradually increased due to the worsening economic situation in North Korea. North Korean defectors especially with economic reasons became called North Korean Escapee (*talbukja*). The term *talbukja* was been widely used till 2004; however, there have been some opinions that the term *talbukja* should be changed as it has a negative connotation. On January 9, 2005, Ministry of Unification announced that North Korean defectors would be called as *saeteomin*, which is more a purified expression meaning 'people of new land.' Some of the media used the term itself, but North Korean defector associations and other South Korean societies refused to use the term, deeming it willful and unnatural; also, the meaning of *saeteomin* couldn't cover North Korean defectors who didn't settle down in Korea and were scattered throughout the world. On November 21, 2008, Ministry of Unification announced that it would try not to use the term *saeteomin*. Currently, a legal term *bukhanitalchumin* is official, but *saeteomin* is still used as well.

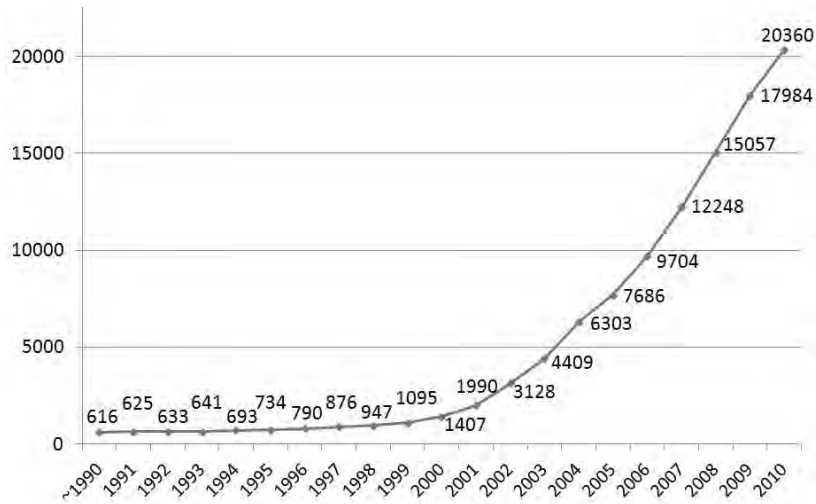
North Korean defectors have existed since right after the division of country; however, the number of North Korean defectors was very small before the 1990s, totaling only 607 from the date of the ceasefire agreement (July 1953) up to 1989. In the 1990s, there were severe food shortages due to large-scale flood damage and draught in North Korea. In the first decade of the 2000s, a large number of people escaped from North Korea and entered into South Korea; as a result, the accumulated number of North Korean defectors was only 1,406 in 2000 but exceeded 20,000 in 2010.

〈Table 3-11〉 Annual Entry of North Korean Defectors into the ROK

| Year | Number (Persons) | Year | Number (Persons) |
|-------------|------------------|------|------------------|
| Before 1989 | 607 | 2000 | 312 |
| 1990 | 9 | 2001 | 583 |
| 1991 | 9 | 2002 | 1,138 |
| 1992 | 8 | 2003 | 1,281 |
| 1993 | 8 | 2004 | 1,894 |
| 1994 | 52 | 2005 | 1,383 |
| 1995 | 41 | 2006 | 2,018 |
| 1996 | 56 | 2007 | 2,544 |
| 1997 | 86 | 2008 | 2,809 |
| 1998 | 71 | 2009 | 2,927 |
| 1999 | 148 | 2010 | 2,376 |

Source: Ministry of Unification (<http://www.unikorea.go.kr>).

〈Figure 3-8〉 Accumulated number of North Korean Defectors in the ROK



Source: Ministry of Unification (<http://www.unikorea.go.kr>).

In the initial stage, most North Korean defectors escaped to Yanbian Korean Autonomous Prefecture after crossing the North Korean–Chinese border. There were border garrisons, but bribing allowed North Korean defectors to escape. However, if caught on the other side, Chinese authorities forcibly repatriate the

North Koreans who absconded, reinforcing China's close relations with the North. North Korean defectors who once succeeded in entering China get supports from South Koreans, or ask foreign embassy or foreign schools for help to enable their further movement to Korea. Recently, the number of North Korean defectors who pass through China and Southeast Asian countries and seek asylum in a third country is increasing.

North Korean defectors are not refugees as defined on the Convention Relating to the Status of Refugees in 1951; however, UNHCR officially announced on September 29, 2003 that North Korean defectors are 'group of concern' and can be regarded as Mandate Refugees under the law of nations. According to this, most countries recognize North Korean defectors as Mandate Refugees. UNHCR in Beijing, China, recognizes North Korean defectors as Mandate Refugees; however, Chinese government prevents North Korean defectors from entering the UNHCR office in China.

The Korean government has prepared various measures to cope with the increasing number North Korean defectors, including settlement aid systems. North Korean defectors who entered the South are immediately examined to clarify the motive of escape, identity, whether false exile or not, etc. by the investigation officials. After that, they are sent to Hanawon settlement support office, and receive 12 weeks of orientation to prepare them to adjust to South Korean society. Following completion of that program, they receive support for finding jobs, resident registration, rental houses, and resettlement aid from the Korean government. Since its opening in July of 1999, Hanawon has been supporting North Korean defectors settling in South Korea and encouraging their independence; however, many North Koreans have difficulties in adjusting to capitalistic society in spite of the government's support. There is even a case that a North Korean who resided in South Korea applied for asylum in a third country, and another case of a North Korean who was won over by the North

Korea and arrested for terror charges.

4. Current Outgoing Migrant Picture

a. Present Status of Emigrants

Koreans abroad is 7,268,771, equaling almost 10 percent of total population in South and North Korea. In percentage terms, if not necessarily in number count, Korea is among the countries with a significant diaspora. Since 2000, Korean emigration has constantly been decreasing. The decrease of Korean emigration was already observed in mid-1980's, but it was not a continuous falling. However, Korean emigration has shown a decrease every year for the last 10 years. <Table 3-12> shows the variations of Korean emigration for the past 30 years (since 1981), and indicates that 2008 was the first year when the net inflow of Koreans (from permanent return or renouncing their émigré status) exceeded the outflow of their countrymen. (<Table 3-16> later in this section compares overall emigration of Koreans with overall immigration of non-nationals: net migration.)

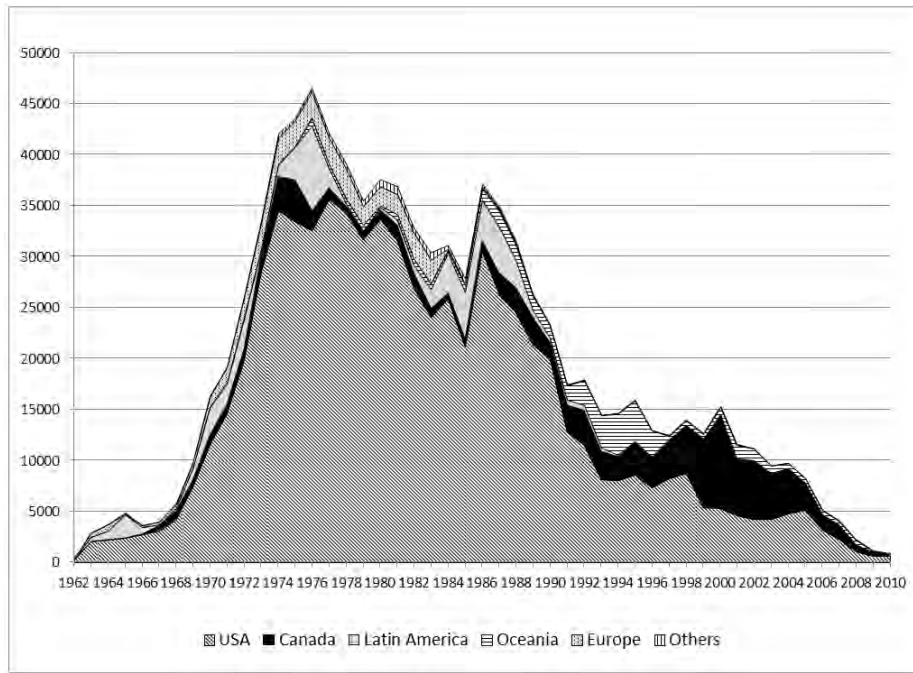
There are some changes in the largest emigration country for Koreans. Since the legislation and proclamation of 'Emigration Act' in 1962, until the end of 1990's, the largest emigration country for Koreans was the US; however, the number of Korean emigration toward Canada exceeded the number of emigration to the US in 1999 for the first time. Canada retained the lead position for five years; however, that lead changed back to the US in 2004. <Figure 3-9> shows the changes in destinations of Korean emigration from 1962 up to 2010.

〈Table 3-12〉 Annual Emigration Applicants (1981-2010)

| Year | Total | Emigration Purpose | | | | | | Permanent Returnee or Emigrant renouncer |
|------|--------|--------------------|-------|-----------------|-------------------|---------------------------|--------|--|
| | | Business | Work | Indepen dent | Family reunion | International Marriage | Others | |
| 1981 | 32,168 | 199 | 2,122 | - | 23,588 | 6,187 | 72 | 1,189 |
| 1982 | 26,393 | 29 | 1,894 | - | 18,993 | 5,445 | 32 | 1,346 |
| 1983 | 23,345 | 43 | 2,708 | - | 15,341 | 5,224 | 29 | 1,426 |
| 1984 | 31,111 | 137 | 3,949 | - | 22,144 | 4,881 | - | 1,669 |
| 1985 | 27,793 | 511 | 3,946 | - | 18,396 | 4,940 | - | 2,290 |
| 1986 | 37,097 | 2,325 | 3,098 | - | 27,218 | 4,456 | - | 2,584 |
| 1987 | 34,798 | 4,269 | 3,076 | - | 22,768 | 4,685 | - | 3,301 |
| 1988 | 31,486 | 4,167 | 2,946 | - | 19,927 | 4,446 | - | 4,734 |
| 1989 | 26,272 | 2,781 | 1,566 | - | 18,281 | 3,644 | - | 6,685 |
| 1990 | 23,314 | 1,885 | 2,737 | - | 15,772 | 2,920 | - | 6,449 |
| 1991 | 17,433 | 3,204 | 1,901 | - | 9,963 | 2,365 | - | 7,029 |
| 1992 | 17,927 | 4,057 | 3,193 | - | 8,823 | 1,847 | 7 | 8,892 |
| 1993 | 14,477 | 2,921 | 3,988 | - | 6,044 | 1,510 | 14 | 8,781 |
| 1994 | 14,604 | 2,330 | 5,311 | - | 5,629 | 1,305 | 29 | 8,236 |
| 1995 | 15,917 | 2,492 | 6,573 | - | 5,695 | 1,150 | 7 | 7,057 |
| 1996 | 12,949 | 2,346 | 4,291 | - | 5,139 | 1,170 | 3 | 6,824 |
| 1997 | 11,764 | 2,269 | 3,287 | - | 5,860 | 1,068 | - | 6,262 |
| 1998 | 13,974 | 2,179 | 3,805 | - | 6,638 | 1,346 | 6 | 5,190 |
| 1999 | 12,655 | 2,582 | 5,267 | - | 3,342 | 1,464 | - | 4,799 |
| 2000 | 15,307 | 2,402 | 8,369 | - | 3,345 | 1,187 | 4 | 4,397 |
| 2001 | 11,584 | 1,669 | 6,079 | - | 2,639 | 1,197 | - | 3,705 |
| 2002 | 11,178 | 1,667 | 6,317 | - | 2,058 | 1,136 | - | 4,257 |
| 2003 | 9,509 | 1,496 | 4,364 | - | 2,529 | 1,120 | - | 3,676 |
| 2004 | 9,759 | 1,672 | 1,491 | 3,173 | 2,413 | 1,010 | - | 3,603 |
| 2005 | 8,277 | 1,831 | 2,327 | 1,359 | 2,315 | 445 | - | 3,512 |
| 2006 | 5,177 | 1,162 | 607 | 918 | 1,841 | 649 | - | 3,922 |
| 2007 | 4,127 | 924 | 556 | 1,024 | 1,186 | 437 | - | 4,106 |
| 2008 | 2,293 | 507 | 367 | 728 | 464 | 227 | - | 4,211 |
| 2009 | 1,153 | 120 | 190 | 379 | 338 | 126 | - | 4,742 |
| 2010 | 889 | 66 | 101 | 186 | 447 | 89 | - | 4,611 |

Source: Ministry of Foreign Affairs and Trade (<http://www.mofat.go.kr>).

(Figure 3-9) Korean Permanent Emigrants Trends



Source: Ministry of Foreign Affairs and Trade (<http://www.mofat.go.kr>).

As of January 2011, the largest residence region for Korean emigrants is Asia at 55.9 percent, including 37.2 percent in China and 12.5 percent in Japan.

The residence status of Korean emigrants by country is as follows: 37.2 percent in China, 22.95 percent in the USA, 12.5 percent in Japan, and 7.4 percent in CIS region. Asia and the America together account for nearly 86 percent of residence locations for the Korean diaspora

〈Table 3-13〉 Number of Overseas Koreans

| Year Region | 2001 | 2003 | 2005 | 2007 | 2009 | 2011 | Ratio (percent) |
|-------------------|-----------|-----------|-----------|-----------|-----------|-----------|--------------------|
| Asia | 2,670,723 | 2,979,736 | 3,590,411 | 4,040,376 | 3,710,553 | 4,063,220 | 55.9 |
| Japan | 640,234 | 638,546 | 901,284 | 893,740 | 912,655 | 904,806 | 12.5 |
| China | 1,887,558 | 2,144,789 | 2,439,395 | 2,762,160 | 2,336,771 | 2,704,994 | 37.2 |
| Other | 142,931 | 196,401 | 249,732 | 384,476 | 461,127 | 453,420 | 6.2 |
| America | 2,375,525 | 2,433,262 | 2,392,828 | 2,341,163 | 2,432,634 | 2,521,470 | 34.7 |
| USA | 2,123,167 | 2,157,498 | 2,087,496 | 2,016,911 | 2,102,283 | 2,176,998 | 29.95 |
| Canada | 140,896 | 170,121 | 198,170 | 216,628 | 223,322 | 231,492 | 3.2 |
| Latin America | 111,462 | 105,643 | 107,162 | 107,624 | 107,029 | 112,980 | 1.55 |
| Europe | 595,073 | 652,131 | 640,276 | 645,252 | 655,843 | 656,707 | 9.0 |
| CIS | 521,694 | 557,732 | 532,697 | 533,976 | 537,889 | 535,679 | 7.4 |
| Europe except CIS | 73,379 | 94,399 | 107,579 | 111,276 | 117,954 | 121,028 | 1.7 |
| Middle-east | 7,208 | 6,559 | 6,923 | 9,440 | 13,999 | 16,302 | 0.2 |
| Africa | 5,280 | 5,095 | 7,900 | 8,485 | 9,577 | 11,072 | 0.2 |
| Total | 5,653,800 | 6,336,951 | 6,638,338 | 7,044,716 | 6,822,606 | 7,268,771 | 100.0 |

Source: Ministry of Foreign Affairs and Trade (<http://www.mofat.go.kr>).

Among the 7,268,771 overseas Koreans, over 60 percent (4,472,747) have been awarded citizenship in their host countries. Among overseas Koreans who maintain Korean nationality, there are 1,148,891 permanent residents and 1,647,133 temporary residents. 〈Table 3-14〉 details the residential qualifications of overseas Koreans by region.

