

handles two liberal paradoxes in immigration policies.

1. The Long Struggle: Handling the 1st Liberal Paradox

In the initial stages of immigration in the mid to late 1980's Korea faced an unprecedented influx of migrants. The Industrial Trainee System since the early 1990's, can be viewed as an intentional strategy and not an accidental mistake (Lee, 2008). However, the system which was chosen in order to maximize companies profit by keeping foreign workers wages low, was in itself was a failure. By 1995 foreign workers wages had reached a level nearly comparable with national market rates and a level higher than in Singapore or Taiwan, where an Employment Permit System was in operation. The system had also produced huge numbers of undocumented migrants. The government had failed in its economic goals, and managed to draw a great deal of public international criticism of its immigration practices from human rights organizations.

The issue of rights for foreign workers became a key issue of social discussion within Korea following the Nepalese Workers Strike in January 1995. This strike inspired other foreign working groups to organize and insist on being afforded a greater degree of rights. It also galvanized support from NGO's, both domestically and internationally, involved in human rights fields. Favorable decisions by the Judiciary and a sympathetic press all helped to raise public awareness of the issue and generate

sympathy for the plight of foreign workers. However, despite all of this, amongst all the government departments and bodies, only the Ministry of Labor made serious efforts towards the abolishment of the Industrial Trainee System and the adoption of the Employment Permit System, and it took 10 long years for any resultant concrete legislation. In order to asses why the change took so long an application of the political economy and neo-institutional theories is needed.

1) Competition between Systems

In the competition between immigration systems neo-institutional theories work on the premise that the judiciary places emphasis on consistently prohibiting discrimination against foreign workers and in championing their access to rights and privileges within the society. The judgments of the Seoul High Court on 26th November 1993, the Seoul High Court on 1st September 1994 and the Constitutional Court on 15th September 1995, all found that foreign industrial trainees, and undocumented foreign workers, were subject to the Labor Standards Act. These judgments gave power to organizations that supported foreign workers, and gathered support amongst the press, and hence the public, against the Industrial Trainee System.

Meanwhile, in the 1990s, as violations of the basic human rights of foreigners became more prevalent, so did activism on the part of organizations opposed to them. In July 1995, several organizations supporting migrants formed the 'Foreign Migrant Workers Council'

(FMWC), whose role was to push government in order to improve foreign workers rights. When the Nationalist Government came to power in 1998; support for the FMWC's goals, within the government itself, increased. Alongside this, there was a steady rise in the number of organizations supporting greater rights for foreigners. However, this had the net result in 2000, following disputes over leadership and direction, of dividing the FMWC into several factions (Seol, 2005:93). Despite this, as will be shown later, several representatives of these organizations have since come to work for the government in an advisory capacity since 2004 (Kim, 2004).

2) Competition among Government Ministries

The initial foreign manpower policy was developed under the leadership of the economic ministries such as the Ministry of Commerce and the Ministry of Commerce, Industry and Resources, and implemented by the Ministry of Justice, which controlled the actual issuance of entry and exit visas. The Ministry of Justice utilized provisions of the Immigration Control Law and Act in order to restrict the lawful entry of unskilled labor and solely allow lawful entry to highly skilled and qualified personnel. Therefore, the actual oversight of unskilled, and hence illegal, labor became the purview of the Ministry of Labor. However, the Ministry of Labor did not have the same weight or power as the economic ministries or the Ministry of Justice, and hence its views were commonly

superseded by the more powerful ministries (Lee, 2008).

From January 1994, after the Industrial Trainee System commenced operation, the Ministry of Labor was given the duty of supervising trainees' working conditions. From 1995, the Ministry was also responsible for ensuring trainees' protection under the Labor Standards Act. As violations of these provisions became more common, the Ministry bore the brunt of criticism from the press, public and NGO's. So, the Ministry of Labor began to review alternate forms of immigration policy. However, criticism was not the only driving force behind the Ministry of Labors desire for reform. The Ministry saw the opportunity to increase their sphere of influence by expanding their purview to include all affairs regarding foreign workers. Whatever the motivation, the Ministry of Labor did submit the initial Employment Permit System proposal in February 1995.

