

Convergence and Divergence in Immigration Policy in Northeast Asia¹

In-Jin Yoon (Korea University)

Abstract

In this paper, I attempt to examine and compare characteristics and conditions of migrant workers and foreign labor policy of Korea and Taiwan.² I pay special attention to the divergence in foreign labor policy between Korea and Taiwan and propose that policy network between the government and civil society was a crucial factor of progressive reforms in Korea in foreign labor policy in particular and multicultural policy in general. Main findings are as follows. Korea and Taiwan formulated foreign labor policy in the early 1990s to import migrant workers to solve labor shortage in labor-intensive industries. Taiwan adopted the employment permit system while Korea followed a Japanese model of trainee system. The Korean government implemented proactive and progressive foreign labor policy and improved significantly status and conditions of migrant workers during the last decade while the Taiwan government did not engage in policy reform as actively as the Korean government. The strong political belief and leadership of the president, the ability of government bureaucrats to form policy network with civil society organizations, and the public acceptance of progressive immigration policy produced immigration policy reforms in Korea.

I . Introduction

Northeast Asia has become a rapidly globalized region in Asia not only in terms of the cross-border movement of capital and goods, but also in terms of the movement of people. Migrant workers, visitors and tourists, students who study abroad, and marriage immigrants cross national borders at an increasing rate and establish complex networks

¹Paper prepared for presentation at the Asian Sociology Workshop at the Institute of Sociology, Academia Sinica, Taiwan, December 16, 2011. This paper is still in progress and do not cite without the author's permission.

²This paper focuses on migrant workers and the government policy of foreign labor in Korea and Taiwan. My next research will include Japan and cover broader issues such as marriage immigrants and multicultural policy.

of interpersonal relationships. As a result, Northeast Asia has become a transnational space for the economy, culture, family, community, and identity.

Japan, Taiwan, and South Korea (hereafter Korea) are leading countries in Asia that admit increasing numbers of migrant workers and marriage immigrants. As a result of immigration, racial and ethnic diversity of the three countries has significantly increased, challenging each country with unprecedented phenomena. The three countries face similar tasks of accommodating new members of society and help them integrate to mainstream society. They also need to educate the public to tolerate and coexist with immigrants in an increasingly multicultural society.

Korea is a good example of rapid social transformations as a result of international migration. As of March, 2009, there were 568,906 foreign migrant workers in Korea who began to come in the late 1980s to fill in labor shortage in so-called “3-D industries” where native workers are reluctant to work. About 17% of the migrant workers are known to be undocumented who left the initially assigned workplace without permission or stay in Korea after the visa expiration date (Korea Immigration Service, 2009). These undocumented workers are subject to many forms of discrimination and human rights violation. Also, as of December, 2008, there were 122,552 marriage immigrants, most of whom are Asian women who came to Korea to start a new life with great expectations. Contrary to their expectations, however, many of them experience great difficulties in adjusting to a new environment due to language barriers, cultural differences, economic hardships, and insufficient support from the husband and the family-in-law (Chung et al., 2006). In addition, as of December, 2008, there were about 58,000 children of international marriage and about 90% of them were enrolled at the primary and secondary levels (Korea Immigration Service, 2009). Many of them are reported to have difficulties in learning at school and receiving proper care and nurturing from their parents. They are also targets of bullying at school because of their skin color and appearances that distinguish them from native children. It is reported that 8,000 children of migrant workers at school ages are outside schools and neglected from compulsory education because of economic difficulties and illegal status of their parents (Cho, 2006). When they become adults and try to enter the labor market, they are likely to experience disadvantages and discrimination due to racial differences and insufficient human capital.

Taiwan admitted foreign migrant workers and marriage immigrants earlier than Korea did. There were 417,385 migrant workers and 404,142 marriage immigrants in 2008. Migrant workers accounted about 3% of the Taiwan’s labor force and marriage immigrants constituted 25% of all marriages in 2008. In that sense, the impact of

international migration on the economy and society should be greater in Taiwan than Korea. Like its Korean counterparts, migrant workers in Taiwan are reported to suffer serious violations of human and labor rights such as expensive referral fees, deduction of security deposit from salary, no or limited days off, no change of business or workplace, and sexual harassment in the case of domestic or care workers (Cheng, 2003). Women marriage immigrants, especially from Asia's developing countries and mainland China, are subject to prejudice and stereotypes and children of these women have disadvantages at schools and society (Tseng, 2008). Because of a higher proportion of immigrants in the total population, issues of social adaptation and integration of immigrants must be more serious in Taiwan than Korea and Japan, and more active measures should be taken by the Taiwan government and civil society.

Because of similar cultural backgrounds, similar stages of social and economic developments, and geographical proximity, Japan, Taiwan, and Korea have experienced similar demographic changes and multicultural phenomena. These initial similarities helped the three countries adopt similar immigration policy in the 1980s and early 1990s. The three countries imported unskilled migrant workers on a short-term and rotation basis, and did not allow reunification with family members and permanent settlement. They have been strict or stingy in allowing refugee status to asylum seekers, but have been generous to highly skilled and professional workers and tried unsuccessfully to solicit them as part of their globalization strategies. Japan and Korea favored co-ethnics from abroad, such as in the case of Japan, Nikkeijin (people of Japanese ancestry from South American countries), and in the case of Korea, Chosunjok (people of Korean ancestry from China). As Cornelius and Tsuda (2004: 4) pointed out, they experienced a policy gap between the officially mandated number and type of immigrants and the actual number and type of immigrants who enter the country. As far as the policy gap is concerned, they have not been so successful in attracting global talents and keeping migrant workers from becoming permanent members of society.

The convergence hypothesis seems to hold for the Northeast Asian countries until the 1990s, but the three countries started taking different courses in the late 1990s and 2000s and Korea led the divergence track. For example, Japan continues to hold on the trainee system and withstand the import of regular foreign workers, while Korea abandoned the Japanese model of trainee system in 2007 and now employs the employment permit system that treats migrant workers as regular workers not trainees. Under this new labor contract system, migrant workers in Korea are legally employed, protected by labor law, and are able to change business or workplace for a maximum of three times if terms of employment are violated. The Korean government developed

cooperative policy networks with civic groups and NGOs to protect and assist migrant workers as we can see in the case of migrant workers centers that are established by the government but are operated by NGOs to provide migrant workers with consultations, Korean language and culture classes, medical care, and other services.