〈Table 3-14〉 Residential Status of Overseas' Koreans

| Region | Country | Foreign Citizen | Permanent Residence | Temporary Emigrant | | Total |
|-------------|-------------------|--------------------|------------------------|--------------------|---------|-----------|
| | | | | General | Student | |
| Asia | Sub-total | 2,701,522 | 520,252 | 680,133 | 161,313 | 4,063,220 |
| | Japan | 326,671 | 461,627 | 96,146 | 20,362 | 904,806 |
| | China | 2,335,968 | 4,161 | 307,142 | 57,723 | 2,704,994 |
| | Other | 38,883 | 54,464 | 276,845 | 83,228 | 453,420 |
| America | Sub-total | 1,230,974 | 603,402 | 559,920 | 127,174 | 2,521,470 |
| | USA | 1,094,290 | 464,154 | 512,938 | 105,616 | 2,176,998 |
| | Canada | 102,666 | 85,951 | 22,084 | 20,791 | 231,492 |
| | Latin America | 34,018 | 53,297 | 24,898 | 767 | 112,980 |
| Europe | Sub-total | 539,923 | 23,644 | 53,920 | 39,220 | 656,707 |
| | CIS | 523,542 | 420 | 9,303 | 2,414 | 535,679 |
| | Europe except CIS | 16,381 | 23,224 | 44,617 | 36,806 | 121,028 |
| Middle-east | Sub-total | 139 | 20 | 15,509 | 634 | 16,302 |
| Africa | Sub-total | 189 | 1,573 | 8,072 | 1,238 | 11,072 |
| Total | | 4,472,747 | 1,148,891 | 1,317,554 | 329,579 | 7,268,771 |

Note: As of January 1, 2011.

Source: Ministry of Foreign Affairs and Trade (<http://www.mofat.go.kr>).

Meanwhile, there are also a few Koreans who attempt, some perhaps successfully, to leave the country without going through normal border departure procedures. It is presumed that these are persons who have criminal status and wish not to be detected. Given Korea's geography and the function of the demilitarized zone, this kind of unusual departure is presumed to be by sea. According to data from the Korean Coast Guard, one can conclude that such irregular departures by Koreans happen regularly but at a low level. That conclusion is based on the total of 172 person intercepted at sea during this kind of attempted departure from 2003 to 2010.

b. Social Issues regarding Emigration

In the past, the concerns of Korean society about emigration concentrated on the impact of remittances from overseas Koreans; however, the focus on remittances has receded significantly in recent years. Instead, other concerns about emigration now dominate the agenda, including: 1) the brain drain of post-graduate students to other countries—particularly to the country hosting their higher education; 2) the apparent financial loss to Korea and Korean institutions due to various kinds of training and travel expenditures by Koreans abroad; and 3) protecting and expanding the political rights of overseas Koreans.

Regarding the overseas Korean students' staying in the host countries, research indicates that, students with doctorates, and particularly those with degrees in natural science and engineering, have a particularly strong and growing tendency to remain in the US after graduation. Relevant figures include the following: polling the years 1996–2007, 30.4 percent of those Korean students with doctorates remained in the US; the ratio increased up to 43.1 percent for 2004–2007; and, the students who planned to remain in the US also increased from 50.0 percent to 69.2 percent. The ratios by specific majors are as follows, for the years 2004–2007: for physical/earth, atmospheric and marine sciences, 57.0

percent of the students remained in the US and 80.9 percent planned to remain in the US; 63.1 percent (88.0 percent planned) in biological/agricultural sciences; 36.2 percent (73.0 percent planned) in health; 46.6 percent (74.5 percent planned) in mathematics/computer sciences; and 37.4 percent (66.3 percent planned) in engineering. However, only 28.3 percent of the students (46.7 percent planned) in social/behavioral sciences remained in the US, which is a relatively low ratio comparing with other cited specialties. <Table 3-15> shows the status of Koreans with doctoral degrees who remained in the US.

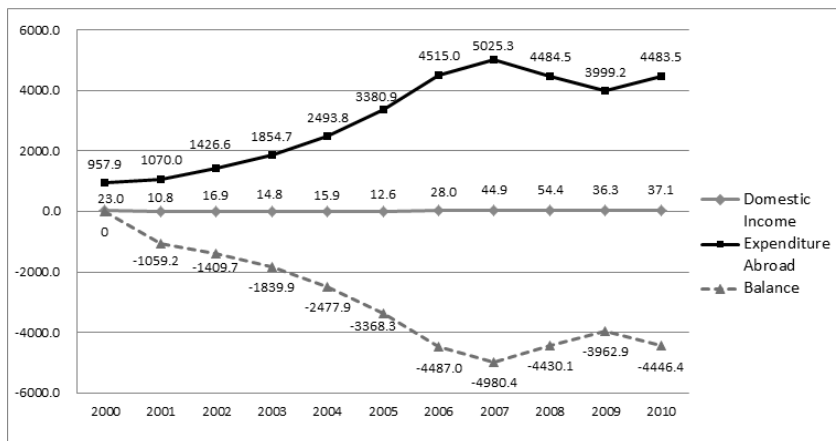
<Table 3-15> Koreans with science and engineering doctoral degrees with plans to remain in the US after completing study

| Category | | 1996~1999 | 2000~2003 | 2004~2007 |
|---|------------------------------------|-----------|-----------|-----------|
| Total | S&E doctorate recipients | 3,580 | 3,541 | 4,743 |
| | - Definite plans to stay in US (%) | 30.4 | 45.7 | 43.1 |
| | - Plans to stay in US (%) | 50.0 | 68.6 | 69.2 |
| Physical/earth, atmospheric, and ocean sciences | S&E doctorate recipients | 500 | 467 | 575 |
| | - Definite plans to stay in US (%) | 45.6 | 62.5 | 57.0 |
| | - Plans to stay in US (%) | 63.8 | 79.2 | 80.9 |
| Biological/agricultural sciences | S&E doctorate recipients | 612 | 588 | 734 |
| | - Definite plans to stay in US (%) | 50.7 | 65.3 | 63.1 |
| | - Plans to stay in US (%) | 68.6 | 87.6 | 88.0 |
| Health | S&E doctorate recipients | 105 | 108 | 152 |
| | - Definite plans to stay in US (%) | 27.6 | 46.3 | 36.2 |
| | - Plans to stay in US (%) | 47.6 | 73.1 | 73.0 |
| Mathematics/computer sciences | S&E doctorate recipients | 332 | 327 | 444 |
| | - Definite plans to stay in US (%) | 23.2 | 51.7 | 46.6 |
| | - Plans to stay in US (%) | 48.8 | 76.5 | 74.5 |
| Social/behavioral sciences | S&E doctorate recipients | 819 | 678 | 792 |
| | - Definite plans to stay in US (%) | 13.2 | 24.9 | 28.3 |
| | - Plans to stay in US (%) | 28.2 | 39.7 | 46.7 |
| Engineering | S&E doctorate recipients | 1,212 | 1373 | 2046 |
| | - Definite plans to stay in US (%) | 27.9 | 40.3 | 37.4 |
| | - Plans to stay in US (%) | 50.1 | 68.9 | 66.3 |

Source: NSF (2010), *Science and Engineering Indicators*.

Also, the apparently increasing negative balance of investments in education caused by Koreans spending so much abroad compared with what the foreign students spend domestically on training and education has generated controversy. This may be termed the “balance of international study expenditure,” which includes tuition, travel cost and living expenses. Since the first official number for the balance of international study was announced in 1993, the training and travel deficit increased and hit a record high of 30 percent in 2010, which is more than double the figure from 2000, and thus the accumulated deficit reaches 34.9 billion dollars. This number approaches the annual balance of trade surplus of 40.4 billion dollars in 2010 which reached an all-time high. <Figure 3-10> shows the variation of balance of international travel for study since from 2000 to 2010.

<Figure 3-10> Balance of International Study Expenditures



Source: Korean Statistical Information Service (<http://kosis.kr>).

While the issues of brain drain and the training and travel deficits have developed gradually and receive continually moderate attention, the political rights of overseas Korean is fast emerging as a main social issue in Korea. Granting political rights to overseas Koreans has been discussed within political

circles since mid 2000, but it was not the main public interest. However, the amendment of 'Public Offices Election Law' on February 12, 2009 allowed political rights for overseas Koreans who maintain Korean nationality, but who do not have a resident registration or address report in Korea, to participate in the presidential election and in elections for proportional representation in congress. These political rights for overseas Koreans has become particularly important recently, as the first chance for the use of these new rights, and to demonstrate the power of the overseas Korean constituency, occurs in 2012 with the presidential and other elections.

There are mainly two controversies over the political rights of overseas Koreans. One is the controversy over the additional expenses for election administration. The cost debate includes contentious debate on how many, or how few, overseas Koreans will vote considering the requirement that they must register as voters 60~150 days prior to the election, and in some cases drive to a faraway polling station to vote. The other is that there is a high possibility for North Korea to get involved in South Korean politics, since a large number of pro-North Korean residents in Japan can vote for the election. These controversies will be better informed, but are unlikely to disappear, when the results of the 2012 general elections are known.

5. Net Migration

With increasing numbers of foreigners migrating to Korea, the number of immigrants into Korea has recently surpassed that of Koreans emigrating to other countries. Korea is no longer a net sending country of migrants. However, the inward flow of migrants has not yet reached a level for Korea to be classified as a significant country of immigration.

〈Table 3-16〉 presents the numbers of immigrants into Korea (those staying in Korea more than 90 days) and Korean emigrants from 2000 to 2010. The number of emigrants was higher than the number of immigrants from 2001 to 2005. Beginning in 2006, a net inward migration can be observed. Nevertheless, the net immigration level has remained under 100,000 each year since, which represents a net migration inflow equal to less than two-tenths of one percent of the overall population.

〈Table 3-16〉 Numbers of Migrants by Year (2000-2010)

(unit: person)

| Year | Total Migrant | Immigrant | Emigrant | Net Migration |
|------|---------------|-----------|----------|---------------|
| 2000 | 734,405 | 371,264 | 363,141 | 8,123 |
| 2001 | 779,575 | 373,683 | 405,892 | -32,209 |
| 2002 | 790,383 | 387,064 | 403,319 | -16,255 |
| 2003 | 851,363 | 404,475 | 446,888 | -42,413 |
| 2004 | 893,961 | 422,524 | 471,437 | -48,913 |
| 2005 | 1,154,991 | 530,243 | 624,748 | -94,505 |
| 2006 | 1,179,723 | 613,678 | 566,045 | 47,633 |
| 2007 | 1,182,982 | 630,330 | 552,652 | 77,678 |
| 2008 | 1,262,000 | 658,651 | 603,349 | 55,302 |
| 2009 | 1,162,874 | 591,626 | 571,248 | 20,378 |
| 2010 | 1,181,935 | 632,102 | 549,833 | 82,269 |

Source: Korean Statistical Information Service (<http://kosis.kr>).

IV. Migration Policy Governance

1. Overview of Migration Policy Developments

Modern immigration policy of Korea began from the 1946 legislation for immigration control, enacted during the period of US military governance of Korea. This legislation, the title of which in translation approximates “Regulation for Entry and Departure Movement Control and Record of South Korea”, was succeeded three years later by the ‘Foreign Entry, Departure and Registration Law’ of 1949, after the establishment of the Republic of Korea. The ‘Foreign Entry, Departure and Registration Law’ is the first unitary law of the Korean government concerning immigration policy. However, this law only prescribed foreign entry, departure and registration, and is an incomplete law without detailed regulations regarding departure and entry of nationals, landing permission of crew members, or port of entry and departure. Thus, it is difficult to think of this law as a foundation for Immigration Control Law of today. What laid the groundwork for today’s immigration control policy is the ‘Immigration Control Law,’ established and promulgated in 1963. Since its establishment, that law has been amended 22 times, most recently on 18 July 2011. It is that revision that is currently being enforced.

Complementing the immigration or incoming regulations, an ‘Emigration Law’ was enacted and proclaimed in 1962. Since that time, emigration policy has developed into one of the major parts of Korea’s overall migration policy. The Immigration Section of the Bureau of Social Affairs, in Ministry of Health and Social Affairs, established in October 1962, was in charge of emigration policy at that time.

The early emigration policy concentrated on facilitating the outward movement

of the domestic surplus of laborers. As a part of this policy, the Korean government planned to send labor migrants to Central and South America. With the initial agricultural emigration of 17 households (92 persons) to Brazil in 1962, the government started the government-led task of facilitating outward labor migration. However, the majority of these first emigrants were city people with no strong relationship to agricultural labor; as a result, many of them deserted the rural settlement. The program was criticized by receiving countries and eventually abandoned. Following this, the Korean government revised the emigration policy, previously focused on simply sending surplus labor overseas, and prioritized the successful settlement of the already emigrated population.

In the 1980s, as Korean society gradually opened its doors to international engagement and influence, the government revisited the emigration issue and, in 1981, put the emigration overseas expansionary measure into practice. Concretely, under the principle of granting equal opportunity of migration overseas to anyone who wanted it, a set of new government policies guiding the emigration process was established, including: abolishing limitations on property, income or social status; adding some flexibility to the limitations on obligatory military service as a prerequisite; simplifying the procedure and required documents for migration overseas; changing the emigrant recruitment approval system into a reporting system; rationalizing the limits in the foreign currency provision so that one can hold up to \$100,000 dollars in the case of household emigration; setting capital requirement for establishing a corporate body at two hundred million won as a remedial action for promoting private emigration agencies; and, setting an annual numerical goal for the private agencies for emigration without families. The task of sending out emigration was transferred from the Ministry of Health and Social Affairs to the department of emigration in the Ministry of Foreign Affairs as of April 1st, 1984.

In the late 1980s, due to the economic growth of Korea, the number of Korean

residents abroad immigrating back to Korea increased and the number of emigration seekers decreased. During the financial crisis of the late 1990s, the number of Korean emigrants temporarily rose as the unemployment rate escalated, but ever since the number has been declining. On the other hand, from the early 1990s, the influx of foreigners increased, transforming Korea from an emigration country into a nascent immigration country. This situation allowed for the development of immigration policy. To supplement the lack of labor force, Korea started to accept foreign temporary laborers in the name of ‘Overseas Investment Business Training System’ in November 1991, and introduced the larger-scale ‘Industrial Trainee System’ in November 1993. The Industrial Trainee System was commonly criticized for treating actual foreign workers as trainees, rather than as full-fledged workers with workers’ rights. As a result, the Employment Permit System was introduced in 2003 through the Act on Foreign Workers’ Employment. Also, in 2007 a Working Visit System was instituted, which allowed employment for ethnic Koreans residing in China, and from some of what is sometimes termed the CIS Countries (Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine and Uzbekistan), to enter Korea to visit relatives and to work. The Working Visit System, together with Employment Permit System, continues to play a significant role in providing low-skilled labor in Korea.²⁾

Along with the introduction of foreign workers and the increase in the number of immigrants for marriage, domestic and foreign immigration control, migration of Koreans overseas, and the social integration of foreigners have become the major domains of Korea’s immigration policy. One of the results of this new and more complex migration context for Korea was the introduction, in 2007, of the ‘Act on the Treatment of Foreigners in Korea’, and the introduction the same

2) As in December 31, 2010, the number of foreigners residing in Korea with Visit Employment System is 286,586 (Legal status: 282,662; illegal status: 3,924). The author notes that what is termed “low skilled” in the Korean EPS and Working Visit system may be termed semi-skilled in other countries’ labor systems—such as in the Temporary Foreign Worker and Provincial Nominee Programme of Canada.

year of the ‘The First Basic Plan for Immigration Policy (2008–2012)’. The following year, the ‘Support for Multicultural Families Act’ for immigrants by marriage and their families was approved.

In summary, as border control policy, emigration policy, immigration policy, and social integration policy successively emerged as the major domains of immigration policy, they developed into the four pillars of Korea’s current immigration policy. The balance of this section will further detail how those pillars have influenced and are now reflected in: immigration–related legislation, national strategic planning on migration, social integration programs, government structure and civil society roles and organization around the migration portfolio, and international cooperation efforts.