The Ministry of Justice was opposed to the Employment Permit System from its conception, as it would significantly reduce their influence when foreign trainees were reclassified as workers and hence became the purview of the Ministry of Labor. Thus, though seemingly the reason for delay at this point was simply a difference of interests and opinions between the economic ministries and the Ministry of Labor, there was a real struggle for power concerning spheres of influence taking place in the background between the Ministries of Justice, and of Labor.

With staunch opposition from other government departments, the Ministry of Labor set about trying to elicit support from external powers. From the turn of the century the Ministry of Labor commenced consultations with academics and NGOs which supported its position. According to the Employment General Councilor at the time, Kim Sung Joong, the Ministry of Labor dealt with the opposition in a logical and 'professional' fashion by trying to improve its proposal for an Employment Permit System by ordering academic research into the subject (Lim and Seol, 2000). At the same time they developed a close relationship with the FMWC and Pastor Kim Hae Sung (Kim, 2004). The efforts of the Ministry of Labor and supporting NGO's soon began to have effects on party politics. Both the Democratic Party and the Grand National Party announced that they would introduce the Employment Permit System if they were elected, in election pledges in 2002.

3) Customer Politics

The Small and Medium Business Administration Bureau (SMBAB) was in actuality making a financial profit (Seol and Skrentny, 2004). Financial profit from the Industrial Trainee System was highlighted as one of the most important reasons why the SMBAB was so avidly opposed to an abolition of the system. However, according to Seol and Skrentny (2004:498-499), the opposition from the Ministry of Justice was also related with this profiteering. It is noteworthy to recognize that key positions within the profit making

organization involved with the implementation of the Industrial Trainee System were at one time members of the ruling party, or retired public servants.

"The key reason for the maintenance of the Industrial Trainee System can be seen as the support if the Ministry of Justice. It was mostly retired public servants from the Ministry of Justice who filled roles such as the President of the Industrial Training Cooperation Agency and Korea Federation of Small and Medium Businesses. More recently retired public servants from the Ministry of Labor have taken these positions. I think many people approach the Employment Permit System from the area of law and principle, but public servants approach it as their job, for money."

(Interview with an expert, 18th November 2007)

4) The Role of the Government: Subjective Point of View VS Support Base

As a presidential candidate Kim Dae Joong promised to introduce the Employment Permit System during the election in 1997. Even though he was elected he did not introduce the system during his term in office. It could be argued that the crushing financial crisis and the IMF bailout, created areas of more pressing concern than immigration policy for the government. Once the economy had recovered, the debate about the Employment Permit System resumed under the direction of President Kim Dae Joong. The influence of the President, himself a staunch supporter of

universal human rights, and other NGO's had a significant effect on the process.

The Korean government up to this stage placed more emphasis on 'security' and 'accumulation' amongst Boswell's 4 functions. However, the Nationalist Government started to take a serious view of 'legitimacy' (human rights) while the Participatory Government started to emphasize 'fairness' (welfare). Thus, both the Nationalist Government (President Kim Dae Joong) and the Participatory Government (President Roh Moo Hyeon) actually asked for changes to immigration policy from a subjective point view that corresponds with Boswell (2007). But even though President Kim Dae Joong won the Nobel Peace Prize under the banner of resolving human rights problems and peace talks between South and North Korea, he did not manage to change immigration policy. The reasons often given for this are the effects of the depression resulting from the economic crisis (Seol and Skrentny 2004:500). However, what cannot be ignored is that the President himself, and the Nationalist Government, had blamed the financial crisis on a plutocratic economic system and had proclaimed an economic policy centered on small and medium business enterprises after his inauguration. Namely, that since President Kim Dae Joong's support base was small and medium business, his policy would inevitably favor rewards for them. Therefore, though the Nationalist Government promised to implement the Employment Permit System, it seems unlikely

that even given time they would have indeed introduced this system.

2. The Employment Permit System, 2004

The final establishment of the Employment Permit System in 2004 was also the escape for Korean immigration policy from the first liberal paradox; that being tensions between economic and political interests. The operation of the Employment Permit System has shown the government's willingness to leave the past problems behind and to look towards an officially regulated and inclusive policy position.