Taiwan led Japan and Korea in foreign labor policy when it enacted the Employment Service Act in 1992 that admitted foreign workers as regular workers whereas Japan and Korea admitted foreign trainees but used them as workers. Despite its initial advancement, Taiwan seems to have fallen behind Korea in advancing status and rights of migrant workers. Taiwan has developed a highly regulative and effective guest worker system from the beginning (M. Lu, 2008). It also relies heavily on private recruitment agencies (or brokers) to recruit and manage migrant workers. Migrant workers in Taiwan are reported to pay expensive referral fees, receive low wages, cannot change employers, and in the case of domestic workers no holidays or day offs are allowed. By contrast, Korea authorizes a government organization to recruit and manage migrant workers and such a public administration system reduces significantly if not completely recruitment-related corruptions. During the past two relatively progressive governments of Kim Dae-Jung and Roh Mu-hyun, Korea improved significantly conditions and rights of migrant workers by establishing new laws and expanding basic benefits to foreigners. During the same period, however, Japan and Taiwan were not as proactive as Korea to adopt progressive measures and policy toward migrant workers. Japan has a long tradition of grass-roots civil society and NPOs that assist immigrants to adapt well to their local communities and coexist with Japanese nationals. The central government of Japan does not, however, play as active roles as local governments and civic organizations to respond to multicultural phenomena such as the establishment of new multicultural laws and education systems (Kim et al., 2007; Yamanaka, 2009).

Despite important similarities and differences among the three countries, previous research tends to focus on single country with several notable exceptions like Chien-Yi Lu's study of foreign labor policy of Taiwan and Japan (C. Lu, 2000) and Yamanaka's study of immigration policy of Japan and Korea (Yamanaka, 2009). More research with comparative and theoretical perspectives is needed to examine and analyze common issues and actions the three countries face and employ to cope with new challenges.

In this paper, I attempt to examine and compare characteristics and conditions of migrant workers and foreign labor policy of Korea and Taiwan.³ I pay special attention

³This paper focuses on migrant workers and the government policy of foreign labor in Korea and Taiwan.

to the divergence in foreign labor policy between Korea and Taiwan and propose that policy between the government and civil society was a crucial factor of progressive reforms in Korea in foreign labor policy in particular and multicultural policy in general.

Specific research questions I address in this paper are as follows:

First, under what conditions migrant workers have entered Korea and Taiwan? What characteristics and motivations they have?

Second, how do migrant workers fare in Korea and Taiwan? What are their problems and concerns? What are legal, political, social, and cultural barriers against their adjustment and integration?

Third, what policies Korea and Taiwan have taken and how they have changed over time and what prompted those changes?

Fourth, what kinds of actions and roles civil society organizations have taken to protect migrants in Korea and Taiwan?

I rely on literature review for information on international migration, conditions of migrant workers, and government policy of migrant workers in Korea and Taiwan. I also use secondary data from government statistics and survey research conducted by individual researchers and research institutions. I supplement this research by information and insights I gathered from my previous research on multicultural discourse and policy in Korea (Yoon, 2009). I also conducted a short-term field research in Taipei in July, 2008 where I interviewed a number of researchers, government officers, NGO activists, and immigrants.⁴ During my field research, I also visited several ethnic business strips, a shelter for migrant workers, and a primary school that runs multicultural education and programs. While I discussed with my informants, I compared constantly Korea and Taiwan to find how they are similar to or different from each other and tried to search clues for the observed similarities and differences.

II. Conditions of Migrants Workers and Foreign Labor Policy

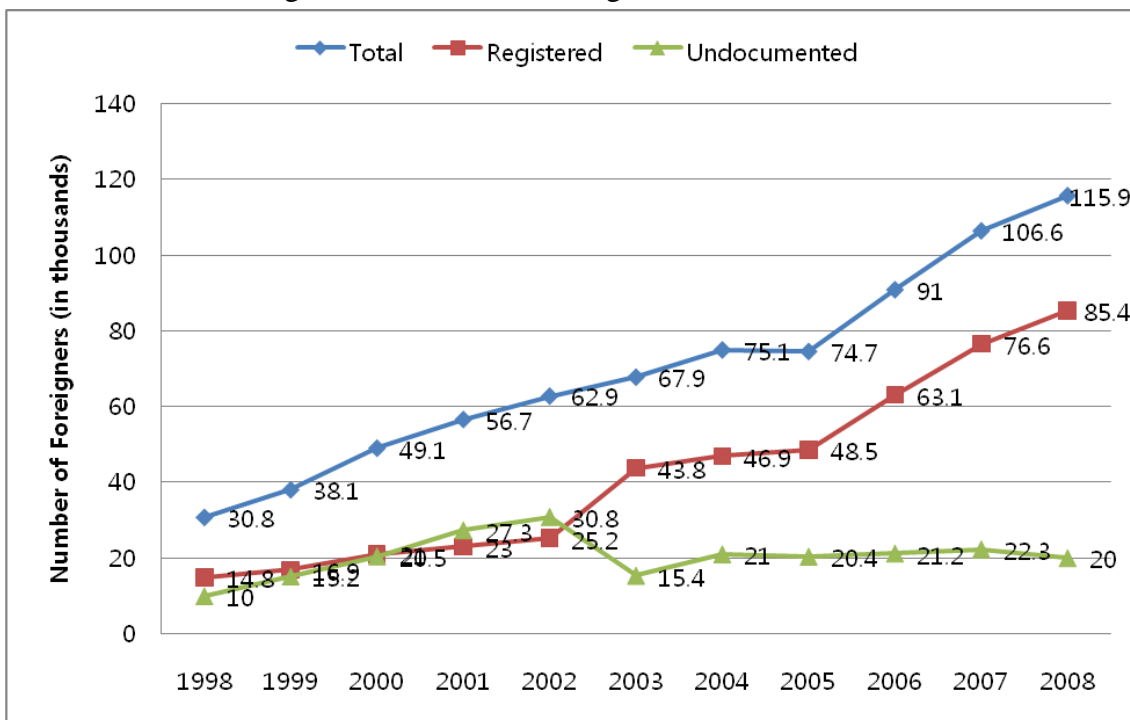
My next research will include Japan and cover broader issues such as marriage immigrants and multicultural policy.

⁴Two of my sociology graduate students of Korea University, Young Ho Song and Yang-Sook Kim, participated in the field research and helped note taking and report writing. I also thank Jun-Ho Shin for interpretation and information about Taiwanese society.

1. Korea

Until the 1980s, Korea was mainly an immigrant-sending country. When it began export-oriented economic development in the early 1960s, the Korean government encouraged emigration to reduce population pressure in the nation and gain remittances sent home by Koreans abroad. Since the 1988 Seoul Olympic Games, however, Korea experienced a sharp decline in emigration but a rapid increase of foreign visitors and residents. During the past decade, the number of foreign visitors to Korea increased 80% from 7,506,804 in 1997 to 13,526,136 in 2008 and the number of foreign residents increased 135% from 386,972 in 1997 to 1,158,866 in 2008, accounting for 2.3 percent of the total Korean population.

<Figure 1> Number of Foreigners in Korea, 1998-2008



Source: Korean Immigration Service, 2009.

The increase of foreign residents has been driven mainly by two different flows: migrant workers and marriage immigrants. Migrant workers began to enter Korea in the late 1980s and continued to increase since then. There was 142% increase of migrant workers from 1995 to 2005 (140,000 in 1995 to 345,000 in 2005). In March, 2009, the

official number of migrant workers reached 568,906, and out of 568,906 migrant workers, 52,287 (9.2%) were counted as undocumented workers.⁵ Male workers were more numerous by constituting 77.5% of all migrant workers. The largest sending country was China and half of Chinese migrants were ethnic Koreans (or Korean Chinese). Other sending countries included the Philippines, Vietnam, Bangladesh, Indonesia, Thailand, Mongolia, Uzbekistan, Pakistan, Sri Lanka, Russia, India, Nepal, Kazakhstan, Myanmar, and Iran.

