

■ Article ■

## The Migration Regime of South Korea: Three Axes of Civic Stratification

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### Abstract

The existing migration regime research tends to describe the cases of new migration destination countries simply as emerging or to treat admission, settlement and integration policies in a separate manner. This article aims to help address such limitations by supplying a comprehensive examination of the migration regime of South Korea. The article investigates the three sets of migration policies of Korea, putting each in the two divided policy categories of admission and residency and settlement and integration. In doing so, the paper reveals the way in which residency, economic (labor), and social rights of migrants are differentiated by these policies. To capture the mixed arrangements of controls and rights, the paper utilizes the concept of civic stratification which refers to a policy device to manage migrants' access to rights (Morris, 2001). It was found that the Korean government has designated ethnicity and marital relation as well as skill-level the most critical criteria in allocating the rights for admission, residency, labor participation, social benefits, and settlement/integration of migrants. Consequently, co-ethnic and (female) marriage migrants are subject to the higher level of economic and social rights and settlement/integrations chances compared to other types of migrants.

■ **Keywords** : migration regime, civic stratification, co-ethnic migration, marriage migration, South Korea

### Introduction

This article examines the migration system<sup>1)</sup> developed in South Korea (Korea, hereafter) over the ongoing process of migration growth. International migration is far from a free movement; rather it is a mobility

highly controlled by national policies (Cohen & Kennedy, 2000; Findlay & Wahba, 2013). Like international economic activities such as trade and foreign investment, human mobility cannot and does not take place in a legal or institutional void (Hollifield, 2004). Even irregular migration can be interpreted as a consequence of states' legal and institutional efforts in managing migration through constant negotiations and adjustments, rather than a result of the absence of states' control (Castles & Miller, 2009).

Since migration is an integrated element of the global economics and politics, states often develop similar tendencies in formation of migration policies, labor migration policies in particular. For example, many highly industrialized countries in Western Europe adopted guest worker systems at some point between 1945 and 1973 to supplement labor to their rapidly expanding economies (see Castles & Miller, 2009). Following the post-war migration boom, however, in the midst of economic slowdown following the oil crisis of 1973, the unexpected settlement of guest workers in Europe and increase in undocumented migrants in North America made controlling migration a central feature of both national and international migration policies (Castles & Miller, 2009; Martin, 2013). Although the global mobility of capital and labor is difficult to separate, most governments attempt to restrict labor flows or at least to adopt a managed migration approach (Hujo & Piper, 2007). However, when taking the full spectrum of migration, including family migration, into analysis, patterns of migration policies vary cross-nationally, even within the same regional bloc due to different historical legacies, institutional constraints, economic conditions and dominant social norms and cultures (Castles, 2000; Martin, 2013; Boucher & Gest, 2015).

Variations in the form of migration governance across nations enable researchers to apply the notion of *regime*<sup>2</sup> in analysing migration policies and to construct typologies. According to Boucher and Gest (2015), a variety of migration regime typologies have been developed with two different policy foci: admission and settlement/integration. Following are some examples. Focusing on admission-related policies, Freeman (1995)

makes a distinction between English-speaking settler societies (the United States, Canada and Australia), European states with post-colonial links and guest worker systems (the United Kingdom, France, Germany, Belgium, the Netherlands, Sweden and Switzerland), and new countries of immigration (Portugal, Spain, Italy and Greece); in a similar vein, Cornelius and Tsuda (2004) distinguish between classic countries of immigration (the United States, Canada and Australia), reluctant countries of immigration (France, Germany, the Netherlands and the United Kingdom) and recent countries of immigration (Italy, Spain, Japan and South Korea). With a focus on settlement (citizenship) and integration policies, Brubaker (1992) differentiates between French republicanism and German ethno-nationalism. Castles and Miller (2009, pp. 44-45) add further complexity to typologies of citizenship by identifying five categories: the imperial model, folk or ethnic model, the republican model, and the multicultural model with an addition of the transnational model. Some scholars have attempted to distinguish countries by measuring the restrictiveness of nationality acquisition and cultural rights attribution (Koopmans et al., 2012) or the character and strength of multiculturalism policies (Banting & Kymlicka, 2006). Others employ the existing typology of welfare states, notably that of Esping-Andersen (1990), in analysing (im)migrants' differing welfare entitlements according to visa status (Sainsbury, 2012).

As Boucher and Gest (2015) criticise, the existing (im)migration regime research almost exclusively deals with western states and tends to examine admission and settlement regimes in a separate manner. As a consequence, how Asia's new migrant destination countries manage migration through a mixture of admission and settlement policies has often been described simply as emerging. The current paper attempts to address these limitations by examining the case of Korea, the country experiencing the fastest migration transition in East Asia (G. Kim, 2017). Despite its short history as a migrant-receiving country, Korea has developed a range of migration-related policies and institutions. They have been introduced not only to control the fast-growing inflows of migration

(migration policy) but also to manage rapidly increasing migrant population and ethnic diversity (migrant policy). As the Korean case will testify, admission, settlement, and integration policies are not separable; in other words, migration policy and migrant policy operate together to serve specific policy aims, such as encouraging (or discouraging) certain types of migrants. I agree that a migration regime is essentially a device to select legitimate and often favored members (Baral, 2011). The most effective way to do so is to put different types (route, skill-level, gender, class, or ethnicity) of migrants subject to different rules of rights. Building on a comprehensive examination of migration policies, this study seeks to reveal in what way and under what rationales the rights of migrants in Korea are structured.