1) Competition of Professionalism between Ministries

The government's turn towards an inclusive (social integration) policy has a deep correlation with the increase in the numbers of marriage migrants coming to Korea. This is as a result of the fact that international marriage has increased greatly since the 1990s. Some Assemblymen come from rural areas were concerns are more pronounced about female marriage migrants' within their local communities, and in particular, regarding the management of the international marriage mediation business. In February 2005, the Ruling Uri Party, under Assemblyman Kim Chun Jin, introduced the 'Law Concerning the Management of the Marriage Mediation Business' to the National Assembly and asked the Ministry of Health and Welfare to investigate the actual situation. Consequently, the Ministry of Health and Welfare ordered an

investigation of the living conditions of female marriage migrants and their families (Seol et al., 2005).

Since 2005 the Korean government has begun to consider international marriage migration as a measure to alleviate the problems of a low birthrate and aging population. The ministry to be responsible for this emerging area of policy was set with the Ministry of Gender Equality (later the Ministry of Gender Equality and Family). Subsequently the Ministry of Gender Equality and Family designated marriage migration policy as their primary immediate concern.

In a similar way as there has been conflicts between government departments concerning areas of influence in immigration policy; so now there is departmental infighting over whether marriage migrants fall within the sphere of family policy or migration policy. The Ministry of Justice view this area as migration policy, while the Ministry of Gender Equality and Family considered it to be family policy. This conflict allowed for confusion in the promotion of programs to assist marriage migrants. With Lee Myeong Bak's government's foundation in 2008, the area of family affairs was once again transferred to the Ministry of Health and Welfare. Naturally this only added to the conflicts between ministries.

In the meantime, the competition among ministries seeking to widen their spheres of influence began to advance in a 'professional' way. That is, following on from the example set by the Ministry of Labor, other ministries have begun to turn to academia and support

organization activists in order to increase the credibility of their positions. Namely, the past 'partnership between government and companies' has been transformed to a partnership between 'government, NGOs and the academic world'.

2) The Character of Participatory Government

The change in immigration policy by the government from a 'manpower (economic) policy' to an 'inclusive policy' accelerated with the President Roh Moo Hyeon's inauguration in 2003. Upon his election President Roh Moo Hyeon declared 12 objectives for his administration. These included a vision of Korea as a key country in Northeast Asia and the abolition of discrimination for minorities, such as women, the handicapped, and foreigners.

The Characteristics of the Participatory Government can be shown by a comparison between Taiwan and Korea. Both Korea and Taiwan are face with a similar situation, namely how to cope with the issue of international marriages and the resulting families. In Taiwan the ratio of international marriage between natives and foreigners is higher than that of Korea and the government is calling for 'social integration', which includes language and cultural education for marriage migrants. However, Taiwan government is also very concerned about the 'quality' of foreign wives (Wang and Belanger, 2006). Of course Korea is also a patriarchal and hierarchical system, but it is dealing with the issue in a

different way because the political basis of Participatory Government was a citizens' campaign; namely it is related with the fact that President Roh Moo Hyeon, as well as ministers of a large number of ministries, in the past were leaders of civic movements at a grass roots level.

3. Facing the 2nd Liberal Paradox: The Working Visit System, 2007

Before the 1990s Korean policy concerning ethnic Koreans was grouped into an 'Overseas Koreans Policy' and was the purview of the Ministry of Foreign Affairs. Overseas Koreans Policy underwent several important changes during the early 1990s. The first change was the improvement of relations with China (Amity between Korea and China) in 1992 and Koreans in China were given a chance to visit relatives in their home country.

From 1992 there were demands by other overseas Koreans that the Korean government provide greater support for overseas Koreans. These requests came from Korean-Americans. For example, following the Los Angeles Race Riots of 1991, Korean-Americans lobbied for greater access to, and protection by, Korea itself. Shortly thereafter Kim Young Sam, who was inaugurated as President in 1993, discussed the possibility of allowing dual nationality for overseas Koreans, what Joppke describes "re-ethnization" process for overseas nationals. However, the opposition view held that Koreans who had left Korea in order to settle permanently abroad, and so acquire

another nation's citizenship, did so in order to better their individual material circumstances, or to avoid military service, and hence should not then be able to demand benefits from the state they abandoned (Lee, CW, 2005:515). In spite of this some support for ethnic Koreans was legislated. An 'Overseas Koreans Policy Committee' was launched in 1996 and the 'Overseas Koreans Foundation Legislation' enacted in March 1997 with the Overseas Koreans Foundation itself established in 1997. And the main content of these was solely cultural support for these groups.

