

KOREA



AMY Map by Boyet Rivera III

A. Total Stock (Number) of Migrants, as of 2005

MIGRANTS ABROAD		
ESTIMATED STOCK: MIGRANTS OUTSIDE THE COUNTRY		
TOTAL		
a. By visa status	Documented migrant workers*	-
	Emigrants/residents	-
	Undocumented migrants**	-
	Refugees***	-
b. By sex	Male	-
	Female	-
c. Top destination countries	1.	6.
(thousands)	2.	7.
	3.	8.
	4.	9.
	5.	10.

MIGRANTS IN KOREA		
ESTIMATED STOCK: MIGRANTS IN THE COUNTRY		
TOTAL		747,467
a. By visa status	Documented migrant workers*	167,022
	Emigrants/residents	-
	Undocumented migrants**	180,792
	Refugees***	41
b. By sex	Male	-
	Female	-
c. Top countries of origin	1. China	6. Thailand
	2. Vietnam	7.
	3. Indonesia	8.
	4. Philippines	9.
	5. Bangladesh	10.

* Non-resident, temporary, or contract workers.

** Includes illegal entrants, overstayed or "jumped" visas, trafficked/smuggled people

*** As defined by the government, or in accordance with the UN refugee convention.

B. Annual Socio-Economic Data and Migration Flow

Annual indicators	2005	2004	2003	2002	2001	2000
Population (million; mid-year estimate)	48.42		47.90	48.32	47.70	47.30
% population living below poverty line					4.00	
% population living in rural areas					17.5	
Economic growth: real GDP (%)	3.7	4.6	5.5	6.1	3.0	9.3
Per capita GDP (US\$)			12,634		8,917	16,100
Per capita GDP: purchasing power parity (US\$)	20,300	20,400		19,400	15,090	
Inflation rate: CPI (%; annual ave.)	2.8		3.7	2.8	4.1	2.2
Exchange rate: (Won per US\$; annual ave.)	1,015	1,145	1,191	1,317	1,291	1,131
International reserves (US\$ billion; yearend)					102.82	96.20
Foreign direct investments: actual (US\$ billion; yearend)						9.28
Trade balance (US\$ billion; yearend)						15.50
Foreign (total external) debt (US\$ billion; yearend)	188.40				128.20	134.42
Foreign (total external) debt as % of GNP						29.5
Budget balance (US\$; yearend)						
Budget deficit as % of GDP						
Labor force (million)	23.65	22.90	25		22.48	21.95
Women as % of labor force			41.0			
Number unemployed (million)				0.661	0.819	0.890
Unemployment rate (% of labor force; seasonally adjusted)	3.7	3.6	3.6	3.0	3.7	4.1
Underemployment rate (% labor force)						
Women unemployment rate (% of labor force)			2.50			
Average income (US\$/month)						
Average income: women (US\$/month)						
Adult literacy rate (% of age 15 & above who can read/write)				97.9	97.9	
Net migration rate (net # of migrants per 1,000 popn)	0.00			0.00		0.00
Annual outflow/deployment of MWs						
% women in the annual outflow						
Annual inflow of MWs						
% women in the annual inflow						
Annual migrants' remittance (US\$ billion/yr)						
Reported # of migrant deaths during the year						
Estimated # deported during the year						
Jailed/detained during the year						
HIV/AIDS adult prevalence rate (adult PLHA as % of adult popn)		<0.1		< 0.10		
# People living with HIV/AIDS (thousand)			8,300.0			
# AIDS deaths during the year (adults+children)			<200			
Cumulative #: HIV/AIDS cases among migrants (living+died)						

Sources: CIA World Factbook, UN/ILO/UNDP statistical yearbooks/websites.

AMIC Information Bank



Photo courtesy of JCMK

Several demonstrations were staged against the government crackdown on migrant workers. Seoul, Korea.

KOREA

This report was contributed by Kim Misun, Joint Committee for Migrant Workers in Korea (JCMK).

Political and Economic Update

The 17th General Election, held on 15 April, 2004, was a significant event that changed the political horizon in Korea. Before the election, the Uri party held only 47 seats on the National Assembly, but the election made it the majority party, with 152 out of 299 seats. The election results were also seen as a vote of confidence for President Roh Moo Hyun, who was under impeachment at that time. The impeachment attempt failed, and the President emerged with greater popularity than before. The 17th General Election was not only record breaking in terms of composition of ruling and

opposition party members, but it also voted in 187 new faces. New members of the General Assembly came from a former movement called the ‘386 generation’ (in their 30s, studied in universities during 80s, and born in 60s) as well as the Democratic Labor Party (DPL). The DPL became the third major party in South Korea, representing rising progressive voices in society.

Throughout the period from 2004 to 2005, there was some controversy surrounding the construction of a new administrative capital in the Yeongi-Gongju region outside of Seoul. The government decided on the new capital in August 2004 with the passage of the Special Act on New Administrative Capital Construction. In October, however, the Constitutional Court determined that the law was inconsistent with Constitution. Eight judges voted against the act with only one vote in favor, opining that the matter should have been decided through the

National Assembly and referendum vote. In March 2005, however, the National Assembly passed a new law to establish the capital in Yeongi-Gongju. The constitutionality of the new law was also disputed, but the challenge was rejected in November 2005.

While the domestic political atmosphere changed dramatically, Korea's relations with North Korea showed positive signs of moving forward. The most distinct development between the two was in regard to economic cooperation in the Gaesung industrial complex, which finally began production in February 2005. It had been over four years since South Korea's Hyundai Asan and Chosun Asia Pacific Peace Committee of North Korea signed an agreement on Gaesung Industrial Complex Development, which was expected to benefit both North and South Korea. The joint venture combined the capital and skill of the South with North Korea's land and manpower, and is planned to both ease the labor shortage of small and medium sized companies in the South and help overcome economic difficulties of North.

Although progress has been made in cross-border Korean relations, international attention focused on North Korea's contentious nuclear program. Six party talks including Japan, China, Russia and the US issued a joint statement on 19 September, 2005 in which North Korea "committed to abandoning all nuclear weapons and existing nuclear programs and returning at an early date to the treaty on the nonproliferation of nuclear weapons (NPT) and to IAEA (International Atomic Energy Agency) safeguards." Having reaffirmed that there would be no nuclear weapons in the Korean peninsula, the other parties agreed to discuss the subject of the provision of a light water reactor to the DPRK at an appropriate time. The US did, however, continue to impose financial sanctions against North Korea.