2. Immigration–related Legislation

The existing legislation on immigration can be usefully divided into those instruments related to immigration and status of stay, and those related to social welfare.

a. Legislation Regarding Immigration and Status of Stay

1) Immigration Control Law

The ‘Immigration Control Law’ works as a set of regulations on virtually every aspect of departure, entry and stay of foreigners, including refugees, and addresses some related administrative issues for the departure and entry of nationals. Since its enactment in 1963, ‘Immigration Control Law’ has been amended 22 times. Eighteen of the amendments took place between 1993 and 2011, and it can be interpreted that the frequency of change was due to the rapid increase in the number of foreigners entering Korea starting from the early 1990s. The law was

last amended on 18th July 2011. The law now consists of 11 chapters, 106 articles and some supplementary provisions,

Specifically, the law regulates foreigners' immigration status, scope of activities, limits on employment, and international student control, and also includes contents regarding applicability and implementation of deportation procedures, and of protection measures of foreigners. Among other requirements, the law stipulates that foreigners staying in Korea for over 90 days should register themselves at the immigration office and to report a change in their address within 14 days. Moreover, it contains regulations on recognition procedure for refugees, status and treatment of foreigners who are recognized as refugees, and their supporting system. Other issues are also addressed, including specific guidance on vessels and crew, penal provisions and related matters.

The main clauses are as follows: Registration of foreigners (article 31); Restriction on Employment of Foreigners (article 18); Permission for the Extension of the Period of Stay (article 25); Permission for the Change of the Status of Stay (article 24); Permission for Engaging in Activities not Covered by the Status of Stay (article 20); Change and/or Addition of Working Place (article 21); Grant for Status of Stay (article 23); Report on Change of Stay Place (article 36); and Report on Changes in Matters of Foreigner Registration (article 35).³⁾

2) Act on the Treatment of Foreigners in Korea

This act seeks “to help foreigners in Korea adjust to Korean society to reach their full potentials, and to create a society where Koreans and foreigners in Korea understand and respect each other with the aim of contributing to the development of Korea and social integration.” It contains the following articles on the treatment of foreigners legally staying in Korea:

3) Details on each article can be found in 'Immigration Control, Basic Facts,' a publication from the Korea Immigration Service, or www.hikorea.go.kr.

- Safeguarding Human Rights of Foreigners in Korea (article 10)
- Support for the Social Adjustment of Foreigners in Korea (article 11)
- Treatment of Immigrants by Marriage and their children (article 12)
- Treatment of Refugees (article 14)
- Enhancement of Understanding about Cultural Diversity (article 18)

Also, this act designates May 20 as “Together Day” to encourage cooperation of the central and provincial governments, and the private sector, toward the facilitation of international exchange and understanding. In addition, it specifies the establishment of a basic plan for policy on foreigners every five years, to be developed through consultation by the Minister of Justice with the heads of relevant national-level administrative organizations, and the establishment and implementation of yearly action plans by central administrative organizations and local governments. Moreover, it establishes the Foreigners’ Policy Committee under the Prime Minister, for deliberation and coordination of all matters concerning the basic plan.

On the local level, more than 120 local government bodies have passed an ‘Ordinance on Foreign Resident Support’ as of July 2011. Most of the ordinances adhere to the standard ordinance plan prepared in October 2006, and contain the following essential points:

- Most support is limited to foreigners with legal status;⁴⁾
- Foreign residents can utilize public services and receive various administrative benefits;
- Local governments are tasked to: carry out surveys on the number of foreign residents, and aspects of their situation; provide education on the Korean language and basic living adaptation skills; to provide consultation or counseling services for foreigner’s experiencing difficulties springing from their living situation or employment; support settlement through

4) Ordinances of Gyeongsanbukdo Youngju-si, Ulsan Buk-gu, Junranamdo Junju-si don’t limit the recipient to foreigners with legal status

building a emergency relief system; to hold cultural/sports events meant to enhance inclusion of foreigners; and to formulate and provide relevant budgets for these purposes.

- Each local government is to establish a ‘foreign policy consultation committee.’

Also, six local governments have established and are enforcing ‘Foreign Residents’ Human Rights Improvement Ordinance.’⁵⁾ Each ordinance differs somewhat, but they mainly include:

- Human rights and multiculturalism education to prevent discrimination and human rights abuse of foreigners;
- Establishing a basic plan for improving foreigners’ human rights;
- Installing foreigners’ human rights improvement committee; and,
- Supporting private sectors conducting foreigners’ human rights improvement business

Act on Foreign Workers’ Employment

Enacted in 2003, this act regulates the entry permission and control of foreign workers staying in Korea. This act became the basis for the introduction of the Employment Permit System, earlier discussed. The act also established a Foreign Workforce Policy Committee that manages, deliberates and decides matters concerning foreign workers. It regulates the creation and dissemination of a Foreign Worker Introduction Plan every year (in March), created after deliberation and decision by the Policy Committee.

This act also contains matters regarding the protection of foreign workers, and article 22 prohibits discrimination by an employer toward foreign workers. It also states that the government may support an organization or group that offers foreign workers free medical services, cultural events and employment services. Also, employers are obliged by this law to provide foreign workers’ guarantee

5) Local governments that enacted ‘Foreign Residents’ Human Rights Improvement Ordinance’ are Gwangju Nam-gu, Gwangju Gwangsan-gu, Gyeonggi-do Ansan-si, Jeju Island, Junranamdo Mokpo-si, and Seoul Songpa-gu.

insurance to cover them against overdue wages, and departure guarantee insurance to provide severance pay to foreign workers when they depart. It stipulates that foreign workers are obliged to subscribe to the health insurance and return cost insurance trust.

The act also establishes the ‘Council for Protection of Rights and Interests of Foreign Workers’, which is comprised of labor organizations and employers in a concerned jurisdiction of an Employment Security Agency. This Council regulates the following:

- Permission for change of business or workplace;
- Solution of conflict between foreign workers and employers;
- Support for foreign workers’ domestic employment activities and living; and,
- Other matters that are deemed necessary for the protection of the rights and interests of foreign workers.

Also this act makes an exemption for overseas Koreans from China and CIS (Russia, Uzbekistan, Kazakhstan, Ukraine, Kirgizstan, and Tajikistan) regions with H-2 Working Visit Visa. Normally foreign workers must enter Korea with employment visa, but according to the Act on Entry and Exit and Legal Status of Overseas Koreans, overseas Koreans with foreign nationality with H-2 visa can find employment after the 16-hour education on employment. Education on employment includes the Korean language and understanding of Korean culture, and contents regarding employment related legislation such as the Employment Permit, the Labor Standards Act, etc., which they would need to adapt to living in Korea.

3) Nationality Act

Articles 5, 6, and 7 of the Nationality Act specify the requirements for the procedure of naturalization of foreigners. The Act distinguishes the naturalization of foreigners into three categories: general naturalization, simple naturalization, and special naturalization. The contents of each article are as summarized in <Table 4-1>.

〈Table 4-1〉 Naturalization Requirement

| Categories | Requirements | | Multiple Nationalities Eligibility |
|--|--|---|------------------------------------|
| | Period of consecutive stays in Korea | Additional Requirements | |
| General Naturalization | Over 5 years | <ul style="list-style-type: none"> • Be an adult under the Civil Law of the Republic of Korea • Neat and tidy behavior and conduct • Be able to make a living with one's own wealth or ability, or by depending on one's family • Be knowledgeable of the Korean language and understand Korean customs | No |
| Simple Naturalization | Over 3 years | Father or mother was a Korean national | No |
| | | Born in the Republic of Korea, and father or mother was born in Korea | No |
| | | Adopted person of a Korean national, who was at the time of adoption an adult by the Korean Civil Law | No |
| | Over 2 years | Married to a Korean national and has had an address in Korea for more than a year | Yes |
| | | While being married to a Korean national and having an address in Korea, due to death or missing of the partner or other blameless reasons cannot continue a normal marriage, but has maintained 2 years of stay and been recognized by the Minister of Justice | No |
| | | Married to a Korean national and has underage children with the partner, and has maintained 2 years of stay and been recognized by the Minister of Justice | No |
| | Over 1 year | After being married to a Korean national for three years, having an address in Korea for more than a year while still being married to the partner | Yes |
| Having been married to a Korean national for more than three years | | While being married to a Korean national and having an address in Korea, due to death or missing of the partner or other blameless reasons cannot continue a normal marriage, but has maintained 1 years of stay and been recognized by the Minister of Justice | No |
| | | Married to a Korean national and has children underage with the partner, and has maintained 1 years of stay and been recognized by the Minister of Justice | No |
| Special Naturalization | None (foreigner whose current address is within Korea) | Father or mother is a Korean national | No |
| | | Made a special contribution to the Republic of Korea | Yes |
| | | Possess an excellent ability in the fields of science, economy, culture, sports, etc. and recognized to contribute to national interest in the future | Yes |

Source: Center for National Law Information of the Ministry of Government Legislation (<http://law.go.kr/main.html>)

Until 2010, foreigners who have acquired Korean nationality were required to renounce foreign nationality within a year from the date of acquisition, according to article 10 of the 'Nationality Law.' However, the amended Nationality Law, enforced from January 1, 2011, states that if the person vows to the Minister of Justice that he/she will not exercise foreign nationality within the Republic of Korea, he/she does not have to renounce his/her foreign nationality. However, the eligibility for multiple nationalities is limited to:

- Immigrant by marriage who has resided in Korea for a certain amount of time while in marriage status;
- Person with special contribution to the Republic of Korea, who has gone through special naturalization;
- Person who possesses an excellent ability in the fields of science, economy, culture, sports, etc. and recognized to contribute to national interest in the future, and has gone through special naturalization;
- Despite one's will, a person who cannot renounce his/her foreign nationality due to foreign legislation and institutions;
- One who is permitted to recover one's nationality after acquiring a foreign nationality due to their adoption to a foreigner while still underage; and,
- A Korean with foreign nationality over the age of 65 is permitted to recover his/her nationality while retaining their foreign nationality.

4) Public Offices Election Law

The Public Offices Election Law, article 15, states that foreigners who have acquired and maintained permanent residency for three years have the right to vote in the local assembly elections. Thus immigrants who have not acquired Korean nationality can participate politically.

5) Overseas Migration Act

The Overseas Migration Act categorizes overseas migration of Korean nationals into three types: ancestry migration, non-ancestry migration, and local migration. Ancestry migration is migration based on marriage, engagement or relative relations; non-ancestry migration means outward migration through an employment contract with a foreign company; and, local migration means that, while the purpose of departure was not overseas migration at the time, after the departure the migrant has acquired long-term stay status in a foreign country.

Ancestry and non-ancestry migration needs to be reported to the Minister of Foreign Affairs and Trade. Also, overseas migrants needs to follow the legislation regarding taking his/her property out of the country. Registration and regulation control on businesses concerning the recruitment of overseas migrants, and more general aspects of overseas migration, are also included in the act.

6) Legislation on Immigration and Legal Status of Overseas Koreans (aka Overseas Korean Act)

This legislation relates to overseas Koreans residing overseas, and it distinguishes ‘overseas Koreans’ into overseas nationals and Koreans with foreign nationality as below.

- Overseas nationals: a Korean national, who has acquired permanent residency of a foreign country or is residing in a foreign country with the purpose of permanent stay
- Koreans with foreign nationality: 1) one who used to possess Korean nationality (including the overseas Koreans migrated before the establishment of the Republic of Korea) and has acquired a foreign nationality; 2) one whose parents or step parents (either father or mother) possessed Korean nationality and has acquired a foreign nationality

This law states in article 4 that the Korean government should support

overseas Koreans (as defined above) who find themselves residing in Korea, so that they are not treated unfairly. Foreign nationality Koreans, who registered an address and who have obtained F-4 visa, can stay in Korea for three years and conduct various activities such as employment to the extent that they don't harm social order or economic stability. However, by article 23 of the 'Immigration Control Act,' unskilled labor is forbidden and employment is restrained when actions against the social order such as gambling are taken place, or when certain kinds of employment need to be restricted to maintain public interest or domestic employment order. Also, this law presents to overseas Koreans the rights equivalent to that of a Korean national concerning real estate, finance and foreign exchange, and allows overseas Koreans who are staying in Korea for more than 90 days to receive National Health Insurance benefits.

This legislation consists of matters delegated from 'Legislation on Immigration and Legal Status of Overseas Koreans' and 'enforcement rule' that consists of matters necessary for the implementation of the Law. The law has been amended several times, most recently in 2010. That version has been in force since 2011. Article 1 clarifies that this law is not just a basic law for overseas Korean policy, but is related to the intent and the details of the overseas Korean policy, which aims to guarantee immigration and legal status within the country. The law does provide clearer definitions on the concept and legal status of overseas Korean, and also attempts to delineate more precise policy targets. As such, the law adds considerable substance to the earlier foundation of overseas Korean policy

Article 2 of the Overseas Koreans Act categorizes overseas Koreans into two groups: overseas nationals (a Korean national, who has acquired permanent residency in a foreign country or is residing in a foreign country with the purpose of permanent stay); and Koreans with foreign nationality, but who previously held Korean nationality, such as Chinese Koreans. It includes Koreans who migrated before the establishment of the post-WW II State of Korea. The

clearly specifies that it applies to the immigration and legal status within Korea of ethnic Koreans with foreign nationality, applying that status as detailed in the Immigration Control Act, article 10.

As a result, Chinese Koreans became a primary population of interest and responsibility for Korea Immigration Service of the Ministry of Justice, which oversees matters of their immigration and stay. This resulted in a dualistic structure, with the Ministry of Foreign Affairs and Trade in charge of the Overseas Korean Foundation and the Ministry of Justice in charge of overseas Koreans' matters within Korea. But article 4 affirms that the government needs to support overseas Koreans within Korea so that they are not treated unfairly, and emphasizes the nation's duty concerning overseas Koreans.

The law is meaningful in that it institutionalized the status and rights of overseas Koreans. Of course it is a legal status within Korea through the registration of address, but it allows for a maximum stay of three years, permission to extend the length of stay, employment and other economic activities to the extent that doesn't harm social order and economic stability, and removes the need for reentry permission. In effect, it is almost a treatment equivalent to that of a national.

7) Special Act for Supporting Overseas Koreans from the Former Soviet Union Countries in their Acquisition of Legal Residential Status and Settlement in Korea

This legislation was enacted to support overseas Koreans (and their families) who migrated to and became resident in the former Soviet Union regions from the 1860s to October 15, 1945. This law requires the Korean government to establish and implement policies to support acquisition of legal status and stable livelihood in Korea, and to take diplomatic actions, such as cooperation with relevant countries, to facilitate the implementation of the law. This law also supports and regulates the following enterprises:

- Fact-finding survey of overseas Koreans;
- Support for acquisition of the nationality of residing country or legal status for stay;
- Support for economic independence;
- Construction of Korean Cultural Center and support cultural activities; and,
- Support for educational activities such as Korean language and IT education

b. Legislation Regarding Social Welfare

1) National Health Insurance Act

Article 64 of National Health Insurance Act, provides coverage under the employee insured provision for foreigners who are working at a business place whose employees are covered with insurance through this Act, and foreigners employed by or appointed as public officials, teachers or school staff members. Those who don't fall under the above categories and who stayed in Korea legally for more than three months, including overseas Koreans (here meaning ethnic Koreans of foreign nationality) who are legally residing in Korea, are eligible to be self-employed insured. Thus, all foreigners legally residing in Korea for over 90 days are eligible for National Health Insurance.

In the case of employee insured, employer and employee each contribute 50 percent of the insurance fee. In the case of self-employed insured, the foreigner pays the entire fee him/herself. Through the National Health Insurance, foreigners receive the same health benefits as Koreans, concerning the insured and dependents' protection, diagnosis, treatment, rehabilitation of illness, casualty treatment, birth and death, and health improvement services.

2) The Elementary and Secondary Education Act

Immigrant children can receive compulsory education at elementary and middle school levels regardless of their or their parents' legal status. The Enforcement

Decree Of The Elementary And Secondary Education Act, Article 19, defines various categories of eligible children, including Korean children who came back from foreign countries, children whose parents are overseas Koreans (ethnic Koreans but not citizens of Korea), children of defectors from North Korea, foreign children (children of other nationalities), other children who did not reside in Korea before enrollment or transference, or those who cannot go through procedures of enrollment or transference due to lack of domestic educational record. As such, virtually every child of foreign nationality, as well as many Korean national children who are newly arriving and integrating into Korea, are eligible for education services through middle school.