To serve this research purpose, the paper examines both admission and residency and settlement and integration policies, and each area is empirically informed by the indicators listed in Table 1. In the admission and residency area is immigration control - a main body of policy. Visa specifications, entry and residency regulations of each visa type, and special arrangements for screening migrants are examined under this area. The policy area of settlement and integration is concerned with long-term aspects of migrant lives. Although settlement and integration are ultimately linked, each may have a different emphasis: while *settlement* is more related to the legal status of migrants associated with gaining permanent residency or citizenship, the term *integration* is adopted here to describe a policy goal/tendency and a series of social programs for assisting migrants with their smooth life transition and functioning in the new country, including supports for marital stability, supports for their children, and anti-discrimination measures. I should remind the reader that my examination of the Korean migration regime is ultimately concerned with the different degrees of *rights* for entry, residency, economic (labor) participation, and social (welfare) benefits which migrants and their dependants are entitled to. This mixed arrangement of rights often based on skill level, class, nationality or ethnicity is a policy device to manage migration, called *civic stratification* (Morris, 2001, 2003). One crucial

benefit of this rights-based approach (among others) is that it encourages us to look at how migrant lives are conditioned at the broader intersections between migration policies and social (welfare) and economic (labor market) policies (Kraler & Bonizzoni, 2010; Torres & Waldinger, 2015).

Table 1.

*Analytical Frame in the Examination of the Korean Migration Regime*

Policy Area	Admission and Residency	Settlement and Integration
Description	<ul style="list-style-type: none"> <li>▪ Policies on the conditions and rights under which a migrant enters and remains in the state</li> </ul>	<ul style="list-style-type: none"> <li>▪ Policies on the conditions and rights under which a migrant gains citizenship</li> </ul>
Analytical Indicators	<ul style="list-style-type: none"> <li>▪ Rules on entry, exit and residency</li> <li>▪ Screening measures: quota (total or sector-based) and/or selection based on skills or financial capacity</li> <li>▪ Regulations on dependants</li> <li>▪ Provisions on economic (labor), civic and social rights</li> </ul>	<ul style="list-style-type: none"> <li>▪ Rules on naturalization of migrants and their dependants</li> <li>▪ Privilege systems applied to certain migrant/ethnic groups</li> <li>▪ Integration (support) programs for migrants and their families</li> <li>▪ Norms or measures for anti-discrimination (or for multiculturalism)</li> </ul>

Source. Adapted from Williams (2012, pp. 371-372)

The article is further divided into five sections. The next section overviews the migration flows to Korea based on the visa system and identifies three key migrant categories and the overall patterns of rights allocation for them. Against this institutional background, subsequent sections closely examine in turn three sets of migration policies governing each migrant group, reflecting the analytical indicators presented in Table 1. The last section discusses the findings and provides some concluding comments.

### **Key Migrant Categories to Korea and General Rules for Migrant Rights**

One useful starting point from which to comprehend the features

of a country's (im)migration system is to investigate its visa system, which specifies by type requirements the restrictions and rights regarding migrants' entry to begin their settlement. The Korean migration system is characterized by a highly segmented system of visa categories. There are currently 36 visa types to enter and remain in Korea and the official immigration information website groups all visa types into six categories according to the purpose of visit: tourism/transit, temporary visiting, business, work, visit and stay with family including overseas Koreans, education and others.<sup>3)</sup> Based on this classification, I have constructed six migration routes by reorganising the most frequently granted 28 visa types (refer to Table 2). However, it should be noted that the notion of route does not sharply emerge in the Korean migration system because regulations often differ substantially for different entry types even in the same migration route. Instead, migration policies tend to be organised for specific migrant categories indicated by visa type. In fact, the aforementioned visa classification by the government is more an informational guide than an official policy structure. and so is my formulation of migration routes here.

Table 2.

*Migration Routes and Scales by Visa Type in Korea, 2016*

Route	Visa type <sup>a</sup>	No. of migrants with the visa	% in the total migrant stock
Labor	Temporary employment (C-4)	594	0.0
	Professor (E-1)	2,511	0.1
	Language instructor (E-2)	15,450	0.8
	Research (E-3)	3,174	0.2
	Technical guidance (E-4)	187	0.0
	Special profession (E-5)	618	0.0
	Culture/art (E-6)	4,302	0.2
	Specially designated activities (E-7)	21,498	1.0
	Non-professional work (E-9)	279,187	13.6
	Seaman employment (E-10)	15,312	0.7
	'Working visit' (H-2)	254,950	12.4
Sub-total		597,783	29