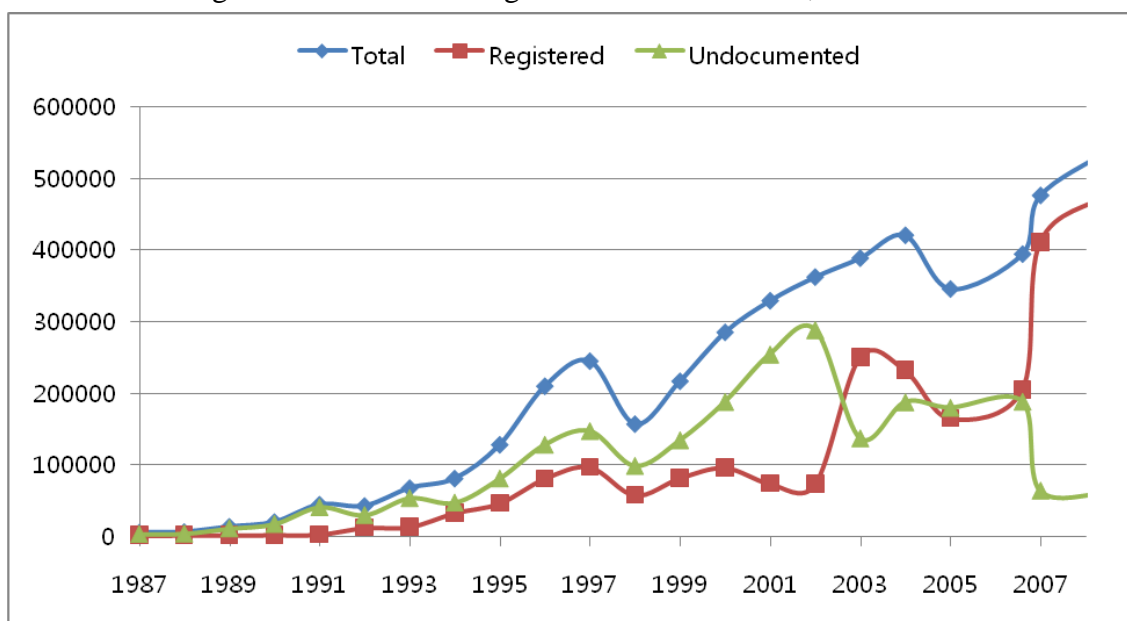
The history of labor migration in Korea began informally in the late 1980s when foreigners or ethnic Koreans from China entered Korea as visitors or tourists and stayed beyond the visa expiration date to work. Their number was small and they were not counted as migrant workers. A formal labor migration began in 1991 when Korean firms with offices overseas began to recruit migrant workers as “trainees” to work in their headquarters in Korea, and in 1994 private employers’ associations—such as the Korea Federation of Small and Medium Business (KFSB), the Construction Association of Korea, the National Federation of Fisheries Cooperatives, and the Korea Shipping Association—followed suit by recruiting migrant workers as “trainees.”

Although termed “trainees,” these foreign workers received no genuine training and were instead immediately put into low-skilled, menial jobs in the small- and medium-size business sector. Classifying them as “trainees” denies them the workers’ three primary rights of unionizing, collective bargaining, and collective action. Therefore, they were regarded as “disguised workers.” Because of low wages, delayed or non-payment of wages, overtime work without compensation, and mistreatment by bosses and co-workers, many migrant workers left the initially assigned workplaces and found work elsewhere that paid higher wages. By leaving the designated workplaces, they became “illegal” or undocumented workers and subject to deportation if they were arrested. According to an analysis of internal data of the Ministry of Justice not released to the public by K.Y. Lee et al. (2007), the proportion of undocumented workers had been very high until 2003: 65.8% in 1987, 93.4% in 1991, and 79.8% in 2002. When the government legalized undocumented workers in 2003, their number and proportion dropped to 138,056 and 35.5%, respectively, but the legalization effect soon diminished afterward. The government was alarmed by an extremely high rate of undocumented workers and felt a great need to replace the problem-ridden trainee system by a more transparent and rational foreign labor management system. But the strong opposition

⁵Experts and civil activists believe that the number of migrant workers and undocumented ones would be higher than the government statistic. Asia Pulse, a commercial news and intelligence service, estimated that 690,000 migrant workers lived in Korea in 2009 and out of 690,000, an estimated 200,000 (29%) were believed to be in the country illegally (March 10, 2009, *AsiaPulse*).

from the interest groups like the Korea Federation of Small and Medium Business (KFSB) prevented the government from reforming the foreign labor policy. Only when the government decided to implement the Employment Permit System (EPS in short) in 2004 by overcoming the opposition of employers and unified in 2007 several systems of foreign labor recruitment and management into the employment permit system, the number and proportion of undocumented workers declined.

<Figure 2> Number of Migrant Workers in Korea, 1987-2008



Source: Seol(2006: 1530).

The number of migrant workers has been affected by economic conditions of Korea. It decreased temporarily after 1997 as a result of the economic crisis in Korea, but it bounced back since autumn of 1999 and in July, 2000, 258,866 workers were recorded. That size of foreign labor accounted for 1.2% of all Korean workers and 1.9% of all paid workers in 2000. As the Korean economy recovered from the economic crisis, the size of migrant workers has grown as well and in March, 2009, 568,906 workers were counted by the Ministry of Justice.

Along with the growth of migrant workers, their nationalities became more diverse. In 2003, 90 countries sent their people to Korea for work, but in 2007, the number of sending countries increased to 120. By the early 1990s, China, the Philippines, and Bangladesh were the three major sending countries, but nowadays Indonesia, Vietnam, Thailand, Mongolia, and Uzbekistan send increasing numbers of their people to Korea.

Migrant workers in Korea are still predominantly young, single, males, and the proportion of women is considerably low as compared to other labor receiving countries in Asia such as Singapore, Hong Kong, and Taiwan. In 1997, the percentage of female workers was 31% and the same percentage was recorded in 2008.

The sex and age composition of migrant workers are, however, different for ethnic Korean workers from China and non-Korean workers. As part of Overseas Koreans Policy, ethnic Koreans from China were allowed to work in service industry in 2002 while non-Korean workers were blocked, and female ethnic Koreans took advantage of this privilege and began to work as helpers in restaurants and part-time housekeepers. As a result, women accounted for 48.7% of ethnic Korean workers and in the case of service industry, the proportion of women reached 70.2% (K.Y. Lee et al., 2007: 33). Ethnic Korean workers are also distinguished from non-Korean workers in terms of age. Ethnic Korean workers in service and construction industries were mostly in age brackets of 40 through 55, while non-Korean workers were between 20 and 39. The Korean government introduced a special multiple-entry visa called “working visit (H-2) visa (訪問就業制)” in 2007 for ethnic Koreans from China or the former Soviet Union (now the Commonwealth of Independent States). This visa is valid for 5 years and good for up to 3 years of stay. It is expected that more ethnic Koreans from China (ethnic Koreans from the CIS called *Koyosaram* in Korean are not strongly interested in working in Korea) would enter and become an important source of foreign labor.