However, President Kim Dae Joong, who fought in the presidential election campaign during the financial crisis in late 1997, wanted to attract overseas Koreans' to invest domestically in the same way that overseas Chinese contributed to Chinese development. Thus, the government tried to engage overseas Koreans in the process of Korea's redevelopment. Thereupon, the 'Act on Immigration and Legal Status of Overseas Koreans' ("Overseas Koreans Act") was enacted in 1998. The law permits free entrance and longer stays for ethnic Koreans and grants privileges not accorded to other foreign nationals including the buying and selling of land and other assets. However, this law only applied to overseas Koreans who had left Korea after 1948, when was the Republic of Korea was founded. Therefore, relatively poor ethnic Koreans in China and the former Russian states, who had left Korea before or during the period of Japanese colonization (1910-1945) were excluded (Lee, CW, 2003).

The reasons for this exclusion can be found when examining the originally proposed Overseas Koreans Act, which defined overseas Koreans as the ‘overseas Korean nationals’ and ‘overseas Koreans with foreign nationality’ who were of Korean ‘racial extraction’ (the right of blood). However, this definition angered the Chinese Government, who was concerned that the Act would agitate Chinese citizens who were of Korean racial extraction (Lee, CW, 2003:5). Therefore, the Korean government altered the definition of overseas Koreans from the ‘racial extraction’ to former Korean citizens’.

As a result, there was anger amongst some migration support organization, including Korean-Chinese churches active in Korea. Three Korean-Chinese petitioned the Constitutional Court to review the enacting legislation. The Constitutional Court ruled, in late November 2001, that: “Excluding some Korean ethnic groups within the legislation does not agree with the principle of equality in the Constitution.” Furthermore, the Constitutional Court stated that the law should extend these privileges to include Korean-Chinese and Korean-Russians by the end of 2003.

There were pro- and con- debates regarding the revision of the Act. Pro-revisionists insisted that an affirmative policy was needed for Korean-Chinese and Korean-Russians, considering the unique historical background. These Korean diaspora was a result of compulsion, when Korea was under the control of Japan (Noh, 1999a, 1999b,

2002). Pro-revisionists insisted that a more positive measure was needed in order for these Korean diaspora to rectify the inequalities caused by their history. Anti-revisionists criticized the emphasis placed on a racially orientated policy, calling it “ethnic nationalism.” They stated that the Act went against indiscriminate and liberalistic principles and was contradictory to international law. In particular, it violated the ‘International Convention on the Elimination of All Forms of Racial Discrimination (1969) and the ‘International Covenant on Civil and Political Rights (1976)’. Although these anti-revisionists opposed the revision itself, they did not oppose that a positive measure or an affirmative action is needed for Korean-Chinese and Korean-Russians.

It is because that there was a legal argument which indicated that those overseas Koreans, who emigrated before the Foundation of the Republic of Korea, did not lose their Korean nationality. This argument is founded upon several observations: Firstly, the renunciation of Korean nationality was not allowed during either the Joseon Dynasty period or the period of Japanese occupation (Noh, 1999a, 1999b). Secondly, Koreans in China and the former Soviet Union did not obtain a foreign nationality “of their own accord” (Jeong, 2002a, 2002b). Finally, since Koreans in China were given Chinese nationality after the establishment of the People’s Republic of China on 1st October 1949, and this came after the foundation of the Republic of Korea, this group is included in the

category of ‘people who used to have Korean nationality’ (Lee, CW, 2003:19).

In addition, there was a dispute concerning when the Republic of Korea was established (Jeong, 2002a, 2002b; Lee, CW, 2003). In particular, even though ‘The Republic of Korea’ was not established until 1948, the actual Korean nation itself was not extinct even under the control of Japan. So they insisted that the definition of ‘The Republic of Korea’ is not limited to only to the nation of the Republic of Korea, which was formed in 1948, but also includes the whole Korean history.