Route	Visa type <sup>a</sup>	No. of migrants with the visa	% in the total migrant stock
Family	Visiting/Staying with relatives (F-1)	103,826	5.1
	Residency (F-2) <sup>c</sup>	39,681	1.9
	Family dependency (F-3) <sup>d</sup>	22,828	1.1
	'Overseas compatriot' (F-4) <sup>b</sup>	372,533	18.2
	Permanent residence (F-5)	130,237	6.4
	Marriage migration (F-6)	121,332	5.9
	Sub-total	790,437	38.6
Short-term visit	Visa exemption (B-1)	112,323	5.5
	Travel/Transit (B-2)	118,566	5.8
	Temporary visit (C-3)	190,443	9.3
	Religious work (D-6)	1,719	0.1
	Sub-total	423,051	20.7
Education & Training	Overseas study (D-2)	76,040	3.7
	Technical training (D-3)	2,950	0.1
	General training (D-4)	41,592	2
	Sub-total	120,582	5.8
Business	Intra-company transfer (D-7)	1,631	0.1
	Corporate investment (D-8)	5,999	0.3
	Trade management (D-9)	5,697	0.3
	Sub-total	13,327	0.7
Other	Other	104,261	5.1
	Total	2,049,441	100

*Note.* <sup>a</sup> English translations of visa types presented here are taken from the official website of the Ministry of Justice for foreigners. See *Hi Korea*, [http://www.hikorea.go.kr/pt/InfoDetailR\\_en.pt?categoryId=2](http://www.hikorea.go.kr/pt/InfoDetailR_en.pt?categoryId=2) (accessed on May 20, 2018). <sup>b</sup> 'Overseas Koreans' in other translations. <sup>c</sup> F-2 is granted to dependants of either Korean nationals or permanent residence visa holders, and those who want to stay longer by changing their visa type (typically semi- or skilled workers or business persons/investors). <sup>d</sup> F-3 is granted to other types of family dependants than F-2.

*Source.* KIS (2017)

Among six migration routes, labor migration (29%) and family migration (38.6%) combined dominate the total migrant stock in Korea. In the labor migration route, the two categories of unskilled labor mi-

grants—H-2 for co-ethnics and E-9 for other foreign nationals—take up the greatest portion. To the family migration route, marriage migrants (on F-6 visa) are main contributors except those already having a permanent residence visa (F-5) once we exclude F-4 visa holders. This is because F-4 visa holders (so-called overseas compatriots) can be considered labor (or economic) migrants since many of them actually come to Korea for business or (supposedly semi- or skilled) employment, although the government designates them an F type visa<sup>4</sup>). In this way, co-ethnic migrants become strongly relevant to both labor migration and family migration to Korea. Most of them had Korean nationality in the past or ancestral links somehow (Ministry of Justice, 2017).

All the different migration routes are subject to different stipulations on entry, residency, and labor/social and settlement rights, although not all types of migrants are subject to all those stages. Considering the scale and complexity of the visa system, it is impossible to cover all migration routes and visa types here. Some general rules on entry, residency, labor/social, and settlement rights are briefly discussed here. Foreigners entering Korea, except those coming through the short-term visit route and temporary employment, are granted a period of stay between as short as 6 months and less than 5 years (Ministry of Justice, 2017).

The right to access the labor market is predetermined by their skill level-based entry visas. It is a common feature of labor migration policies (refer to Introduction), and in fact a high skill level can be a critical asset to significantly increase migrants' life chances (Iredale, 2000). The Korean government tightly manages the flows of unskilled labor migrants and changes of the visa type after admission and mobility between the different skill levels are largely limited: lower skilled migrants may have some chances to move up by acquiring higher qualifications but higher skilled migrants' entering low-skilled jobs is prohibited. In contrast, family migrants' access to the labor market is not straightforward. While some dependant visa holders (F-1 and F-2) have limitations in their choice of job, F-3 holders are given full access to the labor market except certain unskilled job areas. Permanent residence visa holders (F-5) and marriage



migrants (F-6) generally enjoy greater freedom in their economic activities. Family migrants' change to a labor migrant status is also very conditional. As mentioned already, ethnicity as well as skill-level matters for migrants' economic rights in the Korean migration regime.

With regard to social rights, most migrants are in general not entitled to tax-funded (non-contributory) social benefits except marriage migrants and some permanent residents. However, contributory programs are more accessible. All documented labor migrants become immediately entitled to work-place related social insurances (for example, the Employment Insurance and the Industrial Accident Compensation Insurance) and the National Health Insurance. Any other type of migrants staying over 3 months can also benefit from the National Health Insurance after 3 months when they start paying insurance premiums (including premiums for the first 3 months). For both labor and non-labor migrants, entitlement to the National Pension is optional, determined by the mutual recognition of each other's pension scheme between Korea and the origin country.

In general, the paths leading to permanent settlement are usually open exclusively to professionals or long-term residents. In either case, the length of stay is decisive for a chance of settlement (either permanent residency or nationalization). There are some special arrangements to grant migrants a settlement right without attaching the residency requirement in Korea. Typically, however, only foreign nationals who have legally stayed consecutively at least for 5 years in Korean territory are entitled to apply for permanent residency, which then makes them eligible for a citizenship application. Linking the length of residence to a settlement right is a very effective migration control. If the government limits the length of stay or the renewal of visa, affected migrants are automatically denied the chance for settlement. The following sections examine in finer detail how these rules and regulations condition and stratify the rights of three key migrant categories—unskilled labor migrants, co-ethnic migrants, and marriage migrants.

## **Unskilled Labor Migration Policy**

The Korean government divides labor migration into two categories based on skill levels: skilled and unskilled. As noted earlier, migrant workers under two unskilled labor migration visas (E-9 and H-2) are the most important categories making up the labor migration route to Korea. However, only E-9 employment visa scheme for general unskilled labor migrants will be examined here. The H-2 visa program will be discussed in the following section in the context of co-ethnic migration policy due to its distinct policy arrangements and rationales.