<Table 1> Demographic Characteristics of EPS Migrant Workers

		Non-Koreans		Ethnic Koreans in Service		Ethnic Koreans in Construction	
		Number	%	Number	%	Number	%
Sex	Male	49,908	87.1	11,755	29.8	18,651	93.9
	Female	7,416	12.9	27,698	70.2	1,222	6.1
Marital status	Married	20,236	35.3	37,393	94.8	18,724	94.2
	Unmarried	37,088	64.7	2,060	5.2	1,149	5.8
Age distribution	Below 20	6	0.0				
	20~24	11,496	20.1	4	0		
	25~29	16,660	29.1	1,705	4.3	488	2.5
	30~34	15,101	26.3	3,572	9.1	1,410	7.1
	40~44	10,842	18.9	6,613	16.8	2,933	14.8
	45~49	2,910	5.1	7,778	19.7	3,978	20.0
	50~54	64	0.1	7,066	17.9	3,807	19.2

	Over 55	10	0.0	5,187	13.1	3,135	15.8
	Mean age	30.12		44.55		45.73	
	Total	57,324		39,453		19,873	

Note: EPS migrant workers denote migrant workers who entered Korea under the employment permit system.

Data: Raw data of migrant workers under the employment permit system in 2006.

Source: K.Y. Lee et al. (2007), p. 33.

Areas of employment have expanded for migrant workers. In 1997, the number of professional and technical workers (professors and researchers, language instructors, entertainers, etc.) was 15,900, but that number increased to 31,300. Also, Africans from Nigeria and Ghana changed their status from migrant workers to entrepreneurs who trade between Korea and their home countries. Despite some improvements in status, the majority of migrant workers are still low-skilled. According to a government statistic in 2008, 94% of migrant workers were simple manual workers and only 5.5% were professional and technical workers and 0.9% was artists and athletics. Because of their low levels of job skills and experiences, migrant workers generally fill in job vacancies in small factories, restaurants, construction sites, farms, and fisheries. Industries where migration workers work are differentiated by visa type. Non-Korean workers under E-9 visa category are mostly concentrated in manufacturing.⁶ An analysis of internal data of the Ministry of Justice in 2006 revealed that 98% of non-Korean workers engaged in manufacturing. By contrast, ethnic Koreans work primarily in either service or construction industries.

Firms hiring EPS migrant workers are generally small in terms of the size of employees, and firms hiring ethnic Korean workers are even smaller. Among non-Korean workers, 43% worked in firms with less than 10 workers and 79% worked in firms with less than 30 workers. Among ethnic Korean workers, 76% worked in firms with less than 10 workers in service industry and 49% worked in firms with 10 workers in construction industry.

Reflecting the size of firms, wages of migrant workers are low. According to an analysis of EPS migrant workers in 2006, non-Korean workers earned 697,000 won (\$730) per month, ethnic Korean workers in service and construction industries earned

⁶Under the Employment Permit System, non-Korean migrant workers are allowed to work for the following five businesses only: manufacturing, construction, agriculture & livestock, offshore & coastal fishing, service (restaurant, business support, social welfare, cleaning, nursing, house-work). Ethnic Korean workers who enter Korea by working visit visa can work in 34 business types.

917,000 won (\$960) and 1,910,000 won (\$2,000), respectively (K.Y. Lee et al., 2007: 40). Because of seasonal fluctuations in employment in construction, however, the average annual wage would be lower for ethnic Korean workers in construction.

<Table 2> Characteristics of Firms Hiring EPS Migrant Workers in Korea

		Non-Koreans		Ethnic Koreans in Service		Ethnic Koreans in Construction	
		Number of Firms	%	Number of Firms	%	Number of Firms	%
Industry	Construction	115	0.2	0	0	19,866	100.0
	Farm, livestock, fishery	785	1.4	543	1.4	0	0
	Service	76	0.0	31,367	79.5	0	0
	Manufacturing	56,348	98.3	7,543	19.1	7	0
Size of firms	Below 5	13,440	23.4	29,786	75.5	9,793	49.2
	5~9	11,288	19.7	3,295	8.4	3,389	17.1
	10~29	20,575	35.9	3,931	10.0	5,132	25.8
	30~49	5,567	9.7	1,149	2.9	775	3.9
	50~69	2,263	3.9	475	1.2	308	1.5
	70~99	1,821	3.2	407	1.0	157	0.8
	100~299	2,181	3.8	371	0.9	285	1.4
	300~499	189	0.3	30	0.1	22	0.1
	500~999	0	0	9	0.0	11	0.1
	Over 1,000	0	0	0	0	1	0
Total		57,324		39,453		19,873	

Data: Raw data of migrant workers under the employment permit system in 2006.

Source: K.Y. Lee et al. (2007), p. 39.

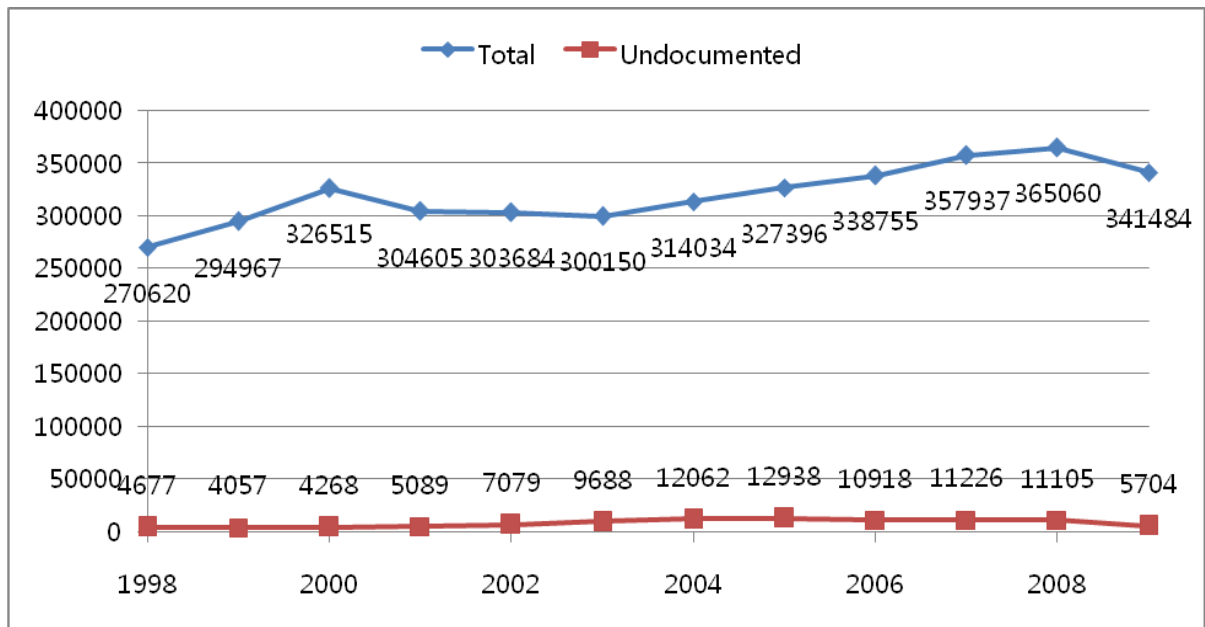
Due to restrictions on the duration and terms of employment imposed by the government, migrant workers have hitherto played supplementary roles for native Korean workers. However, some manage to stay longer than the initial labor contract term and have acquired high levels of job skills and trust from their employers. Especially in manufacturing industry, skilled migrant workers became indispensable labor force. Employers of these firms openly state that their businesses cannot operate without experienced migrant workers. As a result of the revision of the employment