Stagnant domestic demand and aggravated consumer sentiment were characteristics of South Korea's economic situation in 2004. As

domestic consumption slumped and business investment showed no sign of recovery, the job market tightened more than ever before. GDP growth rate achieved only 4.7% in 2004, far below the targeted goal of 5.2%. This rate was expected to drop further in 2005, down to 4.0%.

The unemployment rate for young job-seekers reached a new peak, hitting 7%, while the number of credit delinquents reached 4 million and average household debt drove up to KRW30 million (USD30,000). To create jobs and solve the problem of credit delinquency, the main contributors to weak domestic consumption, the government concentrated on creating jobs in the service industry and promulgating comprehensive measures to bail out credit delinquents. Furthermore, exports, a major factor driving Korean economic growth, distinctively slowed concomitant with the increasing value of the Korean won. As the economic situation worsened, the Korean economy entered into a long term depression similar to what the Japanese economy experienced in the early 1990s.

Accordingly, some economic experts prioritize consistent growth-oriented economic policy as the chief economic task to focus on in order to overcome economic difficulties in the coming years. Improvement of Korea's business and investment environment ranked second among the top ten policy task priorities suggested by chief economists. The number three priority was to promote entrepreneurship, trailed by stabilizing labor-management relations and resolving political instability. Stabilizing the job market, fostering next-generation industries, beefing up national competitiveness, stabilizing the real estate market, and stabilizing prices were also included in the list.

The long-term economic outlook was worrisome, as economics think tanks predicted that the combined factors of sluggish domestic demand, the unstable job market, inconsistent economic policies, political instability, regulations dampening corporate activity, the strong Korean

KOREA'S EXPORTS AND IMPORTS (Unit: US\$ Billion)			
	2003	2004	2005
Exports	193.8 (19.3)	253.9 (31.0)	286.7 (13.0)
Imports	178.8 (17.6)	224.5 (25.5)	261.9 (16.7)
Trade Balance	15.0	29.4	24.8
Current Account Balance	12.0	27.6	16.9

Source: Korea International Trade Association, Bank of Korea

currency and slowed economic growth dim Korea's economic prospects for 2005. Moreover, it is predicted that the Korean economy may not fare any better the next year due to intensified polarization of the domestic economy, worsened economic sentiment and fluctuating prices, North Korea's nuclear threat, high oil prices and volatile foreign exchange rate.

Migration Update

1) Employment Permit System at a glance

A year after the passage of the Employment Permit System (EPS) bill in the National Assembly, it finally became enforceable on August 17, 2004. The EPS regulates specified industries and sets corporate requirements for employing migrant workers. Sending countries permitted to send migrant workers under the EPS are to be selected by the Foreign Workforce Policy Committee (FWPC) annually. To facilitate the decision of the FWPC, the Foreign Workforce Employment Committee (FWEC) was established under the Ministry of Labor, and will hold meetings prior to the FWPC.

Employers allowed to hire foreign migrant workers are limited to manufacturing companies with less than 300 employees, construction firms with a social overhead capital (SOC) budget of over KRW30 billion, and agricultural and

livestock industries where it is difficult to attract local workers. In addition to meeting the specified requirements listed above, employers who want to hire foreigners must prove that they have tried to recruit local workers for at least one month. They are required to apply to the Employment Security Center (now known as the Employment Assistance Center) under the Ministry of Labor to begin the process of hiring migrant workers. If Korean employers satisfy all requirements, they are legally allowed to hire foreign migrant workers for a maximum of three years.

Sending countries are selected based on the incidence of irregular migrants, employer preference, and other factors. An MOU is signed with those selected countries that meet and accept all of Korea's requirements including the country's overseas employment procedures. Each year, the above factors, as well as any irregularities in regard to sending or receiving migrant workers are taken into consideration to adjust the quotas for each country. If certain requirements are not met, the sending country's designation could be suspended. Due to Indonesia's delayed introduction of workers and corrupt recruitment process, for example, the Korean government suspended employment of Indonesian migrant workers effective June 2005. In 2004 the Labor Ministry signed MOUs with selected countries to employ new migrant workers, including the Philippines, Mongolia, Thailand, Vietnam, Sri Lanka and Indonesia.

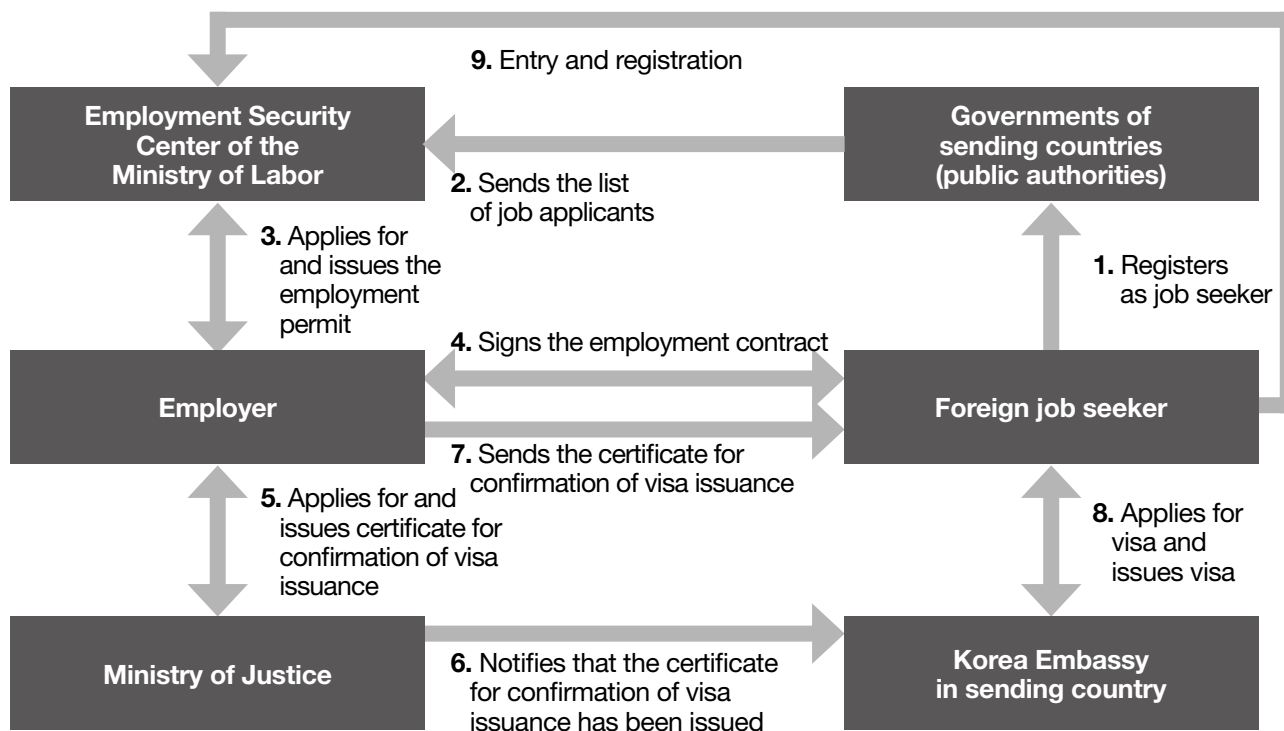
The selection and invitation of migrant job seekers are carried out by public organizations in both Korea and sending countries. Private agencies are not allowed to intervene. This is one of the big differences between EPS and the Trainee System, in that the latter has been operated by private agencies which caused many problems, particularly through its corrupt recruitment process which charged migrants exorbitant fees. For Korea, the responsibilities of job-searching and employment management for migrant workers are conducted by the Employment Security Centers of the Labor