### **Admission and Residency**

The admission of unskilled migration workers through the Employment Permit System (EPS E-9 visa scheme) is a highly regulated process that involves both the sending and the receiving governments. The Korean government selects origin countries for labor import.<sup>5)</sup> The EPS has seemingly contradictory policy goals: on the one hand, it helps businesses to import foreign labor more efficiently, but, on the other hand, it tries to discourage the dependency on migrant workers. The EPS thus puts in place various measures to make sure that importing unskilled migrant workers should be undertaken only as the last resort at the minimum level.

One way to control the unskilled labor admission is to place sectoral quota (refer back to Table 1). The EPS specifies applicable industries and yearly admission quota, reflecting labor demands and economic situations. Expectedly, admission has been concentrated on the industries that suffer from a labor deficit. The largest portion of the EPS workers has been allocated to the manufacturing sector (62.6% for the 2016 entry) and the second largest to the farming and dairy sector (11.1%).<sup>6)</sup> It should be highlighted that businesses in the service sector are not allowed to hire unskilled migrant workers (E-9) through the EPS. There are also regulations on the dependency ratio (the proportion of migrant workers

to the total number of employees) according to the size of business. There are ceilings: for example, manufacturing businesses whose total employees are 300 or less can hire up to 30 migrant workers, and no more than 40 migrant workers for larger businesses. Furthermore, any businesses that want to hire migrant workers via the EPS must prove that they have tried to hire native-born workers for at least 14 days.

Exit control is also in place. The government induces voluntary return by giving a chance for a contract extension or rehiring to migrants who voluntarily leave at the point the EPS contract expires. It is a more positive approach than crackdown to prevent overstays. Employers also can save costs by bringing back previous workers who are already well trained. Furthermore, the government started to call for bigger responsibilities from sending countries regarding migrant workers' return and settlement back in origin. It may refuse to renew the EPS agreement with certain sending countries according to the number of migrant workers failing to return. As a matter of fact, the Korean government suspended the EPS agreement with Vietnam in 2012 (restored 16 months later), one of the major sending countries, on account of the increasing number of Vietnamese undocumented migrant workers.

Three consecutive Basic Plans for Immigrant Policy (IPC, 2008, 2012, 2018) repeatedly confirm that the number of unskilled migrant workers should be limited to the necessary minimum. In reality, however, annual quotas for unskilled migrant workers have gradually expanded since 2009 in response to the growing demand from industries. Contrary to its policy goals, the government apparently is failing to lure skilled labor migrants. More recently, the Korean government is trying to experiment a different strategy to minimise the unskilled labor force. The government allows up-skilling of current unskilled migrant workers (IPC, 2012, p. 32): some qualified unskilled migrant workers are encouraged to upgrade their E-9 visa to E-7 (applicable to skilled- or semi-skilled occupations), which allows them more freedom in job-seeking with an increased chance of long-term stay. The Korean government directly intervenes in the process, from admission to placement and exit manage-

ment, at every stage. Since an employment contract is signed with only a specific company before the entrance, these migrant workers are given virtually zero rights to seek and change the workplace after admission.

### **Settlement and Integration**

In essence, the EPS is a short-term (up to 3 years in principle) and circulatory labor migration scheme. Unskilled migrant workers are not supposed to take up a long-term residence. Therefore, policies on settlement/integration are largely irrelevant to them. That is the reason why family invitation was not considered in the first place. Practical exclusion from the settlement/integration programs makes these workers vulnerable to discrimination and exploitation. The only way for general unskilled migrant workers to stay long is to become undocumented by overstaying. As a matter of fact, the Korean government engaged in repeated crack-downs and unexpected legalizations to control the total scale of the undocumented migrant population. This lack of consistency in migration control made migrant workers distrust the government policies, so some simply did not return, hoping another chance for legalization (S. Kim, 2010; Seol, 2000).

However, opportunities to legally stay for longer-term have been widened. For one thing, the government has continuously extended the employment permit period itself: only one year of employment at first in 2000, two years in 2002, then three years from 2007, and now almost five years, by renewing the contract. In addition, the government introduced a re-hiring scheme, called Special Return Employment Program for Diligent Workers. If a migrant worker has consecutively worked for the original company for 4 years and 10 months and the employer wants to keep hiring him/her, the worker can continue to work there for another full term after the 3 months of waiting in the origin country. This system is to encourage migrant workers to keep working for the small manufacturing and farming/fishing industries that suffer most from the chronic labor shortage. So technically speaking, migrant workers can now work

and stay in Korea almost for ten years through an extension and a rehiring; however, the increased chance for longer residence will not necessarily lead to the legal settlement of unskilled migrant workers due to the minimum length of residence and other requirements.

### **Co-ethnic Migration Policy**

Since 1999, the Korean government has introduced special migration policies targeting ethnic Koreans. These policies include various favorable treatments with regard to entry, settlement, and social and economic activities. There are two special migration tracks exclusively applicable to ethnic Koreans: those with working visit (H-2) and overseas compatriots (F-4), and each evenly share the total co-ethnic migrant stock. Those on the working visit scheme (H-2) are comparable to E-9 visa holders in that they are unskilled labor migrants and are also comparable to F-4 visa holders due to the ethno-specific entitlement.