When immigrant children enroll or transfer to elementary schools in Korea, parents need to submit documents concerning their foreigner registration; however, when the parents refuse to provide one they can submit documents that “confirm their residential status such as rental contracts, letter of guarantee on residential status, etc.” The enforcement decree amended on December 27, 2010 applies the above regulations to enrollment, or transference of middle school, allowing unregistered foreigners’ children to receive public elementary and middle school education.

Moreover, in December 2010, the Ministry of Education, Science and Technology and the Ministry of Justice announced that they wholly accept the recommendation from the National Human Rights Commission regarding the protection of educational rights of immigrant children. According to the National Human Rights Commission, the Ministry of Education, Science and Technology plans to continuously promote the following initiatives: operating a Korean language education system for immigrant children, providing native language translation for school-related documents, expanding education on multiculturalism, enhancing the attendance rate of immigrant children and preventing absence or exclusion from public education.

To further protect the rights of foreign children, the Ministry of Justice allows temporary deferrals on offenses by foreign parents so that their children can

finish the semester. Also the Ministry plans to defer or exempt public officer liability to report undocumented foreigners, and to actively cooperate in the amendment of the Immigration Control Act in this regard. This will allow for further improvement and consistent enactment of the educational right of immigrant children.

3) National Pensions Act

Foreigners from the age of 18 to 60 who stay in Korea should join the National Pensions as a rule, just like Korean nationals. However, trainees, international students and diplomats are exempted by legislation⁶⁾. Other exceptions include nationals of a country where Korean nationals are not obliged to take out the country's own national pensions⁷⁾, and workers dispatched from countries that concluded a specific treaty on social security with Korea and whose workers are members of their own country's national pensions.

Of the workers subjected to joining the National Pension system, 'business members' are employers or workers working at a business place whose employees become business members, and the rest are 'regional members.' Likewise, in case of business members, employer and employee will each pay 50 percent and regional members need to pay the whole fee by themselves.

Foreign members can receive old-age pensions, survivor's pensions, and disability pensions just like Korean nationals, and if they return to their home country or pass away before they acquire pensionable right they or their family can receive refunds on their deposits⁸⁾ under the following categories.

6) Visa categories not eligible for natural membership for the National Pensions are: A-1~3, B-1~2, C-1~4, D-1~4, D-6, F-1, F-3, G-1.

7) According to National Pension Service, as of November 1, 2010 about 20 countries are designated as countries exempted for application of place or region of business: Armenia, Bangladesh, Belarus, Cambodia, Democratic Republic of Timor (East Timor), Egypt, Ethiopia, Fiji, Georgia, Iran (in accordance with social security agreement), Maldives, Myanmar, Nepal, Pakistan, Saudi Arabia, Singapore, South Africa, Swaziland, Tonga, Vietnam.

8) Deposit refunds: Payment of annuity insurance (with added interest) for members (or family in the case of death), who have returned to their home country, or who have passed away before acquiring rights for an old-age pension or disability pension.

〈Table 4-2〉 Foreigners Eligible for Deposit Refunds

| Category | Countries/Administrative Regions and types of visa | Minimum length of membership |
|---|--|------------------------------------|
| Foreigners legal status regardless of nationality | E-8 (Training Employment), E-9 (Non-professional Employment), H-2 (Working Visit) | Regardless of length of membership |
| Nationals of countries that made a treaty on social security with Korea | Austria, Australia, Belgium, Bulgaria, Canada, Czech Republic, France, Germany, Hungary, Poland, Romania, Slovakia, USA | Regardless of length of membership |
| Nationals of countries that follow the reciprocity principle | Bermuda, Colombia, El Salvador, Ghana, Hong Kong SAR, India, Indonesia, Kazakhstan, Kenya, Malaysia, Philippines, Sri Lanka, Sudan, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Uganda, Vanuatu | Regardless of length of membership |
| | Belize | Over 6 months |
| | Barbados, Bhutan, Cameroon, Congo, Grenada, Jordan, St. Vincent and Grenadines, Thailand, Togo, Zimbabwe | Over 1 year |
| | Venezuela | Over 2 years |

Note: As of January 2010.

Source: National Pension Service (<http://www.nps.or.kr>).

4) Industrial Accident Compensation Insurance Act

The purpose of the ‘Industrial Accident Compensation Insurance Act’ is “to compensate workers rapidly and fairly for their work-related accidents by carrying out industrial accident compensation insurance activities, to establish and operate insurance facilities to promote the rehabilitation of accident victims and their return to society, and to contribute to the protection of workers by preventing accidents and carrying out other projects for promoting workers’ welfare.” It is mandatory that foreign workers (those not in irregular status) be covered with this insurance by their employers.

Korea Workers’ Compensation and Welfare Services allows unregistered migrant workers to receive this insurance, but the workers are required to notify

Immigration Services of the Ministry of Justice at the same time. This makes the workers leave the country immediately after the treatment. Some point out that this requirement on notification makes unregistered foreigners avoid necessary compensation and services.

An Enforcement Decree of article 2 of the Industrial Accident Compensation Insurance Act states that workers employed in small scale construction carried out by those other than housing constructors under the Housing Act, within households, by businesses other than incorporations in the fields of agriculture, forestry, fishery and hunting, where the number of workers who are employed ordinarily is less than five are excluded from the Workers' Compensation Insurance.

“Employment activities within households” is indicated within the scope of activities that qualify for a H-2 visa, as specified in the Enforcement Decree of Immigration Control Act addenda 1. As a result, female ethnic Koreans with foreign nationalities, who are working as housekeepers or domestic assistants in Korea, are exposed to work-related accidents without any compensation insurance. These “household employee” are also excluded from the Labor Standard Act, article 11. This policy is clearly at odds with the equal treatment of domestic employees and general employees, as suggested by the Domestic Workers Convention of the ILO article 14, paragraph 1.⁹⁾

5) Employment Insurance Act

The Employment Insurance Act regulates the implementation of guaranteed privileges, such as unemployment benefits, maternity leave benefits, workers' training aid, and re-employment training aid for the unemployed. Article three of the Enforcement Decree of this Act distinguishes foreign workers as an exemption to this regulation, but allows inclusion of some foreigners who hold the following legal status in Korea:

9) Article 14, Paragraph 1 of the 2011 ILO Domestic Workers Convention states that “Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favorable than those applicable to workers generally in respect of social security protection, including with respect to maternity.”

〈Table 4-3〉 Foreigners Eligible for Employment Insurance

| Legal status | Eligibility | Reference |
|---|----------------------------------|--|
| D-7 (Business Supervisor) / D-8 (Corporate Investor) / D-9 (International Trade) | Reciprocity principle membership | Exclude the cases where the insurance fee and payment (which corresponds to Employment Insurance) of the country are not applicable to Korean nationals |
| C-4 (Short-term Employee) / E-1 (Professor) / E-7 (Designated Activities) / E-9 (Non-professional employment) / E-10 (Vessel Crew) / H-2 (Working Visit) | Voluntary membership | Foreign workers' agreement is necessary |
| F-2 (Resident) | Natural membership | Exclude foreigners with F-2 status who: • are appointed to public officer by the National Public Service Law or the Local Public Service Law • lost the F-5 status but are recognized as someone who needs to stay, considering the protection of the rights and interests of domestic living relations by the Minister of Justice |
| F-4 (Overseas Korean) | Voluntary membership | |
| F-5 (Permanent Resident) | Natural membership | |

So overseas Koreans and foreign workers are eligible for voluntary membership, and they can register for membership with their employers' consent. The insurance fee is shared between employee and employer.

As with the already-described Industrial Accident Compensation Insurance, the Employment Insurance act covers workers employed at small scale construction carried out by those other than housing constructors under the Housing Act, within households, by businesses other than incorporations in the fields of agriculture, forestry, fishery and hunting. Again as with the Industrial Accident Compensation Insurance, there is an exclusion of coverage under the Employment Insurance Act in cases where the number of workers employed is less than five.

6) Support for Multicultural Families Act

The ‘Support for Multicultural Families Act,’ enacted in 2008, aims to contribute to the improvement of the quality of life of multi-cultural family members and the unity of society by helping multi-cultural family members enjoy stable family living” and provides regulations that encourage the national government and the local government to construct necessary systems and conditions.

Amended on April 4, 2011 and enforced from October 5 that year, article 2 of this Act defines multicultural families as family comprised of a married immigrant and a Korean national, and families comprised of a person who obtained permission for naturalization and a Korean national. According to this definition, families only comprised of foreigners are excluded.

Article 2 of this Act regulates the establishment of the ‘basic plan for multicultural family policy’ by the Minister of Gender Equality and Family every five years, and it includes the basic support policy, development policy for each sector, improvements on the policy, and securing funds for the support for the multicultural family support.

Also, this act states that ‘Multicultural Families Policy Committee’ needs to deliberate and adjust matters concerning multicultural family policy, and regulates that the Minister of Gender Equality and Family to carry out fact-finding survey on multicultural families every three years.

In addition, this act includes Enhancement of Understanding of Multi-Cultural Families (article 5) in order to prevent social discrimination and prejudice against multicultural families and to further cultural diversity, Provision of Information about Daily Life and Educational Support (article 6), Measures for Maintenance of Equality in Familial Relationship (article 7), Protection of and Support for Victims of Domestic Violence (article 8), Support for Health Management before and after Childbirth (article 9), Care and Education of Children (article 10), and other provisions.

Many local governments have passed and implemented ‘Multicultural Families Ordinances’ based on the Multicultural Families Support Act. The contents differ a little, but most of the ordinances require and regulates the local government entity’s provision of services similar to those mentioned above.

3. National Basic Plans

The National Basic Plans suggest a basic direction for policy in a particular sector that continues for several years. There exist two Basic Plans: the First Basic Plan for Immigration Policy, established by the Ministry of Justice; and, the First Basic Plan for Multicultural Family Support, established by the Ministry of Gender Equality and Family.

a. The First Basic Plan for Immigration Policy (2008–2012)

Based on ‘Foreign Residents Treatment Fundamental Law,’ the Immigration Policy Committee, established in 2006 under the Prime Minister, has deliberated and approved the ‘First Basic Plan for Immigration Policy’ in 2007. The First Basic Plan, constructed with the cooperation from twelve relevant central government departments and organizations, presents three main directions.

The first is to strengthen national competitiveness through opening of the doors, the second is to aim for a mature multicultural society in which human rights are respected, and the third is to establish order of stay in accordance with applicable laws and principles.

Building upon these basic directions, the vision for immigration policy is ‘world-class country with foreigners as companions’ and the following four policy goals and thirteen main tasks are constructed.

〈Table 4-4〉 Tasks and Main Contents of the First Basic Plan for Immigration Policy

| Sections | Major Tasks | Main Contents |
|--|--|--|
| 1, Strengthening of National Competitiveness through Active Opening of the Doors | Securing growth engines through attracting outstanding talents | <ul style="list-style-type: none"> • Through the introduction of enterprise visa, employment visa, indirect investment immigration system, etc. to expand the entry door for talented individuals • Accept dual nationality for foreign talented individuals with exceptional capacity in social, economic, and cultural sectors • Support for discovery and invitation of talented individuals through the establishment of 'Online Visa Recommendation/evaluation System (HuNet Korea)' |
| | Introducing labor force for a balanced development of national economy | <ul style="list-style-type: none"> • Procurement of skilled labour considering the regional or occupational demands • Introduction of low-skilled labour considering the business demand and social cost |
| | Constructing a living environment that is convenient for foreigners | <ul style="list-style-type: none"> • Strengthen the communication and civil complaints service, such as general information center for foreigners, internet portal service, etc. • Improvement of foreign living condition, such as residence, education, etc. |
| 2, High-Quality Social Integration | Promoting understanding of multiculturalism | <ul style="list-style-type: none"> • Reinforcement of the education and promotion of understanding multiculturalism • Strengthen the participation and communication through development of social integration index |
| | Stable settlement of immigrants by marriage | <ul style="list-style-type: none"> • Broaden the education on understanding Korean language/culture by introducing the system for completion of social integration program • Emphasize social services, such as childcare • Construct the delivery system of service centered on consumers, such as the transfer of local government delivering departmental services • Support financial dependence of immigrants by marriage • Weighted evaluation on the characteristics of types of suitors, identifying characteristics linked with frequent cases of harmful consequences in international marriage, as well as strengthened evaluation on the aptitude of Korean language of immigrants by marriage when acquiring nationality |
| 2, High-Quality Social Integration | Creating a healthy growth environment for immigrant children | <ul style="list-style-type: none"> • Support education and school life of immigrant children by constructing dual-language educational environment, etc. • Support the social adaptation and culture the capacity of self-reliance of immigrant children through vocational education prior to employment |
| | Creating an environment for overseas Koreans to display their ability | <ul style="list-style-type: none"> • Expand the granting of overseas Koreans qualification (F-4) to Koreans in China/former soviet regions • Continuously allow dual nationality under the certain conditions to involuntary holders of dual nationality • Improvement of treatment of overseas Koreans living in Korea |

(Continued)

〈Table 4-4〉 Tasks and Main Contents of the First Basic Plan for Immigration Policy (Continued)

| Sections | Major Tasks | Main Contents |
|--|---|---|
| 3. Realization of Orderly Immigration Administration | Establishing the order of stay for foreigners | <ul style="list-style-type: none"> • Construct the foundation for reducing illegal aliens through establishment of “Five-year Plan for Measures to Reduce Illegal Aliens” • Strengthen the management system for residential areas highly concentrated with foreigners • Systematic management of international students |
| | Control of border and foreigner information at the level of national security | <ul style="list-style-type: none"> • At the entry level of foreigners, enforce compulsory submission of fingerprint information of foreigners immigration, and provide prompt and thorough border control and management of dangerous foreigners • Enforce international cooperation in border control |
| | Performing nationality tasks for securing sound nationals | <ul style="list-style-type: none"> • Secure rapidity and professionalism on nationality tasks • Revise the introduction of permanent residency as a stage before giving nationality, and implement a further verifying function at the naturalization application stage. |
| 4. Protection of Foreigners’ Human Rights | Preventing discrimination against and protecting rights and interests of foreigners | <ul style="list-style-type: none"> • Prevent human rights violation and discrimination against foreigners through launching of ‘social integration policy foreign monitoring organization’, etc. • Strengthen the relief for victimized foreigners by establishing ‘immigrant women self-support ground,’ etc. |
| | Reinforcing the guaranteeing of human rights of foreigners in the process of protection | <ul style="list-style-type: none"> • Support the resolution of difficulties for foreigners under protection, such as overdue wages • Improve the material/personnel infrastructure of protection shelters |
| | Building an advanced system for refugee recognition and support | <ul style="list-style-type: none"> • Construct refugee recognition system that meets international standards • Reinforce practical support for refugees, such as establishment of refugee support center |

b. The First Basic Plan for Support to Multicultural Families (2010–2012)

On May 7, 2010, at its second meeting, the Multicultural Families Policy Committee, a deliberative body mandated in the ‘Support for Multicultural Families Act’, deliberated and confirmed the ‘Basic Plan for Multicultural Family Policy (2010–2012)’. The Plan aims to strengthen the support for multicultural families and to strictly manage the process of marriage and entry into Korea. The First Basic Plan is based on the vision of realization of a

mature country with opened multicultural society, and it aims to improve the quality of life and support stable settlement of multicultural families, and to intensify the support for multicultural children and foster the attraction of global talent to Korea. It contains five sections and the following main tasks to realize these goals.