permit system in 2008 that allows six consecutive years of employment, job skills and productivity of migrant workers will be upgraded to a higher level. Consequently, their presence in certain sectors of industry is visible and poses some level of competition with native workers. For example, male ethnic Korean workers in construction industry and female ethnic Korean workers in restaurant business are said to compete with native workers because of their Korean language skills and knowledge of Korean culture.

2. Taiwan

Labor migration to Taiwan began in the 1980s when the economic development and increased standard of living created labor shortage in construction and manufacturing sectors. To meet the demand of low-skilled labor in the state-funded infrastructure construction projects, the government allowed the construction companies in charge of the public projects to import over 35,000 migrant workers in 1988. Within two years, migrant workers were allowed to work in manufacturing and construction in the private sector; 130,000 workers were imported to work in such sectors as textiles, fabricated metal, machinery and equipment, electrical and electronic machinery and repairing, and construction in the private sector in 1991 (C. Lu, 2000: 116). In 1992, the government enacted the Employment Service Act to formally open its door to migrant workers. Since then, industries and occupations allowed to employ migrant workers as well as the number of migrant workers have continued to grow. The first wave of migrant workers entered the public sector only, but the later waves entered the private sector because there were huge demands of labor forces in labor intensive industries, so-called 3-D industries, and personal services such as housekeeping and care labor. The number of migrant workers has been increasing in response to those demands, and it was recorded 341,943 in May, 2009, constituting about 3.1% of the labor force and about 9.5% of the low-skilled labor pool (M. Lu, 2008: 4).

<Figure 3> Number of Migrant Workers in Taiwan, 1998-2009



By end of 2001, the manufacturing sector hired nearly half of all the migrant workers, with domestic helpers and care workers forming the second most important category, accounting for 37% of all migrant workers. From 2001 to 2009, however, there was some noticeable change in the industrial distribution of migrant workers: care work (nursing workers and home maids) hired more workers whereas manufacturing and construction lost more workers than before. As a result of the change in industrial distribution, more female workers who engage mostly in care work entered Taiwan for work; 215,671 women as compared to 126,272 men in May, 2009.

<Table 3> Quota of Migrant Workers by Sector in Taiwan, 1991-2007

Sector	1991	1993	1995	1997	1999	2001	2003	2005	2007
Governmental construction	2,999	17,287	35,117	40,138	41,588	29,619	12,747	6,193	5,992
6 industries		7,506	6,433	5,875	2,259	208	71	55	50
Care workers	--	1,320	8,902	26,233	67,063	103,780	115,724	141,752	159,702
Domestic work	--	6,205	8,505	12,879	7,730	9,154	4,874	2,263	2,526
Sailor	--	426	1,454	1,144	993	1,249	3,396	3,147	3,786
68 occupations	--	23,837	18,157	17,636	12,785	2,292	387	178	143
73 occupations	--	28,198	20,423	16,107	892	207	158	147	138

Pottery etc.	--	10,409	16,597	19,534	1,438	192	135	117	106
Setting up New plants	--	22,377	34,654	37,018	7,251	459	193	168	153
EPZ SP	--	--	4,813	4,607	467	212	18	6	6
3K SP	--	--	20,537	3,428	146	51	50	45	11,541
Major investment manufacture	--	--	11,089	36,160	67,128	50,520	47,226	40,379	34,705
Major investment construction	--	--	1,095	1,405	2,929	2,502	301	6,087	1,677
7 industries SP	--	--	1,275	3,304	142	17	14	12	9
Manufacture 2-year restructuring	--	--	--	22,928	81,915	93,405	91,728	87,657	83,084
Non high-tech manufacture	--	--	--	--	241	10,361	22,206	36,163	48,236
High-tech manufacture	--	--	--	--	--	377	922	3,027	3,641
Total	2,999	97,565	189,051	248,396	294,967	304,605	300,150	327,396	357,937

Source: Employment and Vocational Training Administration, Council of Labour Affairs, Executive Yuan, ROC (reorganised)

In 2008, the top four sending countries were Indonesia, Thailand, the Philippines, and Vietnam. These four countries accounted for almost 100% of all migrant workers. Migrant workers from Malaysia and Mongolia were almost invisible. Another important point is no workers from mainland China in the labor market. It is due to Taiwan's foreign labor policy that has strictly forbidden the entry of mainland Chinese to Taiwan because of hitherto hostile cross-straits relations. This is in sharp contrast to ethnic Koreans from China who have privileges over non-Korean migrant workers in entry and employment in Korea. When the Act of Permission of People from the Mainland Region Conducting Professional Activities was revised in 2002, mainland Chinese in academic, scientific and other high-tech professions can enter Taiwan and conduct professional activities for certain period time. But low-skilled Chinese workers are still barred from the entry to the Taiwan's labor market (M. Lu, 2008: 2).

When we examine the trend in nationality of migrant workers in <Table 4> and <Figure 4>, we can find a phenomenon of ethnic replacement in foreign labor. Until 1999, Filipino and Thai workers dominated the makeup of all foreign labor. Starting from 2000, however, Indonesian workers caught up Filipino workers with a small margin and with some fluctuations in the middle period and finally surpassed Filipinos