### **Admission and Residency**

The Working Visit Programme (WVP) was launched in 2007 as an integral part of the EPS, so they share some common features regarding admission and residency: both are basically short-term circulatory unskilled labor migration schemes, and both are controlled by quotas. As summarized in Table 3, there are, however, several significant differences between the two. To begin with, admission procedures are different: E-9 visa applicants first have to pass the Korean language test, and when a visa is granted, they sign a contract only with the designated workplace even before they enter Korea. In contrast, the WVP migrants are exempted from the Korean language test<sup>7)</sup>, and enter Korea first if they are granted a visa. After completing the official induction/orientation programs, they make a contract with a company that they find themselves or that a job center introduces to them. Admission priority is given to those who can prove their direct ancestral connection to Korean nationals

(admission through invitation by families or relatives in Korea); other applicants having no familial links still can apply for a visa, but they can be admitted only when vacancy remains unfilled within the total quota.

Entitlement to social rights is almost identical for both E-9 and H-2 migrant workers, but labor rights are different. Once admitted, the WVP workers can freely seek employment in a wide range of industries (restricted only to unskilled jobs, though). Unlike the general EPS workers, they can access jobs in the service sector, even in private homes. On top of that, the WVP workers can change their work places at their will, which is a significant privilege compared to general unskilled migrant workers. No sector-based yearly quota is applied to the WVP but only to the total number of migrants (working in Korea), which is limited to 303,000 persons.

Table 3.

*Comparison between Working Visit Visa (H-2) and General Unskilled Labor Migration Visa (E-9)*

	Working Visit (H-2)	General Unskilled (E-9)
Applicable to	<ul style="list-style-type: none"> <li>▪ Ethnic Koreans from China or CIS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Foreigners from the countries having a formal labor migration agreement with the Korean government</li> </ul>
Feature	<ul style="list-style-type: none"> <li>▪ Unskilled</li> <li>▪ Short-term and circulatory (3 years + 1 year 10 month)</li> <li>▪ Free job search after orientation(education)</li> <li>▪ Free change of workplace</li> </ul>	<ul style="list-style-type: none"> <li>▪ Unskilled</li> <li>▪ Short-term and circulatory (3 years + 1 year 10 month)</li> <li>▪ Contract before arrival</li> <li>▪ Change of workplace not allowed</li> </ul>
Quota	<ul style="list-style-type: none"> <li>▪ Total stock limited to 303,000</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sector-based yearly quota</li> </ul>
Employment area	<ul style="list-style-type: none"> <li>▪ Manufacturing, construction, agriculture/dairy, fishing, storage, recycling</li> <li>▪ Service (e.g., sales, hospitality and institutional/personal care)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Manufacturing, construction, agriculture/dairy, fishing, storage, recycling</li> </ul>
Change to skilled work visa	<ul style="list-style-type: none"> <li>▪ Conditionally possible</li> </ul>	<ul style="list-style-type: none"> <li>▪ Denied</li> </ul>

Source. Summarized by the author from Ministry of Justice (2017)

## Settlement and Integration

In principle, the WVP migrant workers, like general unskilled workers, are not automatically entitled to settlement/integration rights. As it is, they will not be able to meet the requirement for settlement. Like the E-9 workers, they can remain only for 4 years 10 months and must leave and come back even in the case that they are to be rehired. However, the Korean government provides legal opportunities through which they can pursue settlement. Firstly, the WVP workers can upgrade their status to overseas compatriot visa (F-4), which guarantees repeated visa renewal without entry. With an F-4 visa, securing permanent residence and even naturalization becomes much easier. To be eligible, they have to have consecutively worked for over 2 years for industries specified as suffering from the labor deficit the most. Secondly, the WVP migrants can make a special application for a permanent residence visa (F-5) directly. In this case, conditions are much tougher: they are expected not only to have longer work record (over 4 years in the certain industries) but to prove they have the finances to sustain themselves (Table 4).

Table 4.

*Comparison between Working Visit Visa (H-2) and Overseas Compatriot Visa (F-4)*

	Working Visit (H-2)	Overseas Compatriot (F-4)
Applicable to	<ul style="list-style-type: none"> <li>▪ Ethnic Koreans from China or CIS countries aged 25 or above</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ethnic Koreans who had a Korean nationality in the past, or at least one of their parents or grandparents have (or used to have) a Korean nationality.</li> </ul>
Eligibility options	<ul style="list-style-type: none"> <li>▪ One registered as a Korean nationality when born, and their lineal descendants</li> <li>▪ One invited from a close relative in Korea who is a Korean citizen or a permanent resident</li> <li>▪ One who has greatly contributed to the national interests of Korea</li> <li>▪ Dependent spouse or parents of an</li> </ul>	<ul style="list-style-type: none"> <li>▪ Professional employed in Korea for more than 6 months</li> <li>▪ Skill license holder</li> <li>▪ Higher degree holder in science and engineering</li> <li>▪ Permanent resident of OECD countries</li> <li>▪ Foreign government official / law maker for more than 5 years</li> <li>▪ Representative of overseas Korean</li> </ul>