(Table 4-5) Tasks and Main Contents of the First Basic Plan for Multicultural Family Support

| Sections | Major Tasks | Main Contents |
|--|--|---|
| 1. Organization of a system for promoting Multicultural Families Support Policy | Tighten the function of controlling/adjusting relevant multicultural family support Efficiencies of multicultural family support delivery system Expand the promotion of multicultural family support policy | <ul style="list-style-type: none"> • The Ministry of Gender Equality and Family is in charge of leading the operation of the Committee • Prime Minister's Office consistently carry out the function of supporting the operation of the Committee and mediating different opinions among ministries • Periodically inspect and adjust enterprises of ministry/local government for effective operation of the policy • Improvement on task distribution among multicultural family support center, local governments and private sector institution in 2010 |
| 2. Control of international marriage brokerage and intensified verification system prior to entering Korea | Tighten the control of international marriage brokerage Provide photo information of immigrant by marriage Intensify the verification system prior the entry for immigrants capable of independence | <ul style="list-style-type: none"> • 'Act on Regulation of Marriage Brokerage Agency' amendment: the agency should provide in writing personal information (marriage history, health condition, etc) of spouses; brokers should conform to foreign local Acts and subordinate statutes • Provide regulations disqualifying those who were sentenced to violence, sexual offence |
| 3. Settlement and independence of immigrants by marriage | Support immigrants by marriage with their Korean education and communication Support for job education and employment for immigrants by marriage Rationalization of naturalization for stable social integration Broadening the support system for life adaptation and social security of immigrants by marriage Promote the protection of human rights for immigrants by marriage who have gone through divorce or violence Strengthen the network among multicultural families and operate spouse education | <ul style="list-style-type: none"> • Build connections between Korean education programs from different government departments • Diversification of Korean education such as visiting students' house, online education for immigrants by marriage who live in farming or fishing village • Develop and disseminate 'design the path for immigrants by marriage program' to encourage immigrants by marriage to find employment and develop their skills • Improve on 'new employment promoting grant' for companies employing immigrants by marriage • Discover and disseminate appropriate jobs considering the gender, country of origin, residence etc, of immigrants by marriage • Support stable stay for divorced immigrants by marriage who have children of Korean nationality • Operate immediate support center and shelter or group home for immigrants by marriage, to aid those who experienced violence |

(Continued)

〈Table 4-5〉 Tasks and Main Contents of the First Basic Plan for Multicultural Family Support (Continued)

| Sections | Major Tasks | Main Contents |
|---|---|--|
| 4. Create healthy growth environment for children from multicultural families | Support personalized education for fostering global talents Enlarge the support enterprise for language development of multicultural child Strengthen the ability for multicultural parents to educate their children Broaden the infrastructure for maladjusted children | <ul style="list-style-type: none"> • Develop child education program for multicultural families to enhance their language development • Designate a school with a large number of multicultural children (over 15) as a base school, and activate support for Korean education and dual language education |
| 5. Improve social understanding of multiculturalism | Activate social education for promotion of understanding multiculturalism Strengthen school education for promotion of multiculturalism Broaden education for multiculturalism-related public officials from the local governments Reinforce public relations activities for the promotion of multiculturalism | <ul style="list-style-type: none"> • Expand the programs of cultural/sports program in which multicultural families and the public in general to improve the public's perspective on multiculturalism • Strengthen public relations utilizing various media • Promote the 'education of multiculturalism understanding' for extracurricular activities of the school • Operate multicultural class that makes use of multicultural parents |

4. Social Integration Program

The Korean government operates the Social Integration Program for foreign immigrants in Korea. This program was enforced since 2009, based on the Ministry of Justice order number 612, which was enacted on 12th March 2008 based on Act on the Treatment of Foreigners in Korea. The details of the Social Integration Program are as follows.

a. Targeted population for participation

Every immigrants and citizens in Korea, such as immigrants by marriage, foreign workers, refugees, international students, and foreigners hoping to naturalize, can participate in the Social Integration Program. But since its enforcement in 2009, the major participatory groups in this program have been foreigners with Korean ethnicity and immigrants by marriage. Participants in this program are

exempt from taking written exam and interview in the process of acquiring Korean nationality and the waiting period is also shortened; thus, immigrants by marriage that plan to settle in Korea have a strong tendency to complete the program for the purpose of acquiring nationality. <Table 4-6> displays the range of status of foreigners that have participated in the Social Integration Program for the past three years since its enactment in 2009.

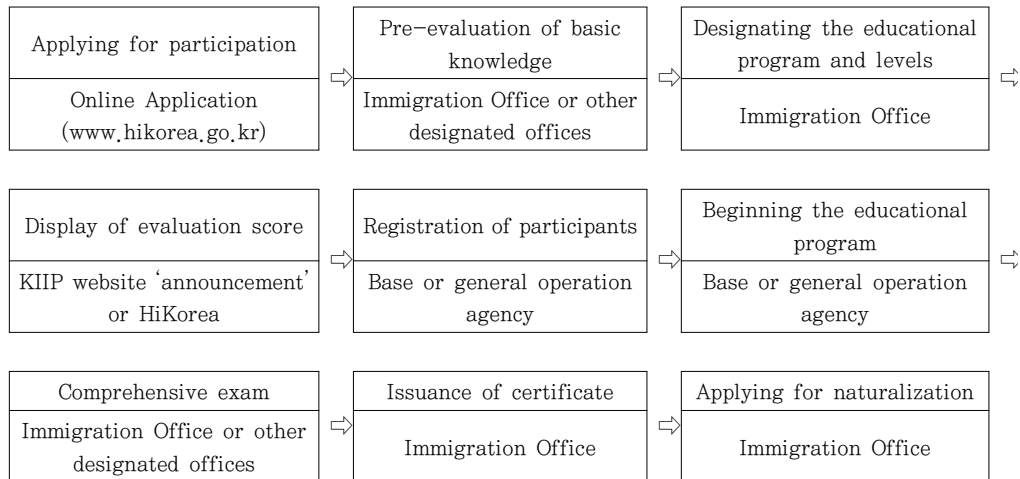
<Table 4-6> Range of Status of Participants in the Social Integration Program

| Year Status | 2009 | | 2010 | | 2011 | | Total | |
|----------------------------------|--------------------------|--------------|--------------------------|--------------|--------------------------|--------------|--------------------------|--------------|
| | Participants (person) | Ratio (%) | Participants (person) | Ratio (%) | Participants (person) | Ratio (%) | Participants (person) | Ratio (%) |
| Marriage Migrant(F2I) | 795 | 59.7 | 3,612 | 70.3 | 4,767 | 73.1 | 9,174 | 70.6 |
| Permanent resident(F5) | 141 | 10.6 | 473 | 9.2 | 238 | 3.7 | 852 | 6.6 |
| Visiting or joining family(F1) | 246 | 18.5 | 422 | 8.2 | 534 | 8.2 | 1,202 | 9.3 |
| Working visit(H2) | 83 | 6.2 | 126 | 2.5 | 111 | 1.7 | 320 | 2.5 |
| Non-professional employment (E9) | 19 | 1.4 | 65 | 1.3 | 148 | 2.3 | 232 | 1.8 |
| Other | 47 | 3.5 | 441 | 8.6 | 721 | 11.1 | 1,209 | 9.3 |
| Total | 1,331 | 100.0 | 5,139 | 100.0 | 6,519 | 100.0 | 12,989 | 100.0 |

Source: The Ministry of Justice Immigration Office internal data.

In order to participate in the Social Integration Program, applicants must first submit an online application. And before the actual education starts, they are evaluated based on their basic knowledge at the Immigration office or other designated offices; they can then register for suitable educational courses after identifying their level of knowledge based on their pre-evaluation. After the completion of education, they take a comprehensive exam on the materials and receive a certificate if they pass the exam. <Figure 4-1> lays out the processes of participation and completion of the Social Integration Program.

〈Figure 4-1〉 Process of Completing the Social Integration Program



Source: The Ministry of Justice, Social Integration Program Website (<http://www.kiip.kr>)

b. Organization of the Courses

The Social Integration Program largely consists of courses on Korean language and courses on understanding Korean Society. The Korean language program is divided into five levels: fundamental, basic 1, basic 2, intermediate 1 and intermediate 2. Participants are placed in one of the levels based on the results from the pre-evaluation exam. The fundamental course is 15 hours in total, but the rest of the courses from basic 1 to intermediate 2 are 100 hours each.

The courses on understanding Korean society are designed for those who are deemed as having the capacity to complete the Korean language courses. In the case of immigrants by marriage, they can start taking these courses without completing the Korean language courses if they can get 50 out of 100 points in the pre-evaluation exam. However, other immigrants, who are not immigrants by marriage, will be placed in the intermediate 1 Korean class if they get points between 50–69, in the intermediate 2 Korean class if they get points between 70–89, and only those who get points between 90–100 will be allowed to directly take the courses on the understanding of Korean society without taking language courses.

〈Table 4-7〉 Organization of Courses for Social Integration Program

| Categories \ Level | | Level 0 | Level 1 | Level 2 | Level 3 | Level 4 | Level 5 |
|--------------------|------------------------|-----------------|---------|----------------|----------------|---------|---------|
| | | Korean language | | | | | |
| Courses | fundamental | Basic 1 | Basic 2 | Intermediate 1 | Intermediate 2 | | |
| Hours | | 15 | 100 | 100 | 100 | 100 | 50 |
| Pre-evaluation | Immigrants by marriage | 0~10 | 11~29 | 30~49 | Exemption | | 50~100 |
| | Other immigrants | 0~10 | 11~29 | 30~49 | 50~69 | 70~89 | 90~100 |

Source: The Ministry of Justice, Social Integration Program Website (<http://www.kiip.kr>).

The instructors for the courses are those who meet certain requirements and they are selected by educational institutions. The requirements for the instructors of the Korean language courses as of November 30, 2011, are those who possess a level-three teacher's license or higher, or have completed the training program for teachers based on the fundamental law on Korean language, or have more than 120-hour experience of teaching Korean at governmental or civic organizations. The requirements will be strengthened from January 1, 2012, so that the instructors are chosen among those who have a level-three teacher's license or higher according to the enforcement degree of the fundamental law on Korean language, or have completed more than 120 hours of educational training program for teachers based on the fundamental law on Korean language and have taught more than 500 hours of Korean to immigrants at governmental or civil/social organizations, or possess an elementary teacher's license (level-two) or higher and have more than two-year experience of teaching at an elementary school and in addition have completed the training program for Korean instructors (120 hours necessary for completion) from the fundamental law of Korean language.

On the other hand, the instructors for courses on the understanding of Korean society are selected from among those who have completed the training program for experts on multicultural society within certain educational institutions

designated by the Minister of Justice. These experts must have acquired level two or one on the multicultural society expert qualification, or have completed registered courses from colleges (or graduate schools) related to immigration and multicultural society, provided that those university programmes that have been founded through consultation or an MOU with the Minister of Justice.

〈Table 4-8〉 portrays the qualifications for instructors of Korean courses and courses on the understanding of Korean society in the Social Integration Program.

〈Table 4-8〉 Qualifications for instructors of the Social Integration Program

| Program | Requirements for qualification | | | |
|--|---|--|--|---|
| Korean language course | As of November 30, 2011 | Meets one or more requirements below: ① possess a level-three teacher's license or higher ② have completed the training program for teachers based on the fundamental law on Korean language ③ have more than 120-hour experience of teaching Korean at governmental or civic organizations | | |
| | After January 1, 2012 | Meets one or more requirements below: ① have a level-three teacher's license or higher according to the enforcement degree of the fundamental law on Korean language ② have completed more than 120 hours of educational training program for teachers based on the fundamental law on Korean language and have taught more than 500 hours of Korean to immigrants at governmental or civil/social organizations ③ possess an elementary teacher's license (level-two) or higher and have more than two-year experience of teaching at an elementary school and in addition have completed the training program for Korean instructors (120 hours necessary for completion) from the fundamental law of Korean language | | |
| Courses on the understanding of Korean society | 1. those who have completed the training program for experts on multicultural society within certain educational institutions designated by the Minister of Justice and have acquired level-two or one on the multicultural society expert qualification 2. have completed registered courses from colleges (or graduate schools) related to immigration and multicultural society that have been founded through consultation or MOU with the Minister of Justice and acquired level-two multicultural society expert qualification | | | |
| | Categories | Registered courses | Completed courses and credits | |
| | Required courses | Premise of Immigration Law, Theory of Immigration Policy, Theory of Social Integration (Policy), Immigration and Multicultural Work Experience, Theory of Multicultural Society Education, Understanding Modern Korean Society | Graduate school 3 courses 9 credits (3 credits per course) or higher | College/community college 5 courses 15 credits (3 credits per course) or higher |

(Continued)

(Table 4-8) Qualifications for instructors of the Social Integration Program (Continued)

| Program | Requirements for qualification | | | |
|---|---|---|---|---|
| Courses on the understanding of Korean society | Electives | Theory of International Immigration, Understanding Foreign Immigration System, Policies of Immigration and Labor, Understanding the Foreign National Society, Theory of Immigrant/Multicultural Family Welfare, Theory of International Immigration Cooperation, Immigration and Social Conflict, National Security and Management of Borders | 2 courses 6 credits (3 credits per course) or higher | 3 courses 9 credits (3 credits per course) or higher |
| <note> ① courses with different titles but the same contents and recognized as such by the Minister of Justice will be considered equivalent ② limit work experience in the required courses to agencies managing social integration programs that are recognized by the Minister of Justice ③ credits from required courses can count towards credits for electives | | | | |
| Others | Those with professional license in the relevant field and meet the additional requirements specified by the Minister of Justice | | | |

Source: The Ministry of Justice, Social Integration Program Website (<http://www.kiip.kr>).

5. Institutional Actors Involved in Migration Management

The system for the creation and implementation of migration-related policy for Korea can be classified into two main phases. The first phase is the strategy building for major policies and the second is evaluation of the implementation and management of policies. The first phase—in which policies are debated, deliberated and determined—takes place through five high-level committees operated under the Prime Minister or the President, as established under the legislation related to immigration. Ministers or vice-ministers from relevant central government departments participate in these committees, which work to heighten common policy vision and to further practical cooperation among the departments and organizations with migration-related responsibilities. Working-level committees, established under the high-level committees, assist with preparation of research and policy drafts, and these are often headed by the vice minister of the particular department most involved with the studied policy issue.

The second phase of implementation, management and evaluation of policies is

the responsibility of relevant central government departments, and of local government entities. The Ministry of Justice is in charge of this phase and Immigration Policy Committee under the Ministry of Justice has been established for this purpose. Within the Ministry of Justice, Korea Immigration Service is in charge of implementation and management of immigration policies and related enterprises and cooperates with high-level committees, working-level committee, and relevant central government departments and local governments. Moreover, some local governments have created a 'Foreign Residents Support Advisory Committee' and/or a 'Multicultural Families Support Advisory Committee,' as specified in an approved local ordinance, to implement and manage immigration policies.

'Yearly Action Plans for Immigration Policies' established annually in accordance to article six of the 'Act on the Treatment of Foreigners in Korea' includes the present status, achievements and budget of enterprises conducted by relevant departments and local governments. Action plans that surpasses 1000 pages are made of documents sent from each department, institution, and local governments, revised/edited by Korea Immigration Service, and deliberated and determined by the Immigration Policy Committee, and they can be regarded as comprehensive source of information and data related to the implementation of, and cooperation/coordination on, Korean immigration policies and enterprises.

a. Migration-related Policy Committees

There exist five high-level committees that belong to the central government, and they deliberate and determine matters related to immigration policies. Two of them focus on policies related to foreigners residing in Korea (Immigration Policy Committee, Foreign Labor Force Policy Committee), one concentrates on overseas migration of Korean nationals (Overseas Korean Policy Committee), and the other two deal with social integration (Multicultural Families Policy Committee, Social Integration Committee). <Table 4-9> displays the composition, year of establishment, major functions and roles, and results of main activities of each committee.