BREAKDOWN OF FOREIGNERS BY LEGAL STATUS, NATIONALITY, 2005

Classification		Number	Major Nationalities of Foreign Residences			
Foreign Population (doc + undoc)		747, 467	China	U.S	Japan	Vietnam
			282,030 (37.7%)	103,029 (13.7%)	39,410 (5.2%)	38,902 (5.2%)
Legal Residents						
Overseas Korean		Number	China	U.S	Canada	Australia
		146,614	122,026 (83.2%)	17,788 (12.1%)	3,553 (2.4%)	1,563 (1%)
Foreign Migrant Workers (167,022)	Skilled	19,951	U.S.	Canada	Japan	U.K
			5,022 (25.2%)	4,999 (25.2%)	1,225 (6.1%)	1,163 (5.8%)
	Entertainment, Sports	3,371	Philippines	Russia	China	Ukraine
			2,192 (65%)	279 (8.3%)	280 (8.3%)	163 (4.8%)
	Non-skilled	143,700	China	Vietnam	Indonesia	Philippines
			43,330 (30.1%)	19,210 (13.4%)	17,917 (12.5%)	15,319 (10.7%)
Foreign Spouses (Pre Naturalization- foreigner)		70,381	China	Japan	Vietnam	Philippines
			42,330 (60.1%)	7,654 (10.9%)	7,218 (10.2%)	3,683 (5.2%)
Refugee		41	Bangladesh	Myanmar	Ethiopia	Cameroon
			12 (29.3%)	9 (22%)	5 (12.2%)	4 (9.8%)
Foreign Students		19,430	China	U.S	Japan	Vietnam
			13,211 (68%)	923 (4.7%)	932 (4.8%)	854 (4.4%)
Foreign Investors		6,709	Japan	China	Pakistan	U.S
			1,684 (25.1%)	1,321 (19.7%)	544 (8.1%)	474 (7.1%)
Undocumented Foreigners						
Undocumented Migrants		180,792 (100%)	China	Bangladesh	Philippines	Thailand
			79,377 (43.9%)	13,605 (7.5%)	13,249 (7.3%)	11,146 (6.25)

Source: Ministry of Justice, 2006

FLOW CHART OF EMPLOYMENT PROCEDURE UNDER EPS



Source: Ministry of Labor

Ministry. Bringing migrant workers to Korea is the responsibility of the Human Resources Development Service of Korea (HRD Korea). Governments and public organizations of sending countries are required to generate a list of migrant job-seekers three to five times greater than the quota set for the EPS. The list must include selection criteria including educational background, experience, and Korean language test scores, as stated in the MOU, and send it to the HRD Korea.

Following the first meeting in 2004, FWEC and FWPC meetings were held on 22 February and 2 March, 2005 respectively. The committee announced its plan for foreign workforce employment on 2 March. The plan includes measures to increase favorable conditions for employers who plan to hire migrant workers. Steps include the abolition of the ‘one company, one system’ principle whereby previously

one company had to employ foreign workers following either the trainees system or employment permit system, and were not allowed to hire workers under both systems at the same time. In addition, the plan repealed quotas limiting the number of migrant workers and shortened the compulsory period during which employers must prove they tried to employ local workers from one month to seven days. The plan also established a three-month probation period for newly employed migrant workers.

In addition, the HRD Korea was given the mandate to be in charge of the migrant worker employment process. Since foreign migrant labor was first formally adopted in Korea, the nationality and number of migrant workers was controlled in order to limit foreign migrant labor. This limitation is primarily justified to maintain job security for the local population, with migrant labor limited to a supplemental labor



Photo courtesy of JCMK

Joint memorial to remember migrants who died due to inhumane migration policy and discrimination while working in Korea. October 2005.

force to cover shortages in certain industries. A new 26,000 migrant workforce was planned to be introduced under the EPS for replacing migrant workers in Korea under the trainee system. In addition, a quota of 46,000 was set for the new foreign workforce to be employed in 2005. This was calculated by allowing for 18,000 new workers plus 28,000 from the quota from 2004.

According to the law, foreign workers employed under the new system are entitled to equal treatment with local workers, including protection under the nation's basic labor laws, minimum wage protection and employment insurance. On the other hand, migrant workers are also subject to restrictions under the law. They are banned from changing workplaces on their own, their contract has to be renewed every year, their legal term of stay can not exceed three years, and they are banned from bringing their families with them. Therefore, EPS also has limitations preventing migrants from fully exercising their rights, as it is based on a temporary migration policy. Furthermore,

the coexistence of two migrant employment systems provokes issues of equity among migrant workers, as migrants introduced under the EPS are entitled to rights under labor laws, while trainees are excluded.