	Working Visit (H-2)	Overseas Compatriot (F-4)
	overseas study visa (D-2) holder <ul style="list-style-type: none"> <li>▪ One who used to work in Korea with a H-2 visa and voluntarily returned</li> <li>▪ Among ethnic Koreans who cannot prove their ancestral links: randomly selected within the total quota</li> </ul>	communities <ul style="list-style-type: none"> <li>▪ Executive officer of a corporation</li> <li>▪ CEO of a corporation (valued more than 100,000 USD)</li> <li>▪ Private investor (more than 100 million KRW)</li> <li>▪ H-2 visa holders who having worked over 2 years for childcare, manufacturing, agriculture/dairy, or fishing industries</li> </ul>
Labor Rights	<ul style="list-style-type: none"> <li>▪ Restricted to 38 unskilled jobs specified by the government</li> <li>▪ Residence: maximum 4 years 10 months, re-entry allowed</li> <li>▪ Family: not allowed except students</li> </ul>	<ul style="list-style-type: none"> <li>▪ No restrictions except 38 unskilled jobs specified by the government</li> <li>▪ Residence: 3 years but repeatedly renewable</li> <li>▪ Family: spouse and minor children are granted visit/stay visa (F-1)</li> </ul>
Other Rights	<ul style="list-style-type: none"> <li>▪ Settlement: those who having worked over 4 years for manufacturing agriculture/dairy or fishing industries can apply for a permanent resident visa (F-5), if meeting income and/or skill level criteria.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Settlement: eligible to apply for a permanent resident visa (F-5)</li> </ul>

*Source.* Summarized by the author from Ministry of Justice (2017)

Considering how cautious the Korean government has been about the increase in unskilled labor migrants, it is surprising to see the Korean government taking a very generous and permissive attitude toward the admission and settlement of co-ethnic migrants. As European experiences testify, it is not uncommon for states to adopt such selective migration policies based on ethnicity (Joppke, 2005a; Skrentny et al., 2007). Germany, for example, has developed a migration policy favorably treating ethnic German returnees from Russia or Eastern Europe, through special arrangement for their resettlement and quick integration (Joppke, 2005b). An interesting point is that not all ethnic migrants are equally treated. They are often subject to differing treatments by their origin nationality and the skill level in terms of social/labor and membership rights. In other words, certain types of co-ethnic migrants are more (or less)



welcomed than others. It is also the case in Korea, which has developed a hierarchical policy approach in a very explicit way, to privilege co-ethnic migrants from so-called advanced countries or who have higher socio-economic status despite the rhetoric of having the same blood (Seol & Skrentny, 2009a).

### **Marriage Migration Policy**

International marriages between Korean males and foreign females have increased in frequency from the early 2000s with the proliferation of private brokers, some of which were found to be unlicensed or scams (Park, 2011; J. Kim et al., 2014). As the incidents of agency exploitation, fraud marriages, and settlement failure grew with an increasing number of marriage migrants, the central government began to be actively involved in managing the entire process of marriage migration, from pre-departure orientation to integration and beyond. Such extensive policy initiatives predominantly for female marriage migrants have led to a creation of a very inclusive yet controversial marriage-based family migration regime in Korea.

### **Admission and Residency**

In order to regulate the inflow of marriage-based migration, the Korean government set up a separate visa type, Marriage Migrants (F-6) in 2011. Previously, marriage migrants were categorized and managed as a sub-category of other types of family (dependant) migrants.<sup>8)</sup> This regulation took three forms. Firstly, international marriage brokers are now required to meet a certain level of financial status to maintain their registration and are subject to regular on-site inspections. Secondly, Korean nationals from 2014 who want to bring a marriage-partner from abroad have to prove that they have a minimum level of income according to their family size<sup>9)</sup> and suitable accommodation (KIS, 2014). Thirdly, proving a basic level of Korean-language proficiency was newly attached

as a requirement in 2014.

Once admitted, marriage migrants can enjoy a far greater level of labor and social rights, compared to other prominent labor and family migrant groups (Table 5). They are permitted to participate in the labor market without any restrictions. They are also eligible for various social welfare provisions. Contributory social assistances are accessible to most migrants; however, unlike labor migrants or even permanent residents, marriage migrants are entitled even to public assistance benefits for poor households. In addition, extensive social service programs are provided to them and their families. The official recognition of the social rights of migrants is by no means strong in the Korean welfare state (Hong, 2018). However, social support on marriage migrant/families has been surprisingly generous than other groups of migrants, which often invited strong criticism of discrimination and inefficiency from the government itself (IPC, 2012, p. 15).

Table 5.