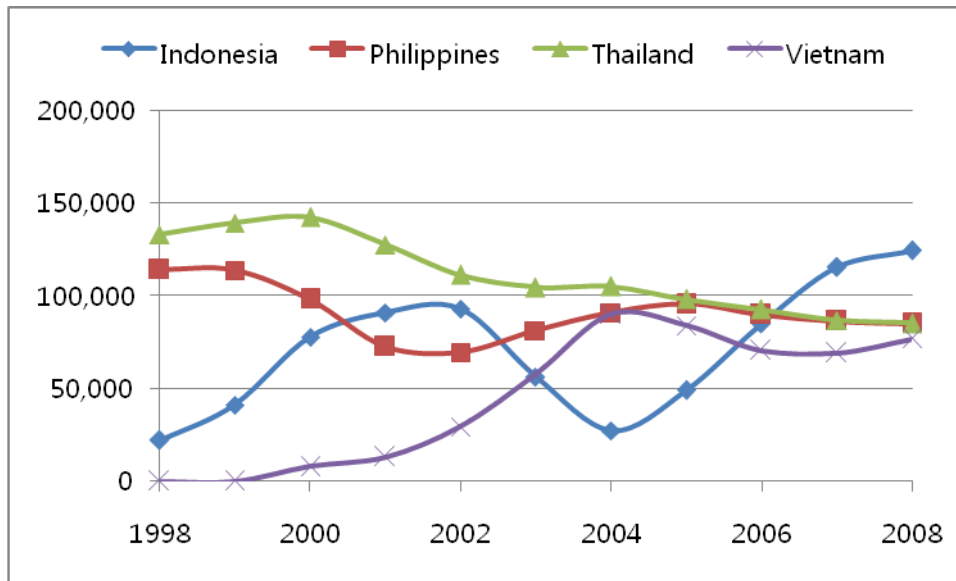
in numbers in 2007. The number of Thai workers continued to decline during the last decade. The ethnic replacement is known to be due to changing quotas given to different industries and occupations. As we already noted above, construction has lost its quotas during the last decade and this resulted in the decrease of Thai workers who are concentrated in construction. The slight decrease of Filipino workers is explained by the increase of Indonesian workers who seem to replace Filipino workers in expanding domestic and care-giving service. So, the changing distribution of industry and occupation parallels ethnic composition and gender division of foreign labor (L. Cheng, 2003: 9). The increase of domestic and care workers among migrant workers has significant implications on their status and well-being because labor rights are not applicable for house and care work.

<Table 4> Number of Migration Workers by Nationality, 1998-2008

	Indonesia	Malaysia	Philippines	Thailand	Vietnam	Mongolian	Total
1998	22,058	940	114,255	133,367	-	-	270,620
1999	41,224	158	113,928	139,526	-	-	294,967
2000	77,830	113	98,161	142,665	7,746	-	326,515
2001	91,132	46	72,779	127,732	12,916	-	304,605
2002	93,212	35	69,426	111,538	29,473	-	303,684
2003	56,437	27	81,355	104,728	57,603	-	300,150
2004	27,281	22	91,150	105,281	90,241	59	314,034
2005	49,094	13	95,703	98,322	84,185	79	327,396
2006	85,223	12	90,054	92,894	70,536	36	338,755
2007	115,490	11	86,423	86,948	69,043	22	357,937
2008	124,725	11	85,158	85,326	76,866	11	372,097

Source: same as Table 3.

<Figure 4> Trend in Nationality of Migrant Workers in Taiwan, 1998-2008



Migrant workers in Taiwan are supposed to have the same rights as native workers as stipulated by the Employment Service Act. In reality, however, their rights are severely restricted because they are prohibited from organizing unions or going on strike. They receive lower wages, do overtime work without compensation, and receive little or no days off. As pointed out earlier, the heavy concentration of female migrant workers in house and care work leave many female workers vulnerable to violations of human and labor rights because those kinds of work are difficult to monitor and apply standard labor regulations.

One particular problem by which migrant workers in Taiwan suffer greatly is expensive referral fees. According to Lan (2007), a migrant worker pays a referral fee ranging from NT\$80,000 to NT\$220,000, an amount equivalent to 5 to 14 months of a migrant wage in Taiwan. To pay back the referral fees, migrant workers often stay after the labor contract term or move to other businesses paying higher wages. In this way, they become so-called “disappeared” migrant workers. Migrant workers in Korea used to have the same problem but after the Korean government transferred the authority of recruitment and placement of migrant workers from the hands of Korea Federation of Small and Medium Business (KFSB), a business interest group, to a government organization called the Human Resources Development Service under the Ministry of Labor, recruitment-related corruptions decreased significantly. Also, the adoption of the employment permit system allowed migrant workers longer duration of employment (up to 5 consecutive years since 2008), reducing incentives for becoming undocumented workers. A recent research report published by the Korea Small Business Institute in

2008 showed that the expense for coming to Korea decreased from \$3,509 in 2001 to \$1,283 in 2008. The major reason why Taiwan could not solve the problem of referral fees is that it relies heavily on private recruitment agencies for recruitment and management of migrant workers. Numerous recruitment agencies compete with each other to do business with a limited number of employers possessing quotas and they usually pay employers a kickback, estimated to be NT\$20,000 to NT\$30,000 for recruiting each migrant worker to Taiwan. Inflated recruitment expenses are then handed over to migrant workers (Lan, 2007). As long as recruitment is in the hands of private labor brokers, migrant workers cannot escape the burden of referral fees and temptation of becoming “runaways”.

Another problem that restricts severely freedom of migrant workers is no allowance of transfer of employer. The government does not allow migrant workers to change employers during a stay in Taiwan except for special circumstances, such as bankruptcy or closure of business, death of employer, or abuse by employer. Migrant workers are then deprived of job mobility in the labor market and tied to employer and have to bear hardship or mistreatment.

It appears that the Taiwan government does not engage more directly in foreign labor administration than its Korean counterpart. It delegates authority to private placement agencies to recruit and manage migrant workers. It also lets employers use such measures as the deduction of deposit from salary and keeping workers’ passports to prevent “run away” and “overstaying”. Lu (2008) reports that the government uses the technique of “governance at a distance” to handle the issue of “missing” or “disappearance” of migrant workers. The government penalizes recruitment agencies with a high missing rate by reducing quotas and agencies catch up directly missing workers because they worry that a high missing rate would hamper their businesses.

As a result of this controlling mechanisms, the number of undocumented workers is very low, as compared to neighboring countries in East Asia. In 1995, the percentage of undocumented workers among all migrant workers was 6.7% in Taiwan. By 1998, as <Table 5> shows, it has dropped to 1.8% and stays below 2% until 2001 (Lu, 2008). This figure is very low compared to that of Korea where about 28% of migrant workers were undocumented in 2005 (Yoon, 2005). In Japan, there were 250,000 undocumented workers in 2004 accounting for 13% of all migrant workers (Yoon, 2005).

<Table 5> Number and Percentage of “Disappeared” Migrant Workers by Country of Origin

	Indonesia		Philippines		Thailand		Vietnam		Total of the year		Total number on the run
	No.	%	No.	%	No.	%	No.	%	No.	%	
1998	493	2.8	2,450	2.3	1,728	1.3	--	--	4,689	1.8	6,646
1999	760	2.5	1,882	1.6	1,403	1.0	--	--	4,057	1.4	5,504
2000	1,680	2.9	1,303	1.2	1,234	0.9	35	0.7	4,288	1.4	5,514
2001	2,804	3.2	1,048	1.2	942	0.7	293	2.8	5,089	1.6	6,220
2002	3,809	4.0	643	0.9	1,042	0.9	1,584	7.8	7,079	2.3	8,143
2003	3,411	4.6	873	1.2	1,171	1.1	4,233	9.6	9,688	3.2	11,125
2004	1,978	4.9	1,177	1.4	1,369	1.3	7,536	10.2	12,060	4.0	16,593

Source: Council of Labour Affairs, 2003, quoted by Lo (2007: 39).