2) Trainee System Advocates filed complaint against EPS and Government's Plan on Abolition of Trainee System

Despite the new law's facilitation of more migrant workers to Korea, not all employers are happy with the EPS. After a year of implementing the system, on 17 August, 2005 five Korean businessmen known to be members of Korea Federation of Small and Medium Businesses (KFSB) submitted a complaint to the Constitutional Court against the EPS. While the government has stated that the EPS works smoothly to supply qualified foreign workers to small and medium businesses, especially manufacturing companies, this group claimed that in fact the new labor distribution system limits their right to recruit and employ foreign workers. The group's leader claimed

Korea Significant Events July 2004 - December 2005

2004

August

(17) Employment Permit System (EPS) comes into effect.

(31) The first group of 94 Filipino migrant workers enter South Korea under the EPS.

September

(23) Special Act on Anti-Prostitution becomes effective and the government begins a crackdown on persons who solicit and/or traffick women to work in the sex industry. A 2003 study found that the country's sex trade had generated up to USD22 billion (approximately KRW23.3 trillion) in profits.

The South Korean government sends 3,600 troops to Iraq, despite a huge civil society protest against the plan due to outrage over the death of a Korean citizen in Iraq, who was killed by the Iraqi armed forces in June.

October

(21) The Constitutional Court decides that the 'Special Act on New Administrative Capital Construction' proposed by Roh's administration is inconsistent with the constitution, which provoked arguments around 'customary law'.

December

(22) First-ever government funded migrant support center opens in Seoul. The center is managed by the Migrant Workers House/Korean Chinese House.

2005

January

The government enacts special measures from 5 January to 10 February to allow undocumented migrants from Tsunami-hit countries including Burma, Thailand, India, Sri Lanka and Bangladesh to leave South Korea without penalties and free from the usual re-entry ban.

Female migrant workers who had previously

worked in an LCD factory are diagnosed with polyneuropathy, or inflammation of multiple nerves, which provoked concerns about workplace safety and migrant's health.

April

(24) The Migrant Workers' Trade Union, affiliated with KCTU, is formed. The union will fight for the legalization of undocumented migrant workers, among other issues.

June

(5) First migrant workers' cultural festival is held, sponsored by the Ministry of Culture and Tourism.

The Ministry of Labor refuses to approve the newly-formed migrant workers union.

August

(17) Five Korean businessmen filed a complaint with the Constitutional Court against the government, regarding the Employment Permit System.

September

(19) Six nations including South Korea, North Korea, Japan, China, Russia, and the US issue a Joint Statement wherein North Korea commits to abandoning all nuclear weapons and existing nuclear programs, among other things.

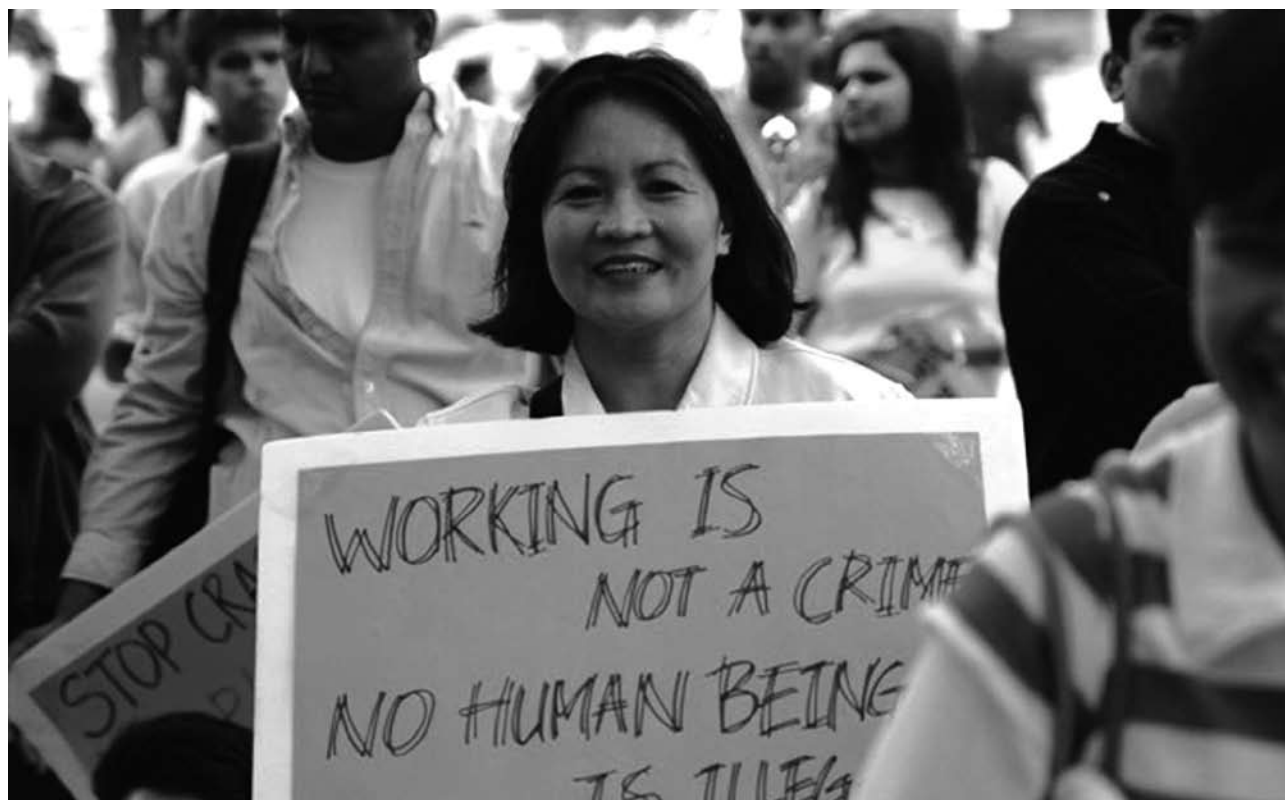


Photo courtesy of IOMK

Migrants rally against government crackdown on migrant workers, and demand labor rights in celebration of May Day, April 2006.

that the EPS restricts them from hiring foreign workers directly, which they believe is a serious infringement of management rights. According to the group, the EPS gives the government full control over the distribution of foreign labor thus preventing the market from determining labor costs.