*Labor and Social Rights of Marriage Migrants in Korea*

Area	Marriage migrants (F-6)	Labor migrants (E-9, H-2)	Permanent resident (F-5)
Labor rights	<ul style="list-style-type: none"> <li>▪ Full access</li> </ul>	Limited to certain skill level and sectors	Full access
Public assistance (tax-funded)	<ul style="list-style-type: none"> <li>▪ Basic Livelihood Security</li> <li>▪ Emergency Medical Subsidy</li> <li>▪ Disability Grant</li> <li>▪ Emergency Medical Grant</li> <li>▪ Basic Old-age Pension (conditional)</li> <li>▪ EITC (conditional)</li> <li>▪ National Pension System</li> <li>▪ Employment Insurance</li> </ul>	Not eligible	Not eligible
Social insurance (contributory)	<ul style="list-style-type: none"> <li>▪ Industrial Accident Compensation Insurance</li> <li>▪ National Health Insurance</li> <li>▪ Long-Term Care Insurance</li> </ul>	Eligible to all	Eligible to all
Social service (tax-funded with	<ul style="list-style-type: none"> <li>▪ Emergency medical support</li> <li>▪ Support to prevent domestic</li> </ul>	Eligible to Emergency medical	Not eligible

Area	Marriage migrants (F-6)	Labor migrants (E-9, H-2)	Permanent resident (F-5)
some user-charge)	<ul style="list-style-type: none"> <li>violence and prostitution</li> <li>▪ Support for lone-parent</li> <li>▪ Korean language training service</li> <li>▪ Child development/education support</li> <li>▪ Job finding/training support</li> <li>▪ Other</li> </ul>		

Source: Adapted from A. N. Kim et al. (2012); Ministry of Justice (2017)

### Settlement and Integration

The Korean government has been most active in assisting marriage migrants to quickly settle and become naturalized (IPC, 2012, 2018). Therefore, requirements and procedures for permanent residency or naturalization tend to be less demanding and simpler than for other types of migrants. Recently, however, conditions of settlement of marriage migrants have also been tightened. The government tries to make it a principle for migrants to obtain a permanent residence visa first and wait on probation before they can finally apply for citizenship. In the interim, the government monitors marriage records to prevent ineligible residence. It is very interesting to note that marriage migrants' rights to residence are often tied to their marital status or parental roles: if marriage migrants divorce, either upon agreement or at their primary fault, they are denied residence status but they are exceptionally allowed to remain for a limited time in case they are the sole care-givers for Korean-based children.

As the number of families formed through international marriage continues to grow, the government has expanded integration programs. The fast and complete adaptation and integration of marriage migrants and their children into Korean society has become a priority of marriage migration policy in Korea (Ministry of Gender Equality and Family, 2012). The Korean government made it clear that marriage migrants' full membership and related rights are to be allowed on the condition of their willing integration to the Korean society (IPC, 2012). The reasons

behind the greater emphasis on full integration of marriage migrants are three-fold. Firstly, marriage migrants are expected to stay, unlike labor migrants. Secondly, marriage migrants have more diverse ethnic backgrounds than labor migrants, which can be a major challenge in a predominantly ethnically and culturally homogenous society of Korea. Lastly, but more importantly, the successful social functioning of (female) marriage migrants as wives, mothers, and daughters-in-law is strongly implicated in the family migration regime of Korea (G. Kim & Kilkey, 2016, 2018).

### Discussions and Conclusion

Drawing on the analytical indicators adopted from Williams (2012), I have investigated the Korean migration policies governing the three major migrant categories. Despite Korea's relatively short history as a migrant destination, the Korean government has quickly developed a comprehensive migration system. In a nutshell, the Korean migration regime can make a typical example of so-called *managed migration* regarding both admission and settlement/integration policies. The Korean government has been actively engaged in managing the migration flow and existing migrants with various policy instruments, making its migration regime multi-faceted. A key instrument to manage migration is stratifying different migrants along the axes of skill, ethnicity, and marital relations, with regard to how they are controlled and what rights are assigned to them.

The Korean labor migration regime, to begin with, stratifies migrants' rights of entry, residence, and labor/social rights based on their skill level. Despite the government's expressed preference for skilled or professional labor migrants, unskilled labor migrants have dominated the stream. The Korean government takes a dualistic approach to remedy this situation by seeking to invite more skilled migrant workers while restricting the number of unskilled workers and the length of their stay (Castles & Miller, 2009, p. 188). Unskilled migrant workers are welcome

to fill the labor shortage in specific industries in the fixed term (Seol & Skrentny, 2009b). However, their rights to change workplaces are strictly denied lest they disturb the domestic labor market. Tight restriction on applicable industries and quotas are justified in the same vein. Then every effort is made to make sure their return home after the contract. Limiting their continuous stay to less than 5 years is one of the government's devices to prevent the settlement of unskilled migrant workers. However, they have a good chance to stay for almost ten years since the Korean government itself keeps breaking the circulatory non-settlement principle for unskilled labor migrants by making various exceptional measures. If this situation continues, to keep denying the rights of family invitation and other social rights could be neither plausible nor justifiable. Many of them can become *de facto* long-term settlers, as witnessed under European guest worker programs (Martin, 2013).

Secondly, Korea has developed an ethno-specific migration regime. The government explicitly favors migrants having the same ethnic background by introducing special migration programs. Co-ethnic migrants in general are allowed much higher chance of employment and settlement. It is very interesting to see how a democratic nation state that is built on constitutional citizenship actively embraces a certain group of *foreigners*, drawing on a very sentimental notion of same blood and granting them privileges accordingly. Discrimination based on nationality has been eradicated to the large extent by law, but discrimination based on ethnicity has been newly created by the Korean migration regime (N. H. J. Kim, 2008). Favoring co-ethnic migrants, however, should be understood in relative terms: they are preferred over other foreigners but they are less desirable than skilled migrants, not to mention the native-born (Seol & Skrentny, 2009a). For skilled labor migrants and marriage migrants there is no ethnic preference attached. This is why co-ethnic migration is most noticeable in the unskilled labor market. Putting the first and the second axes of civic stratification together, the Korean labor migration regime can be illustrated as in Figure 1.