Publicly, under the impetus of the Constitution Court’s judgments, the Overseas Korean Act was revised on 1st February 2004. The revised act included overseas Koreans who emigrated abroad before the foundation of the Republic of Korea. While the unrevised act did not limit the category of lineal descendants, the revised act excluded 4th and above generation descendants from its provisions (Lee, CW, 2005:522). However, the related laws prohibit a person who acquires an overseas Korean stay visa (F-4) from employment as a laborer. In practice this means that it remains difficult for Korean-Chinese and Korean-Russians to obtain such F-4 visas (Lee, CW, 2005:522).

The predecessor system, the ‘Employment Management System’ was effective from December 2002, and its successor, the ‘Working Visit System’ was effective from March 2007. These are a kind of ‘labor permit system’, which allows overseas ethnic Koreans to work in some parts of the service and construction industry. The

Employment Management System allowed overseas Koreans in China and former Soviet Union, to come to Korea and work for a maximum of two years, while the Working Visiting System allows a maximum of three years work during a five year stay. In addition, the Working Visit System allows for the free movement between the country of nationality and Korea, for a period of up to five years (termed a ‘plural visa’). The intention of this latter inclusion was to alleviate the problems of large numbers of undocumented migrants and the dissolution of family structures within China.

1) The Competition of Professionalism among Ministries

President Roh Mu Hyun was also instrumental in the preparation of the Working Visit System, which was proposed in June 2005 and finalized during a meeting of Vice Ministers in December 2005. Though the Ministry of Labor was significant in the formation of immigration policy as a whole, the operation of the Working Visit System was deemed the purview of the Ministry of Justice in May 2006. This was as a result of the fact that, since 1998, the Ministry of Justice was the main orchestrator and promoter of the ‘Overseas Korean Act’. Thus, judgments of the Constitution Court were directly related to policy formed by the Ministry of Justice.

In a way, it could be said that the Ministry of Justice tried to recover from the loss of its credibility resulting from its opposition to the Employment Permit System

through a satisfactory implementation of the Working Visit System. Therefore, in order to promote the Working Visit System in 2007, it established the ‘Overseas Koreans Team’ in February 2007. Originally the Ministry of Justice’s immigration unit was composed of one Immigration Control office, with 6 teams and 57 personnel; but with the change became; the Korea Immigration Service, with 1 commissioner, 2 directors, 1 planner, 10 teams and 99 personnel. This structural change within the ministry was also a result of the implementation of the ‘Foreigners in Korea Fundamental Treatment Law’ (enacted 17th May 2007). The modified structure of the Ministry of Justice’s organization; and its resulting services, were launched during the latter stages of the Participatory Government. The Overseas Koreans Team still had conflicts of interests with the Ministry of Labor due to the implementation of the Working Visit System. Thus, ministries fight for control over areas of influence remains a key factor:

“At first there was agreement in principle between ministries about the introduction of the Working Visit System. However, there developed a conflict between the Ministry of Labor and the Ministry of Justice when they discussed the specifics. The Ministry of Labor approached the issue from the position of the protection of the domestic labor market, while the Ministry of Justice approached it as issue of the easing of discrimination against overseas Koreans.”

(a senior official in

the Ministry of Justice, 27th October 2008)

At the same time as the Ministry of Justice approached the Working Visit System as an issue regarding ‘overseas Koreans’; the Ministry of Labor approached it from the point of view of ‘foreign manpower’. According to Joppke (2005), domestic political struggles between the political left, and political right, affect the extent to which “ethnicity” matters in immigration policies. When the political left forms the majority, de-ethnicization predominates; when the political right is the majority, re-ethnicization predominates. However despite Joppke’s predictions, forces for “re-ethnicization” in Korea are dominant when the political left is a majority. This is as a result of the particular characteristics of Korea.