Under the abolished Trainee System, companies under KFSB were allowed to recruit foreign workers from local agencies in 14 countries around the world. This allowed employers to take on workers from less developed countries where wages and workplace conditions were lower than the Korean standard. Due to the lack of administrative controls and protection over foreign labor distribution, the Trainee System often resulted in substandard labor conditions for migrant workers, which many believe led to the increase of undocumented migrants.

In light of the potential advantage that many

employers could glean under the Trainee System, many migrant advocates believed that the KFSB members' action against EPS was a gesture to show their resistance to the government's plan to abolish the trainee system. Despite this, the government has stayed firm in its determination to keep enforcing the EPS. The Trainee System is intended to eventually be phased out in 2007, at which time the foreign migrant employment system will be unified under EPS.

Although the EPS has come into effect, due to uncertainty regarding the implementation of the new law as well as insufficiencies in the deployment process, the number of trainees increased through corrupt procedures. A Korean staff who was working for a recruitment agency called "Lumbini" in Nepal, primarily sending trainees to Korea, was found guilty of stealing KRW3.3 billion from the workers' deployment fees. This case is believed to be just the tip of the iceberg, as several criminal cases were also filed

during this period, including cases involving the former president and vice-president of KFSB, one of the main organizations recruiting and deploying trainees to small and medium sized companies.

3) Ongoing Crackdown on Undocumented Migrant Workers

The Korean government maintains its strict measures against irregular migrants, and continues to take punitive actions against both irregular migrant workers and their employers. Those employers caught hiring irregular migrant workers are subject to three years in prison and fines of KRW20 million (about USD20,000). They are also banned from employing foreigners for the next three years. Irregular migrant workers caught without proper work visas and other necessary documents will continue to be deported.

Since the beginning of the implementation of EPS, the Ministry of Labor pledged to keep cracking down on undocumented migrant workers, estimating to number around 172,000 as of July 2004. The government justified this crackdown with claims that it is necessary for the EPS to operate smoothly. According to the Ministry, the government has given a grace period or amnesty, during which undocumented migrants could leave the country voluntarily without penalty, 18 times since 1992.

Before the EPS came into force, on 15 July, 2004 the Ministry of Justice and Ministry of Labor announced that there would be joint operation on a crackdown to reduce the number of undocumented migrants. On 19 July, 2004 the Ministry of Justice issued a press release

announcing that there would be ongoing efforts to ban the employment of irregular migrants, with a street campaign on EPS enforcement. In addition, a full scale crackdown was scheduled in the future. On 21 July, 2004 the Vice Minister of Justice held a countermeasure meeting on irregular migrants, where the government noted that since April 2004, the number of irregular migrants had increased by 8,000 persons per month. The government then planned to continue its crackdown until the number of irregular migrants was reduced to 100,000. The government also planned to prosecute those involved in illegal entry, such as middlemen.

On 7 March, 2005, a joint press conference between the Ministry of Justice and the Ministry of Labor was held to show the government's strong determination to reduce the number of irregular migrants. Measures in their plan included the prosecution of unscrupulous employers who intentionally delay wages or are involved in illegal employment. The plan also promised that until August 2005, migrant workers who voluntarily leave the country within their valid visa term will be included in the list of job seekers under EPS, and their re-entry regulation period will be shortened from one year to six months. Employers whose migrant employees leave the country within the legal term would be allowed to hire more migrant workers, with the number of new workers allotted reflecting the number of migrant workers who left Korea. Also, all irregular migrants who left Korea voluntarily would be entitled to a waiver of the fine, and the re-entry ban would be shortened from five years to one year for those who leave voluntarily.

NUMBER OF UNDOCUMENTED MIGRANTS AND DEPORTATION

Year	2000	2001	2002	2003	2004	2005
No. of undoc. mig	188,995	255,206	289,239	138,056	188,483	180,792
No. of deported undoc. mig	6,890	10,301	5,670	5,861	19,307	31,977

Source: Ministry of Justice, statistics of immigration, 2006



Photo courtesy of JCNK

One week later, the government specifically included irregular ethnic Koreans in its crackdown. On 14 March, 2005, the Ministry of Justice and the Ministry of Labor made a joint announcement that they planned to reduce the number of irregular ethnic Koreans. Their new policy stipulated that if ethnic Koreans from China and Russia leave the country within the grace period, they would be allowed to reenter the country within six months, with guaranteed reemployment under the Employment Management System (only applicable to ethnic Koreans). Irregular ethnic Korean migrants would be allowed to reenter the country for employment after one year of their voluntary return. If these migrants do not follow the voluntary return policy, however, they will face a harsh crackdown and deportation, and will be banned from entry into Korea for five years. The estimated target number for this group was

about 106,000, and the government expected about 60% of these would participate in this program.

Despite all the government's plans and announcements, however, as of May 2005, there were 199,183 irregular migrant workers, or 58.6% percent of the total 358,167 migrant workers. This was compared to only 35.5% percent in 2003. The government hoped to limit the number of irregular migrants to 160,000 by the end of 2005, with the rest of the irregular to be deported. Nevertheless, the actual number of irregular migrants reached about 180,000 by the end of 2005.

To continue their efforts to crackdown on irregular migrants, about 640 government officials and police officers staged massive street campaigns on 19-23 July and 2-6 August, distributing flyers warning irregular migrants. The police and the prosecution also jointly conducted crackdowns. As the government's crackdown became harsher, human rights violations against migrants became increasingly common, including beatings, verbal abuse, and even the use of tear gas and other extreme measures.

On 23 March, 2005, one newspaper article reported on the present state of immigration control act offenders by nationality in 2004, which had been released by the Ministry of Justice. The report showed a sharp contrast in the deportation rate based on nationality. The number of Korean Chinese, Korean Russians, Asians and Africans deported consisted of 30-40% of the total number of deportees, while only 1-2% of Americans and Japanese were deported.