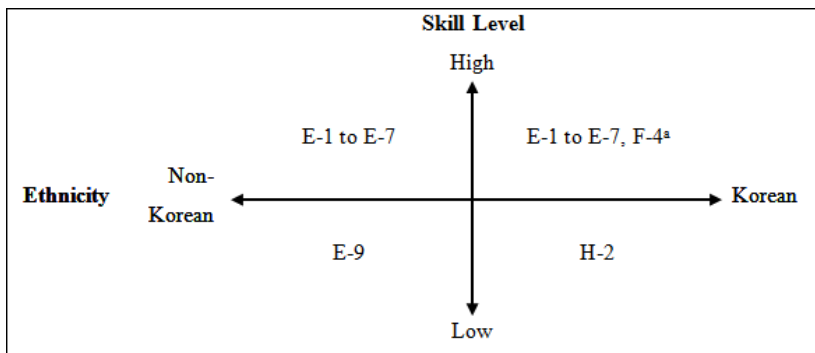


Figure 1. Labor migration regime of Korea by skill and ethnicity (visa type)  
 Note. <sup>a</sup> Not all F-4 visa holders are labor migrants.

Thirdly, Korea has developed a highly feminized and marriage-based family migration regime, although there is no gender-specific entry control in all migration routes. The dominant pattern of international marriages in Korea is the marriage between a Korean male and a migrant female. The Korean government thus has developed for female marriage migrants a series of orientation, adaptation and integration programs, which are rather controversially called multicultural family policy (J. Kim et al., 2014; Lee, 2014; N. H. J. Kim, 2015; Yi & Jung, 2015). Marriage migrants, consequently, can enjoy higher levels of social and economic rights compared to other types of migrants. While the labor migration regime is characterized in the main by circulatory anti-settlement policies combined with special tracks for co-ethnic migrants, marriage migration and the associated policies actively support marriage migrants to settle and be integrated regardless of their ethnic backgrounds. The Korean government seems to solve this apparent contradiction by subsuming marriage migrants under the familial context by labelling them *multicultural families* (G. Kim & Kilkey, 2016). By doing so, the government effectively ties sense of belonging to the rights for permanent residence, integration, and other social rights (IPC, 2012, pp. 19, 40).

To conclude, a migration regime is ultimately related to how a country defines its membership, and the criteria such as skill level, ethnicity,

gender, and class dictate this transnational membership selection (Baral, 2011). The Korean government also has been extremely cautious in deciding who can be legitimate members. The government wants to make sure that while certain migrants are welcome to contribute to the economic and social functioning, their growth should not undermine a cohesive national identity (Parreñas & Kim, 2011). To achieve this challenging policy goal, the government has designated ethnicity and marital relation as well as skill-level the critical criteria in allocating the rights for admission, residency, labor participation, social benefits, and settlement/integration of migrants. As Cohen and Kennedy (2000, p. 206) pointed out, “migration shopping” can be widely found to a varying degree among many countries of immigration. Korea is simply not an exception, and its instrumental approach has been even more conspicuous.

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- 1) The article is only concerned with incoming migrants to Korea, and migrant and migration are preferred here to avoid negative connotations often associated with immigrant and immigration such as problematization and marginalization (Anderson, 2010; see also Wrench et al., 2016 for a more comprehensive discussion of the terminology regarding migrants especially in the European context).
  - 2) The term regime typically refers to the way countries cluster by dominant patterns and logics of state policies against certain agenda (Esping-Andersen, 1990, p. 26; Lister et al., 2007, p. 2; Williams & Gavanas, 2008, p. 15).
  - 3) *Hi Korea*, [http://www.hikorea.go.kr/pt/InfoDetailR\\_en.pt?categoryId=2](http://www.hikorea.go.kr/pt/InfoDetailR_en.pt?categoryId=2) (accessed on May 20, 2018).
  - 4) This research follows the government classification (see KIS, 2015, p. 20)
  - 5) Countries with which Korea has arranged memoranda of understanding (MOU) for the EPS include Vietnam, Indonesia, Cambodia, Thailand, Sri Lanka, The Philippines, Nepal, Uzbekistan, China, Myanmar, Bangladesh, Mongolia, Pakistan, and others (ordered by majority) ([http://kosis.kr/statHtml/statHtml.do?orgId=118&tblId=DT\\_11827\\_N001Ref](http://kosis.kr/statHtml/statHtml.do?orgId=118&tblId=DT_11827_N001Ref), accessed on May 20, 2018).
  - 6) See EPS website, <https://www.eps.go.kr>
  - 7) The Korean language requirement was abolished in 2011 because the government believed that the test was meaningless (too easy) for co-ethnic applicants but only delayed the procedure to admit them (<http://www.yonhapnews.co.kr/politics/2013/01/11/0512000000AKR20130111164800026.HTML>, accessed on July 1, 2013).

- 8) Visa types applicable to marriage migrants: F-1-3 and F-2-1 before 2009; F-2-1 and F-5-2 (after 2010); F-2-1, F-5-2 and F-6 from 2011
- 9) For example, 17 million KRW per annum for a couple (equivalent to 15,600 USD) as of 2017



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