(Table 4-9) Immigration-Related Committees and Their Main Functions and Tasks

| Committee (affiliation) | Year of establishment | Composition | Major Function (legal basis) | Results of Major Tasks |
|--|-----------------------|--|---|---|
| Immigration Policy Committee (Prime Minister) | 2006 | <u>Head</u> : Prime Minister <u>Member</u> : Minister (13), Vice Minister (1), Nongovernmental member (7) | Deliberation and adjustment of matters concerning immigration policies, such as establishment of basic plan for immigration policies, construction of action plan for immigration policy, matters regarding results of promotion and evaluation, and matters related to social adaptation (Act on the Treatment of Foreigners in Korea, article 8) | <ul style="list-style-type: none"> Established the Basic Plan for Immigration Policy (2008-2012) Deliberates and determines Yearly Action Plans for Immigration Policies |
| Foreign Labor Force Policy Committee (Prime Minister) | 2003 | <u>Head</u> : Deputy Prime Minister <u>Member</u> : Vice Minister (11) | Deliberation and determination of matters relating to foreign workers, such as establishment of basic plan for foreign workers, matters concerning types and scales of business for foreign workers, designation and revocation of exporting countries for foreign workers, and matters regarding protection of rights and interests of foreign workers (Act on Foreign Workers' Employment, etc. article 4) | <ul style="list-style-type: none"> Deliberates and determines annual plan for introduction of foreigners Determined additional introduction of foreign labor force, due to increased demand of labor from small and medium businesses with economic recovery |
| Overseas Koreans Policy Committee (Prime Minister) | 1996 | <u>Head</u> : Prime Minister <u>Member</u> : Minister (9), Nongovernmental member (10) | Comprehensive deliberation and determination of matters regarding overseas Koreans policy, such as establishment of the basic direction for overseas Koreans policy, support for overseas Korean settlement, improvement of social status, strengthening of bond among overseas Koreans, matters on support for domestic economic activities of overseas Koreans, cultivation of identity of overseas Koreans, and matters concerning each department's business plans related to overseas Koreans (Regulations of Overseas Koreans Policy Committee, Presidential Directive No. 228, amended on October 9, 2008) | <ul style="list-style-type: none"> Deliberates and determines matters such as overseas Koreans policy, construction of overseas Koreans network Confirms and implements yearly cooperative business with overseas Koreans exchange Education and public relations regarding the fairness of overseas election, which will be enforced from 2012 Promote the advancement of Korean schools |

(Continued)

(Table 4-9) Immigration-Related Committees and Their Main Functions and Tasks (Continued)

| Committee (affiliation) | Year of establishment | Composition | Major Function (legal basis) | Results of Major Tasks |
|--|-----------------------|---|---|---|
| Multicultural Families Policy Committee (Prime Minister) | 2009 | <p><u>Head</u>: Prime Minister</p> <p><u>Member</u>: Minister (11), Nongovernmental member (9)</p> | <p>Deliberation and determination of important matters concerning social integration of multicultural families, such as establishment and promotion of basic plan for multicultural families policy, construction of action plans for multicultural families policy, inspection and evaluation of promotion results, various research relating to multicultural families, analysis and evaluation of research and policy, adjustment and cooperation of various multicultural families support enterprises, national cooperation relating to multicultural families policy (Multicultural Families Support Act, article 3 item 4)</p> | <ul style="list-style-type: none"> • Established the Basic Plan for Multicultural Families Support Policy (2010-2012) • Deliberates and determines general measures for employment support of immigrants by marriage |
| Social Integration Committee (President) | 2010 | <p><u>Head</u>: appointed</p> <p><u>Member</u>: Minister (14), Vice Minister (3), Special Assistant, Chief (3), Nongovernmental member (34)</p> | <p>Deliberation of matters regarding policies and enterprises for the harmony and enhancement of various ranks and classes of society, such as matters on the establishment of basic direction for social integration and strategy, gathering opinions from various ranks and classes of society and revitalize communication, relieve regional conflicts and conflicts concerning economic status, relieve conflicts regarding generation, gender, race, multiculturalism, activate communication between civil society and public sector and central and local government, inspection and research on harmony and enhancement of various ranks and classes of society (Regulations of Social Integration Committee, Presidential Directive No. 22340, amended on August 13, 2010)</p> | <ul style="list-style-type: none"> • Execute accompanying project for foreign immigrants by marriage • Promote the establishment of 'International Dasom School' intended for deschooled children of multicultural families |

〈Table 4-10〉 relates the particular institutional actors from central government with participation in key committees acting on migration and, in doing so, is a useful indicator of the interests of each institutional actor. Ministers or vice-ministers from five departments (Ministry of Justice, Ministry of Strategy and Finance, Ministry of Public Administration and Security, Ministry of Culture, Sports and Tourism, and Ministry of Employment and Labor) are participating in all five committees, and four departments (Ministry of Education, Science and Technology, Ministry of Foreign Affairs and Trade, Ministry of Food, Agriculture, Forestry and Fisheries, and Ministry of Health and Welfare) are participating in four committees.





〈Table 4-10〉 Participation of Central Government in Committees related to Immigration Republic of Korea

| Central Govt. Entity | Immigration Policy Committee | Foreign Labor Force Policy Committee | Overseas Korean Policy Committee | Multicultural Families Policy Committee | Social Integration Committee |
|--|------------------------------|--------------------------------------|----------------------------------|---|------------------------------|
| The Prime Minister's Office | Participating | Participating | Participating | Participating | Participating |
| Ministry of Justice | Participating | Participating | Participating | Participating | Participating |
| Ministry of Strategy and Finance | Participating | Participating | Participating | Participating | Participating |
| Ministry of Education, Science and Technology | Participating | Not Participating | Participating | Participating | Participating |
| Ministry of Foreign Affairs and Trade | Participating | Participating | Participating | Participating | Not Participating |
| Ministry of Public Administration and Security | Participating | Participating | Participating | Participating | Participating |
| Ministry of Culture, Sports and Tourism | Participating | Participating | Participating | Participating | Participating |
| Ministry of Food, Agriculture, Forestry and Fisheries, and | Participating | Participating | Not Participating | Participating | Participating |
| Ministry of Knowledge Economy | Participating | Participating | Not Participating | Not Participating | Not Participating |
| Ministry of Health and Welfare | Participating | Participating | Not Participating | Participating | Participating |

(Continued)

<Table 4-10> Participation of Central Government in Committees related to Immigration Republic of Korea (Continued)

| Central Govt Entity \ Comm.: | Immigration Policy Committee | Foreign Labor Force Policy Committee | Overseas Korean Policy Committee | Multicultural Families Policy Committee | Social Integration Committee |
|--|------------------------------|--------------------------------------|----------------------------------|---|------------------------------|
| Ministry of Employment and Labor | Minister | Senior Secretary | Minister | Minister | Minister |
| Ministry of Gender Equality and Family | Minister | Senior Secretary | | Minister | Minister |
| Ministry of Land, Transport and Maritime Affairs | Minister | Senior Secretary | | | Minister |
| Ministry of Unification | | | Minister | | |
| Ministry of Environment | | | | | Minister |
| The Legislative Office | | | | | |
| Anti-Corruption & Civil Right Commission | | | | | Minister |
| Small and Medium Business Administration | Senior Secretary | Senior Secretary | | | Senior Secretary |
| Special duty minister | | | | | Minister |
| The Blue House | | | | | Prime Minister |

Prime Minister  Minister  Vice Minister  Senior Secretary 

b. Government Ministries

1) Ministry of Justice

Ministry of Justice is the central government department in charge of Immigration Policy and is in affiliation with ‘Korea Immigration Service,’ an organization in charge of Immigration Policy. It was enlarged and reformed in 2007 with the purpose of conducting Immigration Policy systematically, and currently is comprised of Immigration Policy Unit and Nationality/Integration Policy Unit.

〈Table 4-11〉 Main Tasks of Korean Immigration Service within the Ministry of Justice

| Unit | Name of the Department | Main Tasks |
|-------------------------------------|------------------------|--|
| Immigration Policy Unit | Immigration Planning | <ul style="list-style-type: none"> • Construct general plan for Immigration Administration • Supervise organization, human resources, budget, legislation and service |
| | Immigration Inspection | <ul style="list-style-type: none"> • Inspection of immigration for nationals/foreigners and visitors to/from North Korea • Issue visas and manage restrictions on entry |
| | Control of Stay | <ul style="list-style-type: none"> • Promote the Control of Stay Policy of foreigners • Permit foreigners' stay |
| | Inspection of Stay | <ul style="list-style-type: none"> • Investigate the violation of Immigration Act and foreigners' trend • Protection of foreigners and deportation of protected foreigners |
| Nationality/Integration Policy Unit | Foreigner Policy | <ul style="list-style-type: none"> • Establishing the basic plan for immigration policy and action plans • Consult/adjust immigration policy of the central government and local governments |
| | Nationality/Refugee | <ul style="list-style-type: none"> • Control of nationality, such as naturalization, recovering of nationality, denationalization, and renunciation • Evaluate recognition of refugees |
| | Social Integration | <ul style="list-style-type: none"> • Adjust social adaptation support policy of foreign residents • Promote policies concerning the enhancement of understanding multiculturalism |
| | Information | <ul style="list-style-type: none"> • Build basic plans regarding immigration policy • Research and revise immigration information system and nationality integration control system |

Source: Korea Immigration Service (<http://www.immigration.go.kr>).

According to the Action Plans for Immigration Policies of 2011, the Ministry of Justice is executing 68 enterprises, such as improving immigration system to attract outstanding talents, supporting stable social adaptation of immigrants by marriage, broadening educational institutions eligible for social integration program, strengthening border and stay control by making use of foreigners' fingerprint information, constructing support system for female immigrants who were victims of violence, and establishing an advanced recognition/support system for refugees, with the budget of 19 billion won.

Also, the Minister of Justice has created and has been operating the Immigration Policy Advisory Committee of the Ministry of Justice since 2011, in order to

solicit expert advice in the planning of immigration policy, and toward the establishment and implementation of action plans.

2) Ministry of Employment and Labor

The mandate for foreign labor policy rests with the Ministry of Employment and Labor, and is handled through its Manpower Supply and Demand Policy Bureau, under the Employment Policy Department. <Table 4-12> summarizes its major tasks.

<Table 4-12> Major Tasks of the Ministry of Employment and Labor related to Immigration

| Task Area | Major Tasks |
|---|---|
| 1. Foreign Labor Force | <ul style="list-style-type: none"> • Select and announce the scale of introduction/type of business/exporting countries of foreign workers • Construct the basic plan for foreign workers • Operate working-level committee for Foreign Labor Force Policy • Analyze supply and demand of domestic workers and relevant materials on Foreign Labor Force Policy |
| 2. Introduction of Foreign Workers | <ul style="list-style-type: none"> • Division and renewal of memorandum of agreement for exporting countries • Assign and control foreign workers' register • Conduct the Korean exam and function test • Support, guide and supervise exporting tasks of exporting countries • Analyze relevant materials for memorandum of agreement • Tasks of international cooperation relate to migrant workers |
| 3. Employment Control of Foreign Workers | <ul style="list-style-type: none"> • Establish guidance/inspection plan of place of business • Prevent and curb illegal immigrant • Manage system for controlling employment of foreigners • Analyze materials and statistics on employment of foreign workers • Operate conference for protection of rights and interests of foreign workers |
| 4. Support the Stay and Employment of Foreign Workers | <ul style="list-style-type: none"> • Designate and operate agency/employment education organization • Establish and operate Foreign Workers Support Center • Insurance for Employment Permit System and Social Insurance • Support those with expired time of stay and network for re-migrants • Support employment for immigrants by marriage and international students |

Source: the Ministry of Employment and Labor (<http://www.moel.go.kr>).

The Foreign Labor Force Policy Department within the Ministry of Employment and Labor is also in charge of introduction/control of foreign workers through the Employment Permit System (EPS). Moreover, it appropriated 179 million won

for the task of revitalizing safety and health education of foreign workers, and this initiative began its implementation in 2011.

3) The Ministry of Gender Equality and Family

The Ministry of Gender Equality and Family is in charge of multicultural support policy. This task is currently executed by the Department of Multicultural Family, which belongs to the Bureau of Family Policy, under the office of Teenager Family Policy, within the Ministry of Gender Equality <Table 4-13> summarizes the main tasks of the Ministry related to immigration.

<Table 4-13> Major Tasks of the Ministry of Gender Equality and Family related to Immigration

| Task Area | Major Tasks |
|-----------------------------------|---|
| Supporting Multicultural Policy | <ul style="list-style-type: none"> • Support Multicultural Families Support Policy of the central and local governments • Establish prospect/analysis/countermeasure concerning multicultural families • Building and executing support system for social integration of multicultural families • Operate working-level committee for supporting immigrants by marriage • Manage and operate multicultural family related research, investigation and legislation |
| Supporting Multicultural Families | <ul style="list-style-type: none"> • Promote and publicize policy for improving the awareness of multicultural families • Support the operation of multicultural family center • Develop and operate social adaptation programs for multicultural families • Promote cooperative business regarding multicultural family support with private sector • Construct and operate Multilanguage system and support the communication of multicultural families • Matters regarding the support for child fostering of multicultural families |
| Supporting Immigrants by Marriage | <ul style="list-style-type: none"> • Support economic/social independence of immigrants by marriage, and nurture professionals • Manage and operate legislation regarding the control of marriage brokerage business • Educate those in marriage brokerage business and related public officials of local governments • Control the registration and report of marriage brokerage business • Support for advanced preparation of international marriage • Install and operate Department of International Marriage |

Source: The Ministry of Gender Equality and Family (<http://www.mogef.go.kr>).

In 2011 the Ministry of Gender Equality and Family began implementing 23 enterprises such as visiting lifecycle support/broadening support service for child nurturing, active application and strong connection among sources of local governments, supporting for basic learning ability of preschoolers, and protecting and supporting female immigrants who have experienced domestic violence.

4) Other Relevant Ministries

Other central government departments that conduct immigration related enterprises don't have separate divisions in charge of the tasks. Thus, within each department, a division with tasks that may be related to some migration issues may, in that context, also address some specific migration-related tasks.

For example, among the enterprises being executed by the Ministry of Education, Science and Technology starting in 2011 is the, 'Expansion of Korean Government Scholarship Program'. This initiative is handled by the International Cooperation Strategy Team of the International Cooperation Agency, and 'Support for Basic Learning Ability of Preschoolers' is dealt by Department of Infant Education Support within the Bureau of Education and Welfare. While this kind of mainstreaming of some migration tasks may be useful or laudable to some extent, if consistent execution and support as well as cooperation among departments are not fully in place this approach might prove to be an obstacle for bringing about comprehensive results.

〈Table 4-14〉 below summarizes the major enterprises and budgets of central government departments included within the Action Plans for Immigration Policies of 2011.