4) Industrial Accidents and Occupational Health Concerns

In January 2005, five Thai female workers were found to be suffering from polyneuropathy, or inflammation of multiple nerves, which causes pain and loss of sensation in the hands and feet, then spreading to the arms and legs. The

INDUSTRIAL ACCIDENT AND DEATH RATE OF KOREAN WORKERS AND FOREIGN MIGRANTS (2004) (unit :%, person)

Industrial Accident Rate (%)			Death Rate (person)		
Total	Korean	Migrant	Total	Korean	Migrant
0.85	0.86	0.65	2.70	2.74	1.76

Source: Ministry of Labor, 2004

disease had developed after they were exposed to harmful industrial chemicals in their workplace. The women cleaned the components of flat liquid crystal display (LCD) panels with an organic solvent called “normal hexane”, a colorless and odorless substance. Prolonged inhalation of this substance causes multiple nerve disorder, paralyzing one’s limbs. The women worked an average of 15 hours a day without protective gear. Moreover, they were not given any medical checkups while they were working at the factory.

This case alarmed Korean society about the state of migrant’s health, especially that of irregular migrants. An even more shocking fact about the case was that the disease was first reported among Chinese workers in 2003, but neither the employer nor the Ministry of Labor dealt with the case seriously. It was only after the case was exposed through the media that the labor office finally decided to conduct an investigation and provide compensation.

The problem of unsafe industrial accidents in Korea has worsened in past years. In 2003, 2,336 migrant workers were injured by industrial accidents, up from 1,760 in 2002, 1,278 in 2001 and 1,197 in 2000. In addition, medical care and check-ups for migrant workers provided by their employers appears to be insufficient, which may make detection of diseases caused by industrial substances even more difficult. Moreover, since the data is collected only through compensation cases of Korea Labor Welfare Corporation, many more cases are assumed to be unreported. According to Ministry of Labor data from 2004, however, migrant workers’ accident and death

rates are lower than that of Korean workers. Also, since 2005 even irregular migrants can receive emergency medical treatment for industrial accidents at public hospitals, although upon the completion of their treatment they have to leave the country due to their irregular status.

Despite the various factors affecting migrant’s safety and health, Korea Occupational Safety and Health Agency reported that only 45.6% percent of companies which employ migrants conduct general health checkups. Moreover, only 27% percent of these businesses conduct specialized checkups, which are obligatory under Korean law for companies handling toxic materials. Such checkups are supposed to be carried out every six to 24-month period. One Labor Ministry official stated that foreign migrant workers are eligible to benefit from industrial accident compensation insurance even if they are irregular workers. It should be noted, however, that chronic diseases and poisoning are not as easy as industrial accidents to prove they occurred at the workplace, since even workers are unable to recognize that they have become ill due to chemicals on site.

To address this problem, migrant advocates recommended the strengthening of preventive measures, including increasing safety and health education, inspection of migrant workers’ working environment, improving channels of protective gear distribution, and post-arrival training on occupational safety-related language and signs in Korean. Also, early detection and early treatment is necessary by conducting health check-ups, utilizing public health institutions,

and conducting special health check-ups for a large number of migrant workers' places of employment. Finally, migrant advocates demand compensation for industrial accident victims, as well as rehabilitation support.

5) Migrant's Unionization

In mid-2005, migrant workers who formed their own union were struck a blow by the Ministry of Labor. On April 25, 2005 a group of migrant workers had launched their own labor union, the Seoul Gyeonggi Incheon Migrant Trade Union (MTU), and held its inaugural meeting at the headquarters of Korea Confederation of Trade Unions (KCTU) in Seoul. Members were primarily from Bangladesh, Nepal, the Philippines and Indonesia, and were working in Seoul, Incheon and Kyonggi Province. Before MTU was organized, migrant workers had also formed a labor union called the Migrant Workers Branch of the Equality Trade Union (ETU-MWB). ETU was composed of local irregular workers and migrant workers. After the harsh crackdown on irregular workers during late 2003 and early 2004, however, members of ETU-MWB decided to form their

own union rather than be a part of an already existing labor union.

MTU aimed to improve working conditions of migrant workers, and to urge the Korean government to legalize all irregular migrant workers. When MTU submitted the application for approval of their union to the Ministry of Labor in May, however, the Ministry of Labor decided not to approve the union and on 4 June, 2005, rejected their application. An official from the Ministry of Labor said the reason why they rejected MTU's application was because they did not submit sufficient documentation, and because most of the members are irregular migrant workers. The government did not see an organization as legal if it consists of "illegal" residents. Nonetheless, MTU members said that they would continue to strive for their rights, and would take their case to the ILC.

6) Intercultural marriages

The Korean National Statistical Office reported that one out of every eight marriages in 2005 was an international marriage, and that an increasing number of brides are coming from

**NUMBER AND PERCENTAGE OF INTERCULTURAL MARRIAGES
(NATIONAL STATISTICAL OFFICE / NO, %)**

Year	Total No. of Marriages	Intercultural Marriages	Foreign Brides	Foreign Grooms
1990	399,312	4,710 (1.2)	619 (0.2)	4,091 (1.0)
1995	398,484	13,494 (3.4)	10,365 (2.6)	3,129 (0.8)
2000	334,030	12,319 (3.7)	7,304 (2.2)	5,015 (1.5)
2001	320,063	15,234 (4.8)	10,006 (3.1)	5,228 (1.6)
2002	306,573	15,913 (5.2)	11,017 (3.6)	4,896 (1.6)
2003	304,932	25,658 (8.4)	19,214 (6.3)	6,444 (2.1)
2004	310,944	35,447 (11.4)	25,594 (8.2)	9,853 (3.2)
2005	316,375	43,121 (13.6)	31,180 (9.9)	11,941 (3.8)
1990-2005	2,690,713	165,257 (4.1)	178,299 (2.7)	45,369 (1.4)

Source: National Statistics Office

other Asian countries. From 1990 to 2005, intercultural marriages between Korean men and foreign national women increased by 159,942. This was 260 times higher than 15 years ago. In 2005 alone, 43,121 intercultural marriages were recorded, which comprised 13.6% of all Korean citizens' marriages.