Note 1: The terms “disappeared migrant workers” and “total number on the run” are used in the original report.

Note 2: Percentage = disappeared number (of workers from a given country)/total number (of migrants from this country).

Note 3: Total number on the run = accumulated number deducting the ones being caught and deported.

III. Comparison and Theoretical Discussions

Korea and Taiwan emerged as newly industrialized countries in the 1960s and achieved democratic development in the 1980s and 1990s. As they participated in the globalization trend, the cross-border movement of capital and goods and people accelerated. Also, as the standard of living improved, native people did not want to engage in labor-intensive industries and occupations. Small- and medium-sized firms wanted to import migrant workers to fill in labor shortage and the governments in the two countries opened the door to foreign labor in the late 1980s and 1990s. The governments tried to minimize economic and social impacts of foreign labor on the domestic labor market and society by keeping migrant workers as temporary guest workers, preventing unification with family members and permanent settlement, and administering close surveillance on migrant workers. As a result of unpreparedness for foreign labor on the part of receiving countries (e.g., the lack of laws and regulations to protect migrant workers and less tolerant attitudes of host people toward foreigners), migrant workers in the two countries experienced a variety of mistreatment and violations of human rights.

Despite these initial similarities, the two countries have shown somewhat diverging paths of immigration policy, especially foreign labor policy. Korea has taken progressive measures in regard to migrant workers, marriage migrants, and foreigners in general during the past decade, and as a result, living conditions and human rights of foreigners have improved and the general public's attitudes toward foreigners have become tolerant and sympathetic (Yoon, 2008). Although many people, especially the old generation, still believe in the myth of the homogeneous nation and the importance of blood ties as a condition of being a Korean, it is no longer politically correct to express anti-immigrant sentiments and take hostile actions against foreigners and immigrants. The government has taken active measures to facilitate adjustment and integration of immigrants into Korean society and transform Korean people's perceptions and attitudes to be more multicultural in nature.

By contrast, the Taiwan government has been less active to correct problems with recruitment and placement system. While the Korean government allows the transfer of employer for a maximum of three times and employment of 5 consecutive years, the Taiwan government still dictates no change of employer and a obligatory sojourn abroad to renew a second contract term. Also, the Korean government authorizes a public organization to handle recruitment, placement, and job training of migrant workers, the Taiwan government relies on private recruitment agencies for the supply and management of foreign labor. These agencies charge stiff referral fees on migrant workers and put close surveillance and work for the benefits of employers. It is also known that many of labor brokers are power elites themselves or related with these power elites who have vested interests in keeping current labor policy that are more beneficial for employers than migrant workers.

<Table 6> A Comparison of Migrant Worker Policy of Korea and Taiwan

	South Korea	Taiwan
Related Law	Foreign Workers Employment Law (enacted in 2003, last revised in 2008)	Employment Service Act (enacted in 1992, revised in 1999)
Type of migrant worker management system	Employment Permit System (previously trainee system until 2003)	Employment Permit System
Principles of migrant worker policy	<ul style="list-style-type: none"> · Protection of native workers · Protection of human rights of 	<ul style="list-style-type: none"> · Protection of native workers

	foreign workers <ul style="list-style-type: none"> · Prevention of recruitment-related corruptions · Prevention of permanent settlement 	<ul style="list-style-type: none"> · Prevention of permanent settlement · Minimization of social costs
Duration of employment	Five consecutive years	3 years+ sojourn outside+ 3 years
Businesses open for migrant workers	Five businesses (manufacturing, construction, agriculture & livestock farming, offshore & coastal fishing, service)	
Privilege for co-ethnics	Working visit visa for ethnic Koreans from China and the CIS	No privilege for Mainland Chinese
Change of business or workplace	Change of business or workplace for a maximum three times	No transfer of workplace
Recruitment agency	A public organization (Human Resources Development Service of Korea) under the Ministry of Labor	Private recruitment agencies
Referral fee	No (official) referral fees	Expensive referral fees
Legal status and benefits	<ul style="list-style-type: none"> · Same as native workers, minimum wages, four major insurance benefits · 3 labor rights (unionizing, collective bargaining, and collective action) · not applicable to those employed for house-work 	<ul style="list-style-type: none"> · Same as native workers · not applicable to those employed for house-work and care work
Employment training and education	<ul style="list-style-type: none"> · Training of 20 hours or longer paid by the employer · Training Institutes (Human Resources Development Service of Korea or Non-profit corporations or 	Training by employers

	organizations designated by the Minister of Labor)	
Penalties on employers	<ul style="list-style-type: none"> · Fines totaling \$10,000 and a jail term of up to a year for hiring illegal workers · Disqualify for foreign worker employment 	<ul style="list-style-type: none"> · Removing quotas for missing migrant workers
Penalties on migrant workers	<ul style="list-style-type: none"> · Deportation if arrested for illegal work 	<ul style="list-style-type: none"> · Deportation if arrested for illegal work, pregnant, committed crimes
Relation with civil society	<ul style="list-style-type: none"> · Strong state and strong civil society · Policy network between the government and civil society organizations 	<ul style="list-style-type: none"> · Strong state and weak civil society · Weak policy network between the government and civil society organizations

It is a very complicated and difficult task to explain why the two countries have different courses of actions during the past decade. Meyers (2000) delineated six approaches to immigration control policy: Marxism, realism, liberalism, the national identity approach, domestic politics (partisan and interest group politics), and institutionalism. I think domestic politics approach and institutionalism are particularly relevant and useful for explaining the divergence in foreign labor policy between Korea and Taiwan. According to Meyers (2000: 1257), domestic politics models assume that “the state serves as a neutral arena for societal interests: interest groups and parties. Policy making is the result of bargaining as well as compromises between these interests, or sometimes it reflects the fact that one or more of these actors has succeeded in capturing the state.” In the case of foreign labor policy, interest groups are employers, recruitment agencies, migrant workers, and civil society organizations that support migrant workers. The institutional approach emphasizes somewhat autonomous roles of the government that forms public policy according to the interests of the state and remain unaffected or less affected by societal or interest group pressures. Scholars have different opinions on the relative autonomy of the government, but agree on the importance of bringing the state back in.

After reviewing both domestic politics and institutional approaches, I think the two approaches tend to view the government and the state as if they were living things that

think and act independently. We must remember that it is people that empower the government and the state, and it is top political leaders like the president that determine the character and overall directions of the government at a certain period of time. That is because foreign policy of the United States changes according to political views and ideology of U.S. presidents although the U.S. government remains the same. Thus, we need to examine how top political leaders influence the personnel and orientation of the government and how it in turn influences public policy. At the same time, the two approaches tend to neglect or downplay the governance system or policy network between the government and civil society as a widely accepted form of public administration in a democratic society. We need to incorporate elements of governance or policy network in our analysis of public policy because the state could no longer maintain an exclusive monopoly in policy making in a complex society.

Because of my lack of deep knowledge about Taiwan, in this paper, I focus on policy network or governance in Korea. In my next research, I plan to examine the Taiwan case and conduct a comparative analysis for foreign labor policy in Korea and Taiwan.