(Table 4-14) Major Enterprises of Central Government Ministries Concerning Immigration, 2011

| Ministry | Total # of Enterprises | Major Enterprises | | | | 4. Protection of Foreigners' Human Rights |
|--|------------------------|---|---|--|--|---|
| | | 1. Strengthening of National Competitiveness through Active Opening of the Doors | 2. High-Quality Social Integration | 3. Realization of Orderly Immigration Administration | | |
| Ministry of Justice | 68 | Improvement of indirect investment immigration system, introduction of special naturalization system for outstanding talents, expansion of online visa issuance for professional workforce (Humet Korea) | Expansion of recipient or educational institution for social integration program, implementation of guidance program for creating a culture of healthy international marriage, supporting stable settlement of overseas Koreans | Strengthening of border/stay control using foreigners' fingerprint information, introduction of transposition system of permanent residency for naturalization, intensifying penalties for illegal employment and management of foreign worker employers, strengthening the curb/inspection on illegal agency for false invitation | Organization of support system for female immigrants who are crime victims, construction of advanced refugee recognition and support system, such as delegation of local government with the authority to recognize refugees and building facilities for refugee support | |
| Ministry of Education, Science and Technology | 13 | Korean Government Scholarship Program, expanding the attraction of overseas outstanding educational institution | Support for basic learning skills of preschoolers, customized education for students with low level of basic learning skills | Strengthening the managing system of international students in college | | |
| Ministry of Public Administration and Security | 13 | Expanding the appointment of local public officials for multicultural families, improving civil services such as translation service | Education to foster leaders of married female immigrants, enhancing expertise of local public officials, information education for immigrants by marriage, video reunion of multicultural families | Improving the living environment of foreign residents | | |
| Ministry of Culture, Sports and Tourism | 18 | Developing and distributing Korean teaching material for immigrants and operating a fostering system of Korean teachers for multicultural families, creating small libraries within the areas densely populated with multicultural families, supporting sports activities of multicultural children | Activation of communication for improving and promoting understanding of multiculturalism | | | |

(Continued)

(Table 4-14) Major Enterprises of Central Government Ministries Concerning Immigration, 2011 (Continued)

| Ministry | Total # of Enterprises | Major Enterprises | | | | 4. Protection of Foreigners' Human Rights |
|--|------------------------|---|---|--|---|--|
| | | 1. Strengthening of National Competitiveness through Active Opening of the Doors | 2. High-Quality Social Integration | 3. Realization of Orderly Immigration Administration | | |
| Ministry for Food, Agriculture, Forestry and Fisheries | 2 | | Continuously promoting customized farming education for female immigrants by marriage | | | |
| Ministry of Knowledge Economy | 2 | Revitalization of discovering and attracting outstanding talents through Contact Korea, strengthen the support for employment of international students | | | | |
| Ministry of Health and Welfare | 7 | Attraction of foreign medical institution in Free Economic Zone, revitalizing of medical tourism by fostering medical coordinators and providing convenient treatment | Broaden the range of immigrants by marriage who haven't acquired nationality and are under protection of basic living, providing fostering fee regardless of the income level of parents, providing disability welfare service for foreigners | | | |
| Ministry of Employment and Labor | 18 | Introducing foreign workforce that is needed by corporations (reflective of illegal status), minimizing the employment procedure of foreign labor force and intensifying the conditions for stable employment | Support for employment of immigrants by marriage and international students | Intensifying guidance and inspection on employers | Support of stay for foreigners violated of their human rights | |
| Ministry of Gender Equality and Family | 23 | | visiting lifecycle support/broadening support service for child nurturing, broadening the installation of multicultural family support center | | | Protection and support for foreign women who have gone through domestic violence, etc. |
| Small and Medium Business Administration | 1 | Supporting the costs of discovering and introducing outstanding professional talents for small and medium businesses | | | | |
| Total | 165 | | | | | |

c. Local Governments

According to the Action Plans for Immigration Policies of 2011, local governments plan to implement 858 enterprises with total budget of 153.4 billion won¹⁰. ‘Advanced Social Integration’ accounted for 81 percent of all enterprises, and ‘Strengthening of National Competitiveness through Active Opening of the Doors’ accounted for 17 percent. Together, these two areas take up 98 percent of all planned activities. Although each local government displays differences within their enterprises, most of them are conducting medical service support for foreign workers or the neglected, operating multicultural family support center and executing visiting education for multicultural families. These kinds of activities and priorities are generally reflected in the local ordinances on ‘Foreign Residents Support’ and ‘Multicultural Families Support’.

As with some of the central government entities, most local government structures are without separate divisions in charge of enterprises related to immigration policies. Therefore, various departments conduct related tasks in accordance with the characteristic of the particular enterprises. For example, the Department of Gender Equality and Family within local governments is in charge of the Multicultural Families Support Enterprise, and the Department of Health and Welfare promotes medical support for foreigners. <Table 4–15> portrays the divisions in charge of enterprises currently being implemented in the province of Gyeonggi, which has the highest percentage of foreign population among all provinces, and serves as a typical example of the foreigner policy administration system of provincial governments.

10) 153.4 billion Won is approximately equal to 135.36 million USD or 109.5 million Euro, at the time of publishing this Profile.

〈Table 4-15〉 Enterprises Concerning Foreigners that are conducted by Gyeonggi Province, Korea, and Departments in Charge

| Enterprise | Department in Charge |
|--|--|
| Broadening the right for social security of foreigners (Medical service for foreign workers) | Bureau of Health and Welfare, Department of Health Policy, Medicine Manager |
| Expanding child nurture support service (Visiting education for multicultural families) | Bureau of Family and Gender Equality Policy, Department of Family and Gender Equality Policy |
| Constructing localized service delivery system (Support the operation of multicultural families support center) | Bureau of Family and Gender Equality Policy, Department of Family and Gender Equality Policy |
| Expanding the right for social security of foreigners (Support for foreign workers' childcare) | Bureau of Family and Gender Equality Policy, Department of Childcare Policy |

Even though the responsibilities are divided, the Bureau of Family and Gender Equality Policy of Gyeonggi-do is in charge of most of the tasks. This is because currently tasks on foreigners are concentrated on support for multicultural families in local governments. Thus, it may be mistaken that Department of Gender Equality and Family of local governments is in charge of entire enterprises related to foreigners. But as the field of enterprise is broadened outside multicultural families support, tasks concerning foreigners will possibly be distributed among various departments.

On the other hand, local governments enacting a 'Foreign Residents Support Ordinance' and 'Multicultural Families Support Ordinance' have instituted 'Foreign Residents Support Advisory Committees' and 'Multicultural Families Support Advisory Committees' to consult on and manage matters regarding immigrants. Most of the committees allow participation from a representative of foreign residents and civil organizations for foreigners support, and aim for more opened immigration administration.

〈Table 4-16〉 shows the major tasks of local governments, which are included in the Action Plans for Immigration Policies of 2011.

(Table 4-16) Major Enterprises of Local Governments Concerning Immigration, 2011

| Local Governments | Total # of Enterprises | Major Enterprises | | | | 4. Protection of Foreigners' Human Rights |
|-------------------|------------------------|--|---|--|---|---|
| | | 1. Strengthening of National Competitiveness through Active Opening of the Doors | 2. High-Quality Social Integration | 3. Realization of Orderly Immigration Administration | 4. Protection of Foreigners' Human Rights | |
| Seoul | 146 | Providing medical service to foreign workers and the neglected, construction of Seoul Global Cluster Building, creating Global Zone, improving educational environment of international schools, broaden the provision of eFM broadcast production | Operating multicultural family support center and visiting education for multicultural families, education of Korean language for immigrants by marriage | | Operating protection center for female immigrants | |
| Pusan | 33 | Providing medical service to foreign workers and the neglected, operating general internet system for foreigners | General support for education of Korean language and culture, operating multicultural classes such as Korean language and culture experience | | | |
| Daegu | 35 | Providing medical service to foreign workers and the neglected | Operating multicultural family support center and visiting education system and communication education for immigrants by marriage | | | |
| Incheon | 29 | Constructing support system for foreign workers, operating Incheon Foreigners Support Center | Operating multicultural family support center and visiting education system, support language development of multicultural children, social adaptation education for immigrants by marriage | | | |
| Gwangju | 33 | Relocation of Gwangju International School, providing medical service for foreign workers and international students | Operating multicultural family support center and visiting education, and multicultural school of language and culture for multicultural families | | | |
| Daejeon | 54 | Providing medical service to foreign workers and the neglected, operating internships and dormitories for international students, free health check for multicultural families, operating Daejeon International Exchange Center | Operating multicultural family support center and visiting education for understanding multiculturalism of teenagers, social adaptation education for immigrants by marriage | | Operating shelter for female immigrants | |
| Ulsan | 41 | Operating Ulsan Global Center and foreign resident support center, loaning books in foreigners native language | Education for understanding Korean language and culture, childcare support service, Operating multicultural family support center, Korean language school for immigrants by marriage | Fact-finding survey of foreign residents | Operating protection facility for female immigrants who are victims of violence | |

(Continued)

(Table 4-16) Major Enterprises of Local Governments Concerning Immigration, 2011 (Continued)

| Local Governments | Total # of Enterprises | Major Enterprises | | | | 4. Protection of Foreigners' Human Rights |
|----------------------|------------------------|---|---|---|---|---|
| | | 1. Strengthening of National Competitiveness through Active Opening of the Doors | 2. High-Quality Social Integration | 3. Realization of Orderly Immigration Administration | 4. Protection of Foreigners' Human Rights | |
| Gyeonggi-do | 67 | Providing medical service to foreign workers and the neglected, supporting development of occupational skill of foreign residents and operating consulting center, publicizing life guidebook for foreign residents and providing cultural/sports program | Operating multicultural family support center and visiting education, translation and interpretation service for immigrants by marriage, developing language of multicultural children, promote construction of global multicultural center, customized education on employment of immigrants by marriage | Supporting researches of IOM (joint with the Ministry of Justice) | Operating protection facility for immigrants by marriage | |
| Gangwon-do | 74 | Program of experiencing Gangwon Culture for international students | Operating multicultural family support center and visiting education service, support financial independence of immigrants by marriage, supporting home country visit service | | | |
| Chungcheong gbook-do | 43 | Supporting reading culture of immigrants and foreign residents | Operating multicultural family support center and visiting education, supporting language development of multicultural children, broadening support service for childcare, support for acquisition of driver's license of immigrants by marriage | | Operating shelter for female immigrants | |
| Chungcheong nam-do | 22 | Providing medical service to foreign workers and the neglected, operating foreign workers support center | Operating visiting education for multicultural families, supporting childcare fee for multicultural families, supporting social adaptation through multicultural family support center, operating after school class for teenagers, promoting multiculturalism enterprise | | Operating protection facility for female immigrants who are victims of violence | |
| Jeollabuk-do | 44 | | Operating multicultural family support center and visiting education, placing of translator/interpreter for immigrants by marriage, supporting language development of children from multicultural family, supporting employment and education for immigrants by marriage | | Operating protection facility for female immigrants | |

(Continued)

(Table 4-16) Major Enterprises of Local Governments Concerning Immigration, 2011 (Continued)

| Local Governments | Total # of Enterprises | Major Enterprises | | | | 4. Protection of Foreigners' Human Rights |
|-------------------|------------------------|--|--|--|--|---|
| | | 1. Strengthening of National Competitiveness through Active Opening of the Doors | 2. High-Quality Social Integration | 3. Realization of Orderly Immigration Administration | 4. Protection of Foreigners' Human Rights | |
| Jeollanam-do | 81 | Providing medical service to foreign workers and the neglected, supporting native teaching assistant, operating call center for foreigners | Operating multicultural family support center and visiting education, multicultural children adaptation support service, visiting obstetrician, support internet fee for multicultural families | | Operating protection facility for female immigrants who are victims of domestic violence | |
| Gyeongsangbuk-do | 68 | Operating foreign workers consulting center, publicizing life guidebook for foreign residents | Operating multicultural family support center and visiting education, supporting enhancement of income of farms of immigrants by marriage, supporting Test of Proficiency in Korean for immigrants by marriage | | Operating protection facility for female immigrants who are victims of violence | |
| Gyeongsangnam-do | 68 | Supporting cultural events and health service for foreign residents | Operating multicultural family support center, visiting education and welfare, supporting language development of multicultural children/teenagers | | | |
| Jeju Island | 20 | Operating consulting center and shelter for foreign workers | Operating multicultural family support center, operating Korean language education, supporting employment for immigrants by marriage, program for social adaptation for foreign residents | Intensifying guidance and inspection of employers | | |
| Total | 858 | | | | | |

d. Civil Society

With the increase in the number of foreign residents in Korea, from early 1990s civil society has performed various activities supporting immigrants, starting from the protection of foreign workers' human rights. Foreigners support organizations were first established in Seoul and metropolitan area from 1992 and gradually spread to the entire country. According to the result of a survey on current status of foreign residents in local governments in 2011, there are 594 organizations supporting foreign residents nationwide, and they are categorized into 462 civil organizations (77.8 percent) and 132 religious organizations (22.2 percent). Metropolitan area (Seoul, Incheon, Gyeonggi), in which foreign residents are densely populated, hosts 230 organizations, accounting for 38.7 percent of the entire number of organizations <Table 4-17> shows the current status of organizations supporting foreign residents in Korea.

<Table 4-17> Current Status of Organizations Supporting Foreign Residents in Korea

| Region | Religious Organizations | Civil Organizations | Total |
|-----------|-------------------------|---------------------|-------|
| Seoul | 7 | 50 | 57 |
| Pusan | 1 | 12 | 13 |
| Daegu | 4 | 23 | 27 |
| Incheon | 8 | 18 | 26 |
| Gwangju | 6 | 17 | 23 |
| Daejeon | 4 | 20 | 24 |
| Ulsan | 6 | 20 | 26 |
| Gyeonggi | 53 | 94 | 147 |
| Gangwon | 1 | 38 | 39 |
| Chungbook | 3 | 19 | 22 |
| Chungnam | 2 | 32 | 34 |
| Jeonbook | 10 | 35 | 45 |
| Jeonnam | 9 | 18 | 27 |
| Gyeongbuk | 15 | 20 | 35 |
| Gyeongnam | 3 | 35 | 38 |
| Jeju | 0 | 11 | 11 |
| Total | 132 | 462 | 594 |

Source: Ministry of Public Administration and Security, Result of Survey of Current Status of Foreign Residents in Local Governments in 2011

Main targets of organizations supporting foreigners are foreign workers and immigrants by marriage and multicultural families, and the range of activities generally includes: 1) protection of human rights and labor rights, 2) efforts to improve immigration related policy, and, 3) supporting social adaptation. These enterprises are generally provided regardless of foreigners' legal status, and play a big role in providing medical service and other basic services to foreign workers or unregistered foreigners, who are exempt from some social security benefits. <Table 4-18> summarizes the major activities promoted by organizations supporting foreigners.

<Table 4-18> Summary of Major Activities by Organizations Supporting Foreigners

| | Protection of human rights and labor rights | Efforts to improve migration related policy | Supporting social adaptation |
|---|--|---|---|
| Foreign workers | <ul style="list-style-type: none"> • Provide consultation and administrative/legal support for victimized foreign workers • Provide shelters (refuge, home, etc) | <ul style="list-style-type: none"> • Social movement for enhancement of Foreign Labor Force System • Support for establishment and operation of foreign workers' own organization | <ul style="list-style-type: none"> • Provide education of Korean language, computer, etc • Operate various events, such as cultural events • Provide various services, such as interpretation, medical service, etc. |
| Immigrants by marriage and multicultural families | <ul style="list-style-type: none"> • Protection and support for the prevention of domestic violence and its victims | <ul style="list-style-type: none"> • Social movement for improvement of visa | <ul style="list-style-type: none"> • Provide education of Korean language, computer, etc • Operate various events, such as cultural events • Provide various services, such as interpretation, medical service, etc. • Support childcare and education • Support services such as pregnancy education, maternity nurse, etc. |

One characteristic of organizations supporting foreign workers is that they are mostly religious organizations. According to a survey by Korea International Labor Foundation in 2003, out of 150 organizations supporting foreign workers, 137 organizations are religious (86 percent) and of these 137 organizations 80 percent of them are Catholic and Christian (see <Table 4-19>).

〈Table 4-19〉 Types of Organizations Supporting Foreign Workers

| Types of Organizations | Number of Organizations | Percentage |
|------------------------------|-------------------------|------------|
| Civil Organizations | 8 | 5.0 |
| Labor Organizations | 3 | 1.9 |
| Religious Organizations | 137 | 86.2 |
| Medical Service Organization | 8 | 5.0 |
| Legal Service Organization | 3 | 1.9 |
| Total | 159 | 100.0 |

Source: Seol, Dong Hoon, 2003, *Survey on Current Status of Foreign Workers and Demand for Support Service*, Korea International Labor Foundation.

From the early 2000s, with the rapid increase of immigrants by marriage, organizations supporting multicultural families also increased and diversified their roles, as follows: organizations that support foreign workers expanded their area of enterprise and added enterprises related to multicultural families; b) new civil organizations focused primarily on women migrant’s issues and multicultural family enterprise, came into existence; and c) other new organizations for immigrants by marriage and multicultural families were established (Kim, 2009).