In 2005 there were 31,180 unions between a Korean man and a foreign national woman, while unions between a Korean woman and a foreign national man totaled 11,941. Among intercultural marriages between a Korean man and a foreign national woman, 20,685 or 66.2% of the total were Chinese/Korean Chinese brides, followed by Vietnamese at 5,822 or 18.7%, Japanese at 1,255 or 4%, and 997 Filipinas, or 3.2%. Other foreign brides comprised 1%, and were from countries including Mongolia, the former Soviet Union and Thailand.

The most commonly found problem among intercultural marriage is domestic violence. Although there is no nationwide data on domestic violence in intercultural marriages, a survey of 100 foreign women in Gwangju conducted in 2004 by the Women Development Center, a government research agency on women issues, showed that about 30% of the respondents were suffering from some form of violence, mostly physical violence, inflicted by their husbands. The majority of the abused women allegedly endure the suffering for fear of losing their legal status in Korea. According to the current laws, foreign spouses will lose their legal status if they are divorced before obtaining citizenship. To gain Korean citizenship, foreign spouses are required to remain married for at least two years.

COUNTRY BREAKDOWN OF FOREIGN BRIDES	
Country	Number (%)
Korean Chinese	27,717 (41.6)
China	13,401 (20.1)
Vietnam	7,426 (11.1)
Japan	7,145 (10.7)
Philippines	3,811 (5.7)
Thailand	1,447 (2.2)
Mongolia	1,270 (1.9)
Russia	923 (1.4)
Uzbekistan	896 (1.4)
Others*	2,623 (3.9)

Source: Ministry of Justice

7) Government's services and programs for migrant workers

One distinct change experienced by Korean society since the EPS has come into effect has been the increased services for migrant workers provided by various government agencies. The government's position on migrant workers has been operating on dual levels: while cracking down on irregular migrants, other government agencies projected services and programs for documented migrants.

Based on the provisions of the EPS law, the first government-funded support center for migrant workers opened on 23 December, 2004. It provides free services to migrant workers, including legal counseling, health care, shelter, computer and Korean classes. The Ministry of Labor plans to set up similar kinds of support centers in various regions.

To help migrants' adjustment in society and prevent cultural conflicts in their daily lives, the Ministry of Culture and Tourism has sponsored the publishing of a cultural guidebook for migrant workers. JCMK initiated the publication, publishing the book in 14 different migrant languages. Another big event held by the Ministry was the Migrants' Cultural Festival where migrant workers shared information about their culture with local citizens. It was held on 5 June, 2005 at the Seoul Plaza in front of City Hall.

The current law stipulates that only Koreans may apply for national health insurance to subsidize their medical costs. Specifically, Korean employees subscribe to workplace insurance, while self-employed Koreans subscribe to regional health insurance. Under the EPS, legally employed migrant workers are

also eligible for company based national health insurance, while other documented migrants can join the regional health insurance scheme. Irregular migrants, however, are not eligible for any health insurance due to their legal status. In most cases, they suffer from high medical expenses, and have to pay 4 to 5 times the cost compared to insured migrants and locals.

Since May 2005, migrant workers can receive up to KRW5 million for emergency medical care, including hospitalization or surgery. This is the first time the government has agreed to cover expenses for surgery, hospitalization and expensive treatments for irregular migrant workers, as well as the local homeless. The government has set up the KRW4.6 billion fund from its earnings from lottery operations. In 2004, free medical treatment was provided for 98,600 cases at public and private hospitals across the nation, including 33,000 cases at hospitals under the Korea National Red Cross (KNRC). Although the government provides emergency medical treatment for irregular migrants, however, the applicable medical institutions are limited to secondary general hospitals. It is difficult to treat patients with complicated cases at these hospitals, but if they transfer patients to tertiary medical institutions, their expenses are not covered by the government's program.

Therefore not only the medical support program but also other government programs need to be coordinated in a more integrated manner to make them more effective and avoid becoming duplicative. More importantly, there is a need to consult with civil society groups that already developed strategies and programs supporting and promoting migrants' rights.

Responses

Overall, the period from 2004 to 2005 marked a huge transition in terms of Korea's migration policy. Even though the Trainee System was not

abolished, the differences between EPS and the Trainee System revealed the limitations of the latter. Although migration policy progressed, however, inhumane and indiscriminate crackdown and deportation revealed other problems. Throughout the period most advocacy work focused on clarifying the government's road map for unifying the migration system, as well as the regularization of irregular migrants.

1) The Struggle to Abolish the Trainee System

The Korean government announced its plan to abolish the trainee system beginning 1 January, 2007, after which time the EPS will be the only way to hire necessary low-skilled migrant labor. Civil society organizations had been demanding that the government stop introducing new migrants under the Trainee System beginning early 2006, but the road map for unifying migrant employment system was not fully accepted. Even when the Ministry of Justice tried to stop issuing Trainee visas, the KFSB and Ministry of Commerce, Industry and Energy strongly objected. Finally it was decided that until the end of October 2006, the smallest possible number of trainees would be introduced. Following the government's move toward abolition of Trainee System, the Small and Medium Business Interests Association (SMBA) organized a protest against it to safeguard its own profits from the Trainee System.

JCMK then held a press conference and rally on 8 August to demand the 'immediate abolition of Trainee System and dissolution of the SMBA, which supports modern slavery Trainee System' in front of the office of SMBA in Daejeon. On 25 October, again JCMK held a press conference denouncing each of the government agencies involved in migration policy, revealing their self-interest and political fumbblings.

Despite the government's announcement to abolish the Trainee System, there are still deep concerns about the actualization of the plan. The political process towards the year 2007 will be more concentrated on the presidential election,

thus there is a worrisome prediction that abolition of Trainee System may not be realized. Therefore, the civil society movement needs to continuously urge the government to the specific schedule to meet the plan. In particular, close monitoring is needed on bodies that are making profits from the Trainee System.

2) EPS

The EPS was introduced to solve major problems resulting from the Trainee System, which caused serious corruption in the recruiting process and led to increased undocumented migration and human rights violations. On 27 December, 2005, JCMK held a press conference regarding the first offending EPS recruitment case involving Indonesian migrants. Since June 2005 the Korean government stopped recruiting Indonesian migrant workers due to delays and corrupt recruitment process. Even though the labor contracts were canceled, however, Indonesian workers still entered Korea. JCMK has demanded that the government thoroughly investigate this case, and further enforce MOU conditions.