Yoo (2004: 89) observed that since 1990, it has become difficult to apply the corporatism model to the relationship between the state and civil society in South Korea due to political democratization and the civil society's increased capabilities and proposes a "policy network" as an alternate model. Fundamental differences between corporatism and a policy network are that, in corporatism there is a definite distinction between the subject and object of sovereignty where the government is the subject and all private sectors including interest groups are the objects. On the other hand, in a policy network, the distinction between public and private sectors is ambiguous, and both sectors become the subjects of sovereignty. Furthermore, policies are implemented unilaterally downward from the state to society in corporatism, while they are mutually implemented bilaterally in a policy network.

Governance is a concept similar to policy network. Governance is a hard notion to conceptualize due to different applications and definitions in various disciplines. Stoker (1998) offers a broad definition of governance as "the development of governing styles in which boundaries between and within public and private sectors have become blurred (Stoker, 1998, as cited in Bok, 2005, 27). Important elements of governance are not the network and management of the relations between the nation, market and civil society, but power, merging of recourses and utilization of diverse policies. In this aspect, governance is 'a process of formulating a collective goal and solving public issues through a cooperative network between public and private sectors'.

Governance was introduced as an alternate political plan as societies grew more

complex and the state could no longer maintain an exclusive monopoly in policy making. Cooperation from other public or private actors, interest groups, professionals and citizens are not necessary in the policy making process. In particular, as societies became pluralistic and complex, mutual assistance from professionals and other social actors become inevitable when solving social issues. With the decentralization of power to local government agencies, duties regarding policy decisions and implementation are passed down to local governments from the central government, and collaborative governance between the central and local government agencies become crucial.

Considering the above theories, the current Korean foreign labor policy in particular and multicultural policy in general show strong characteristics of mutual cooperation between the state and civil society, and of a policy network and governance. By appointing scholars and social figures from NGOs as committee members of consultation committees such as the Research Committee for Immigration Administration and the Immigration Policy Committee, or by entrusting scholars with research for multicultural family policies, the government and NGOs are working together in the process of making multicultural policies. It has also created migrant workers' centers and relegated operation duties to NGOs. Although Pastor Kim, H. of the Migrant Workers' House/Korean-Chinese House, protests against the Ministry of Justice for the protection of foreign laborers and Korean-Chinese human rights, Kim also directs a center for foreign laborers with government support. Hence, the relationship between the state and NGOs show cooperation when they mutually reach an agreement, and reveal characteristics of a policy network and governance.

The primary factor of the Korean government's proactive and progressive foreign labor policy and immigration policy is close relationships between the government and the civil society during the Kim Dae Jung and Roh Moo-hyun progressive governments. The governments adopted somewhat liberal ideas of multiculturalism proposed by NGOs and progressive scholars. Also, President Roh Moo-hyun, who was once human rights lawyer, had strong personal beliefs in human rights of minorities and played a pivotal role in establishing progressive immigration policies and laws. Upon his inauguration, he ordered the Ministry of Justice to prepare the comprehensive plan for immigration policy. The Ministry of Justice that had its own ambition to establish a larger and comprehensive organization modeled after the U.S. Immigration and Naturalization Service cooperated with progressive scholars and civil society organizations to develop a new paradigm of immigration policy that responds to an increasingly global and multicultural environments. Thus, it was not the government, migrant workers, or civil society alone that made a difference. Rather, it was alliance or

policy network among progressive-minded political leaders, government bureaucrats, and civil society leaders who managed to succeed in winning public support and consensus for immigration policy reforms.

References

- Cheng, Lucie. 2003. "Transnational Labor, Citizenship and the Taiwan State." Ch. 5 in *East Asian Law: Universal Norms and Local Cultures*. Edited by Arthur Rosett, Lucie Cheng, and Margaret Y.K. Woo. London: RoutledgeCurzon.
- Cornelius, Wayne A., Philip L. Marti and James F. Hollifield (eds.). 1994. *Controlling Immigration: A Global Perspective*. Stanford: Stanford University Press.
- Cho, Young Dal. 2006. *A Survey of Educational Conditions of Children of Multicultural Families*. (다문화가정의 자녀교육실태조사). Research Report to the Ministry of Education, Science and Technology.
- Kim, I-Sun, Jung-Mee Hwang, Young-Jin Lee. 2007. *The Establishment of Policy Framework for the Transition to a Multiethnic, Multicultural Society*. Seoul: Korean Women's Development Institute.
- Korea Immigration Service. 2008. "The Current Status of Foreign Workers by Nationality." (<http://www.immigration.go.kr>)
- Lan, Pei-Chia. 2007. "Legal Servitude and Free Illegality: Migrant "Guest" Workers in Taiwan." Ch. 10 in *Asian Diasporas: New Formations, New Conceptions*, edited by Rhacel Parrenas and Lok Siu. Stanford: Stanford University Press.
- Lee, Kyu-Yong, et al. 2007. *An Analysis of the Labor Market of Foreign Workers and a Study of Directions of Improving Intermediate- and Long-term Administration System* (외국인력 노동시장 분석 및 중장기 관리체계 개선방향 연구). Research Report to Korea Labor Institute.
- Lu, Chien-Yi. 2000. "Politics of Foreign Labor Policy in Taiwan." *Journal of Asian and African Studies* 35: 113-132.
- Lu, Melody Chia-Wen. 2008. "Wives, workers or "illegal" migrants? Migration and Immigration Policies in Taiwan." Paper presented at the International Workshop Irregular Migration in Asia and Europe Kuala Lumpur, 7-9 January 2008.
- Meyers, Eytan. 2000. "Theories of International Migration Policy: A Comparative Analysis." *International Migration Review* 34(4): 1245-1282.
- Seol, Dong-Hoon. 2006. "Population Policy: Korea's Immigration Policy." *Encyclopedia of Population*. Population Association of Korea.

Statistical Data: <http://www.moi.gov.tw/stat/english/index.asp>

http://www.cla.gov.tw/cgi-bin/SM_theme?page=432fa270

Tseng, Yen-Fen. 2004. "Politics of Importing Foreigners: Foreign Labour Policy in Taiwan." In *migration Between State and Markets*, eds. Han Entzinger, Macro Martiniello and Catherine Wihtol de Weden. Sydney: Ashgate Publishing Limited, pp. 101-120.

Tseng, Yen-Fen. 2008. "Marriage migration to East Asia: Current Issues and Propositions in Making Comparisons." In *Cross-border Marriage Migration in East and Southeast Asia: Socio-demographic Patterns and Issues*, edited by International Institute of Asian Studies, Amsterdam University Press.

Yamanaka, Keiko. 2009. "Policies, Civil Society and Social Movements for Immigrant Rights in Japan and South Korea: Convergence and Divergence." Paper presented at the AKS-UC Workshop, Korea University, Seoul, June 22-23, 2009.

Yoon, In-Jin. 2009. "The Development of Multiculturalism Discourse and Multicultural Policy in South Korea: With a Focus on the Roles of the Government and Civil Society." *Trans-Humanities* 1 (June): 1-36.