Also, the government’s support to enterprises for multicultural families, as promoted in accordance to ‘The Support for Multicultural Families Act,’ are operated by civil organizations on commission.¹¹⁾ The November 2011 report from the Ministry of Gender Equality and Family, ‘2011 Multicultural Family Support Center Status’, notes that of 200 multicultural family support centers nationwide, only 22 of them (11 percent) are directly operated by local governments. Designated implementing civil society organizations mostly include social service agencies, women’s welfare organizations, cultural centers, university and educational foundations. The number of these organizations with direct mandates or missions in the area of immigration/multiculturalism is only 11 (5.5 percent). This

11) ‘The Support for Multicultural Families Act’ article 12 states that “The Minister of Gender Equality and Family may, if necessary for implementation of supportive policies for multi-cultural families, designate any legal entity or organization that has professional human resources and facilities necessary for supporting multi-cultural families as a support center for multi-cultural families.”

indicates that multicultural family support enterprise is executed not in the perspective of immigration or multiculturalism, but in the perspective of welfare (Kim, 2009).

6. International Cooperation

The Korean government has been consistently promoting overseas cooperation regarding immigration policy over the past few years, and after the establishment of Korea Immigration Service under the Ministry of Justice, the promotion has been reinforced. The following is a summary of international or local cooperative enterprises concerning immigration that the Korean government is currently enforcing.

a. Signing of Memorandums of Understanding

After the introduction of Employment Permit System, Korea began signing MOUs with foreign governments for the selection and introduction of foreign workers.¹²⁾ Korea allows foreign workers from those countries, who have been selected under the agreed standards, to work in five fields of business, including: manufacturing, construction, agriculture and livestock, services, and fishery.

MOUs for each country have some differences, but they mainly specify designated delivery organization and standards for selecting objective employees, such as age, passing Test of Proficiency in Korean, health check, etc., and regulate obligatory matters for sending countries to guarantee transparent and effective delivery of workers, such as prevention of workers' absence without permission, decreasing illegal immigrants and prevention of corruption.

¹²⁾ As of May 2011, total of 15 countries in Asia have signed EPS MOUs: Bangladesh, Cambodia, China, East Timor, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Uzbekistan and Vietnam

As of late May 2011, the number of foreign workers introduced to Korea in accordance with the regulations on the MOU is 301,066, and the percentages for each field of business are as follows: manufacturing (88.5 percent), agriculture and livestock (5.5 percent), construction (4.2 percent), fishery (1.8 percent) and services (0.2 percent).¹³⁾

b. Signing of Social Security Agreement

As of November 2011, the Korean government has signed a social security agreement with 26 countries. The social security agreement seeks to benefit the nationals of contracting countries through the coordination of the parties' social security systems. The four main objectives of social security agreements include: elimination of dual coverage; totalization of coverage periods; equal treatment; and overseas remittance of benefits.

The elimination of dual coverage prevents individuals working abroad from making a double payment to the social security systems of both country of origin and destination. The totalization of coverage periods allows persons who, as permanent migrants or long-term residents, have contributed to the social security systems in two countries to become eligible for benefits according to the total period of coverage in both countries. Equal treatment ensures that the same criteria for eligibility and payment of benefits are applied to nationals of contracting countries. Lastly, the overseas remittance of benefits permits individuals to send benefits abroad without restrictions, even if the person is staying in the other contracting country.

Social Security Agreements can be broadly categorized into 'totalization agreements' and 'contributions-only agreements.' While totalization agreements cover all four benefits described above, the contributions-only agreement

13) Korea Employment Information Service EPS(computer system for foreign employment control) (accessed from e-narajipyo)

guarantees the elimination of dual coverage and usually does not encompass the three other benefits. As of 30 November 2011, Korea has concluded a totalization agreement with 18 countries and contributions-only agreement with 8 countries. <Table 4-20> shows the current status of countries that have signed a social security agreement with Korea.

<Table 4-20> Countries that Signed the Social Security Agreement

| Type of Agreement | Countries |
|------------------------------|---|
| Totalization Agreement | Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Germany, Hungary, India, Ireland, Poland, Romania, Slovakia, USA, Philippines and Spain: Signed, but not yet in effect, as of this publication's date), |
| Contributions Only Agreement | China (provisional measures), Iran, Italy, Japan, Mongolia, Netherlands, United Kingdom, Uzbekistan |

Source: National Pension Service (<http://www.nps.or.kr>).

c. Establishment of IOM Migration Research and Training Centre

The Korean government and the International Organization for Migration (IOM) signed an agreement in July 2009 for the establishment of immigration policy research center, and six months later in December 2009 opened the IOM Migration Research and Training Centre in Goyang-si, Gyeonggi-do¹⁴⁾. The purposes for establishment of IOM MRTC are: 1) to enhance international understanding of migrants and matters concerning migration, 2) to contribute to the development of migration policy through research, exchange of information, investigation and education regarding immigration, 3) to improve countries' competence through training of International Migration Law, migration control and human rights for migrants, and 4) to augment understanding of the relatedness among migration and development, environment, security, human rights and employment.¹⁵⁾

14) www.iom-mrtc.org.

15) Agreement on the establishment of IOM Migration Research and Training Center between the Korean government and International Organization for Migration, on June 30, 2009.

IOM MRTC is financed by the Ministry of Justice, Gyeonggi-do and Goyang-si. It provides not only research concerning immigration but also education/training programs for public officials in charge of migration related tasks, working-level staffs of civil organizations and other professionals working in the field of migration. The IOM MRTC mission includes enhancing international cooperation on migration within the region.

V. Conclusion

1. Main Findings on Current Migration Trends

The Korean government has continued to embrace foreign workers in recent years as a way to cope with some of the effects of the phenomena of low birthrate and aging population, particularly the shortage of labor force in some industrial sectors. Subsequently, the number of foreign workers residing in Korea has increased. Furthermore, international marriage became more common, the government and universities attracted higher numbers of foreign international students as a result of their internationalization and globalization strategies, and some overseas Koreans immigrated back to their developed home country, which all resulted in a continued rise in the number of foreign residents in Korea.

With the increased level of immigration into Korea, the Korean sentiment regarding foreigners has been changing. Until the last century, the majority of Koreans took pride in the fact that they were the citizens of a single-race homogenous nation, but now the public opinion in the Korean society is to overcome the myth of a single-race nation and to realize a mature multicultural society.

In short, Korea cannot but continue to accept immigrants into the country, and a social consensus that foreign residents should be embraced as members of society is being developed. With respect to these circumstances, the future path for the Korean immigration policy can largely be summarized by the following five points.

First is the establishment of a targeted policy that is prepared for the composition of foreign residents. Until today, the immigration policy of the Korean government has been centered on foreign workers, and immigrants by marriage and their families. In addition, with regards to foreign workers, it pursued the invited

workers policy that considered them as people who would eventually return to their home countries; thus, the targets for which the government designed an active social welfare and integration policy and those who were regarded as a part of the local community were limited to the immigrants by marriage and their families. However, apart from foreign workers and immigrants by marriage, the composition of foreign residents in Korea these days is slowly becoming more diverse, and includes international students, overseas Koreans (ethnic Koreans with foreign citizenship), refugees, highly skilled workers, and some immigrant families. The Korean immigration policy should advance as a social integration policy that is capable of embracing these various types of foreign residents.

In the process of constructing a policy to embrace diverse kinds of foreign residents that each possesses different residential status, extra attention needs to be paid to unregistered immigrants that hold illegal status. The current immigration policy aims to control domestic activities of unregistered immigrants and to reduce the number of illegal residents as soon as possible by deporting them. “The Five-Year Plan to Decrease the Number of Illegal Residents” began in 2008, and as a result the percentage of unregistered immigrants fell from 21.0 percent at the end of 2007 to 13.4 percent at the end of 2010. However, curbing of illegal residents brings about the issue of possible human rights violations and, as we can learn from the fact that there are more than 160 thousand unregistered residents still living in Korea, there are limitations to resolving the problem of illegal residents just by strengthening the regulations. Korea needs long-term and diverse measures concerning illegal residents, rather than a mainly short-term enforcement-oriented policy.

Second is the improvement of welfare policy for foreigners. As the number of permanent residents with permanent resident status increases, the welfare policy for foreigners should be adjusted and its elements harmonized to the level that is fair and comparable to the one for local citizens. The current welfare policy

for foreigners is both limited and fragmented. It generally is applied to foreigners legally staying in Korea for more than 90 days under the National Health Insurance Act, children who came back from foreign countries, children whose parents are overseas Koreans, and children of defectors from North Korea under the Elementary and Secondary Education Act, public education privilege for foreign children, foreigners joining the National Pensions under the National Pensions Act, workers' compensation insurance under the Industrial Accident Compensation Insurance Act, employment insurance for certain foreigners⁴⁵ under the Employment Insurance Act, and support for immigrants by marriage with a Korean national partner and their family under the Support for Multicultural Family Act.

Third point is the creation of an efficient immigration administrative system. The current legislation, relevant policy committee and executive organizations each focus on restricted fields. For example, matters related to immigrant workers are defined by Act on Foreign Workers' Employment, resolved by Foreign Labor Force Committee, and implemented and managed mainly by the Ministry of Employment and Labor. However, even though women comprise more than 30 percent of the entire foreign worker population, the Ministry of Gender Equality and Family does not participate in the Foreign Labor Force Committee, and domestic service industry, in which many female immigrant workers engage, is excluded from the workers' compensation insurance and employment insurance among the four social insurances.

The dispersed administrative system not only hinders cooperation from relevant sectors but also causes problems of budget dissipation by overlapping tasks and responsibilities. A typical example is the area of Korean language education, and it has been pointed out that the Korean language education enterprise managed by the Ministry of Gender Equality and Family as a part of its multicultural family support policy and different Korean education enterprises

supported by other departments are providing overlapping Korean classes.⁴⁶ To resolve these problems of inefficiency, discussions on the enactment of a comprehensive legislation that covers immigration related issues and the construction of integrated enterprise promoting system have been active among experts on the current Korean immigration policy. The establishment of Immigration Office as a central government agency or the installation of a department in charge of foreigners under municipal government has been brought under discussion by the government, but the activities to actually erect an administrative system has not been satisfactory.

Fourth is the arrangement of plans to expand and develop the social integration program. The social integration program directed by the Ministry of Justice is a very well-structured and advanced educational program, even compared to the ones in other countries with advanced immigration policies. Thus far, 70.6 percent of the entire participants of the social integration program have been immigrants married to a Korean national, and although there are some foreigners unaware of the social integration program, it has only been in effect for three years and considering the high level of satisfaction from the past participants, the type and number of foreigners hoping to partake in the social integration program are expected to increase greatly. Therefore, systematic expansion plans to prepare for participation from numerous foreigners with various nationalities and residential status, and efforts to arrange for developments in the provision of courses that fulfill the participants' diverse expectations are required. These efforts are currently comprised of providing courses on Korean language and understanding of Korean cultures, but this signifies improvement from the courses that depended heavily only on Korean language.

Fifth is the intensified support for systematic and professional research on immigration policy. Immigration related problems have surfaced as social issues only recently, so there are not many professional researches on the Korean

immigration phenomena and the immigration policy, and the number of professional experts on the Korean immigration policy is limited. The importance of immigration sector in the national policy needs to be recognized and anticipated by the government, which should thus increase its support for research on immigration policy. In that sense, the establishment of IOM MRTC serves as a good starting point for supporting professional research on immigration policy.

2. Recommendations Regarding the Use of the Profile in Furthering Policy Development

The Migration Profile of the Republic of Korea is a primer for immigration policy researchers and the general public. It is intended to facilitate understanding of the rapidly changing immigration issues in Korea and to support planning for future policies. For policy makers in the government, it serves as a comprehensive and up-to-date background document for establishing the direction for immigration. Because the Profile included a process of consultation with key actors involved at all levels in Korea's migration issues, it has value as well to model further processes for diverse policy consultation on migration.

Also, this Profile may have particular significance for the international community. Complementing the many other profiles already published for other countries, the Korea Profile is unique in that it focuses on migration from the perspective of a primarily migrant-receiving country, although one yet in the nascent stages of becoming an immigration country. This profile can usefully contribute to further developing a standardized profile approach for other advanced-economy countries that receive migrants, and may hold particular value for Asian countries that face similar issues to Korea.

Lastly, unlike the profiles from sending countries that were assembled with external support from developed countries, the Korea Profile was financed by Korea alone. This modeling of commitment to the Profile process will, hopefully, encourage other developed countries, particularly those in Asia, to also commit to the production of a Profile, and to the regular updating and expansion of this key document and consultation process.

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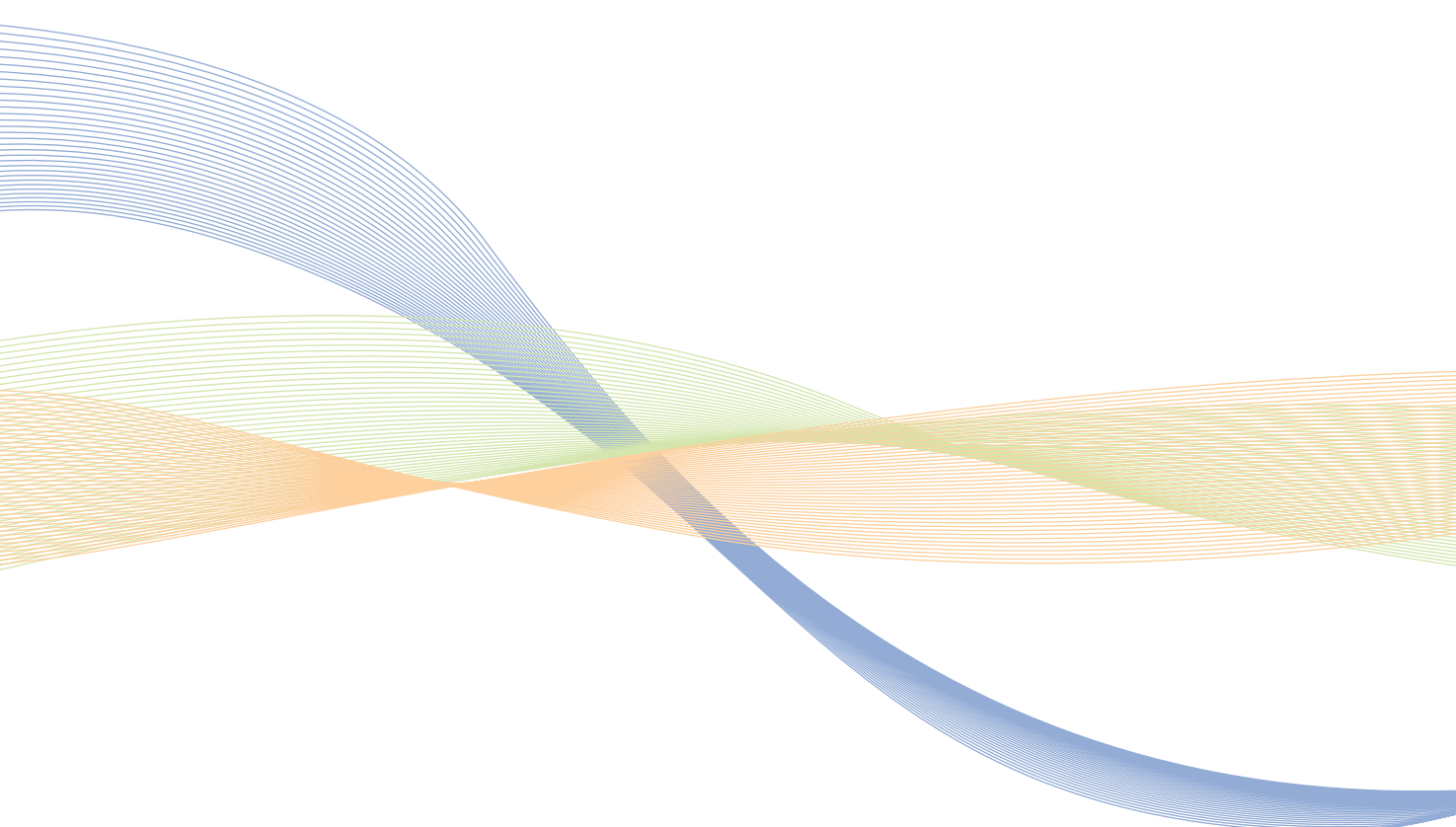
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