Another area that needs close investigation is in regard to the basic labor rights of migrant workers. Although the government asserts that the EPS guarantees the same basic labor rights to migrant workers as to local workers, labor rights violations on contract renewal, restrictions on company transfer, and other violations have to be seriously dealt with.

3) Crackdown and Deportation

Since the passage of the EPS, the crackdown and deportation of irregular migrants has constantly scared migrants into hiding and exposed them to human rights violations. A third generation ethnic Korean woman from Kazakhstan hung herself on the last day of her visa expiration, 31 July, 2005. She had been dismissed by her employer without receiving any unpaid wages or severance allowance. She had sought help from the labor office to no avail – the official warned her that the office would not be of any help if

she presented a petition. In despair, the woman finally killed herself, without knowing that in fact her case could have been settled through legal channels and she would have been allowed to stay in the country until it was resolved.

One Indonesian undocumented migrant was injured after jumping from a building to escape from raids by immigration officials on 23 August, 2005. Other undocumented migrants were deported while they were still receiving medical treatment from a car accident; they had to leave the country even though the investigation was not finished. One major problem of the crackdowns was that they were carried out without clear due process or according to applicable regulations. Instead, they were made by arbitrary decision and the exercise of public power by the Ministry of Justice. Violations including arresting legal foreigners in handcuffs, breaking doors at midnight to arrest people, pressuring migrant workers to reveal information about their friends, and similar violations continuously occurred throughout the indiscriminate mass crackdown. Finally, on 16 August, 2005, the National Human Rights Commission expressed its concerns regarding government officials' lack of due process and basic human rights violations committed against migrant workers. During the period, JCMK exposed rights violation cases through press conferences and rallies to denounce the government's crackdown policy.

4) 115 day sit-in over the policy for ethnic Koreans

The Overseas Korean Immigration and Legal Status Act (Overseas Korean Act or OKA) was legislated in 1999. When it was legislated, overseas Koreans who left Korea before the establishment of the Republic of Korea in 1948 were excluded from its application. This group included ethnic Koreans in the former Soviet Union and China, as well as Chosun nationality in Japan. Civil society groups formed a coalition to amend the law, filing suit with the Constitutional Court claiming that the law was unconstitutional.

In November 2001, the Constitutional Court made a decision that the Overseas Korean Act is inconsistent with the Constitution.

Following the court decision, the Act was amended on 9 February, 2004. However, the laws were not automatically applicable to ethnic Koreans from China and former Russia, who comprised the majority of undocumented migrants. As they were in violation of immigration law, they were asked to leave the country to get permission to legally enter the country. About 150 Korean Chinese began a sit-in from 23 August, 2005, demanding full application of the OKA and free visits.

The sit-in lasted 115 days until 15 December, when the protestors accepted the government's plan, which included creation of a visitation employment visa (H-2). The new policy enables ethnic Koreans without relatives in Korea to visit and find jobs at once (previously the Employment Management System relevant to ethnic Koreans was only applicable to those with relatives in Korea). They will receive a five year multiple visa which guarantees two-year employment per visit, without it being necessary to change their legal status from F-1-4 (visit reside) to E-9 (EPS). However, even if the new policy could solve the ethnic Koreans' problem, there remain criticisms regarding the ethnocentric element of the policy.

5) Solidarity Coalition and Activities

After a long sit-in during the mass crackdown from late 2003 to 2004, many migrant leaders were deported, which resulted in a weakening of migrant organizations. Therefore there was a need to create a venue to discuss and take collective action against the crackdown and to promote migrants' rights. The Civil Society Organizations' Solidarity for Migrant Workers' Human Rights and Labor Rights was formed based on that idea. It was proposed by Korea Confederation of Trade Union (KCTU) after Anwar, the MTU chairperson and migrant worker from Bangladesh, was arrested on 14

May. JCMK, MTU, Democratic Labor Party (DLP), Network for Migrant Human Rights, All Together, Lawyers for Democratic Society and other groups are participating members. The coalition members meet once a month to plan collective activities, and jointly celebrate International Migrants' Day annually.

Because of the nature of the organization, however, positions on the current situation of migrant workers and advocacy points vary. Therefore the coalition mainly serves as a venue to strategize on a common agenda. After one year of implementation of the EPS, the coalition held a press conference to highlight the ongoing problems regarding migration policy and urged the government to come up with comprehensive solutions.

Another coalition composed of human rights organizations and defenders is the Joint Conference of Human Rights Groups. 35 organizations, including the Sarangbang Group for Human Rights, Human Rights Solidarity for New Society, Catholic Human Rights Committee, and JCMK are involved, and meet monthly. Within the Conference, concerned groups held a seminar on amendment of Immigration Control Act on 6 December, 2005.

Such collective efforts to protect and promote migrants' rights are not limited to activities against the crackdown but also extend to advocacy to amend relevant laws.

6) Ongoing efforts for a holistic approach and reintegration program reintroduced

Despite the unstable state and rapidly changing migration policy, migrant rights groups in collaboration with various civic and social groups continue to explore ways for migrant workers and the local population to live together with greater understanding. Events such as the Cultural Festival, International Forum on Women Migrants, East Asia Forum on International Migrant Convention, and the like, are held at the local and national level, and are hoped to lead to policy advocacy.



Photo courtesy of JCMK

Children of migrant workers are demanding the government allow their parents to stay and work in Korea, holding signs that say, “Korea is my second home” and “I love Korea”.

Apart from the above mentioned efforts, one distinctive collective effort was made to establish a reintegration program. The concept and training regarding migrant savings and alternative investment was introduced during the time of economic crisis in the late 1990s. Therefore even if there were initial efforts at national and regional level it could not exist longer mainly due to economic conditions. Then, as migrants’ stay became longer and support activities diversified, migrant communities and migrant support groups formed the “Migrant Workers Voluntary Return and Reintegration

Program” in mid-2004. At the end of 2005, the consortium was composed of 15 JCMK members, the IOM Seoul Office and the Inha University Law Department.

The consortium conducted a basic survey on migrants’ needs, including both returned migrants and those currently residing in Korea. Its major activity areas are networking with migrant communities, support groups in home and host country, and government agencies, training on consciousness building regarding issues relating to prospective migrants and returned migrants and their families, skills training and other activities.