This mentality is a result of the fact that the Korean idea of ethnicity differs from that in the western world (Joppke, 2005). Namely, co-ethnicity in the west usually refers to a person who has both a racial and a cultural heritage, which may be up to 4 or 5 generations removed. In Korea co-ethnic Koreans in China and former Soviet Union are recognized as ‘ex-citizens’, or at the least ‘non-citizen Koreans’ because it can’t be stated when and how they lost their nationality in Korea. Namely, they are predominantly 2nd or 3rd generation migrants and some of them have relatives in Korea. Moreover, unlike Korean-Americans, they were subject to involuntary (forced) migration, so they are entitled to recovery and rewards for their damages as a result of history. Thus, domestic

civic activists recognized it as an affirmative action, not as race discrimination.

The Working Visit System is a policy promoting ethnic return migration to Korea; that is, people understand it is an ex-citizen return migration policy and not discrimination based on ethnic preference. Therefore, Kim's argument that 'political liberals' in Korea support policies preferring ethnic Koreans (2008:582) because: "they are not "liberal enough", is based on false assumptions. Within Korea itself the opposition to the Working Visit System came mainly from the construction labor union, which feared ethnic Koreans would replace domestic labor and drive down working conditions.

2) The Character of New Government

The Former Roh Moo Hyeon government approached the Working Visit System as an 'overseas Korean problem', which required a paternalistic approach, as it is an issue which concerns real family members of Korean nationals. At the time when the Ministry of Justice was responsible for issues concerning undocumented migrants, prior to the activation of the Employment Permit System in 2004; about 70 undocumented foreign workers held an anti-deportation demonstration outside the Ministry; and some 2,000 Korean-Chinese participated in a hunger strike calling for 'citizenship reinstatement' in a Seoul Korean-Chinese Church. President Roh Moo Hyeon visited the Korean-Chinese on hunger strike on 29th November 2003 and promised a more tolerant policy for them.

This behavior by the President would seem to be too paternalistic. Even an ex-ambassador said he would behave like the President, in areas of diplomatic affairs and security, to use more careful language (Jo Sun Il Bo 28th October 2004). The former Participatory Government emphasized 'ideology' and 'nationhood' for the national administration, while Lee Myeong Bak's administration, which was established in 2008 aims towards non ideological pragmatism. From this point of this view, former President regarded the Working Visit System as an 'overseas Korean problem', while present President Lee Meong Bak tends to regard it as a 'foreign manpower' issue. This can be demonstrated by reviewing the Working Visit System amendment announced on 10th October 2008. This amendment limits Korean-Chinese who get or 'recover' Korean nationality in that family members in Korea can only invite a maximum of three relatives within the Working Visit System and it also abolishes entry requirement exemptions for aged overseas ethnic Koreans. The superficial reason for these amendments are that ethnic Koreans in China should report when they acquire employment within Korea, however only 5% were in fact reporting their employment status, hence amendments were needed to encourage more reporting. However, the underlying reason can be seen as the view of Korean-Chinese more as a source of 'foreign manpower' than the previous government had.

Thus the manifold changes in Korean immigration policy, which have occurred since

2004, have been reviewed through the prism of ‘professionalism competition among ministries’ and ‘the perspective of the government’ of neo-institutional theories. The Korean government of the last decade, which was characterized by figures such as former President Kim Dae Jung and Roh Moo Hyeon, were from the political left. Current President Lee Myeong Bak’s administration, established in 2008, is from the political right. It will be interesting to see how the political right will deal with immigration policy.

V. Conclusion

To sum up, the case of Korea has provided an important opportunity to examine two liberal paradoxes related with immigration policy. In the case of Korea, over the last 20 years there has been a shift from an authoritarian state to a liberal democracy, and alongside this, a shift from right of center politics to left centered politics, and more recently a shift back to rightwing ideology. As the changing process of the perspective of the government and the change of immigration policy have been so closely linked, Korea provides an important empirical context for which an examination of the two liberal paradoxes can be handled.

The method for this enquiry was the division of the last 20 years into 3 stages - the early phase (1987~1994), the middle phase involving the struggle for reform towards the Employment Permit System (1995~2003), and the Institutionalization phase since 2004. Two

questions were asked: 1) why it took so long for the shift towards the Employment Permit System and why did this shift speed up considerably since 2004; and 2) why the government chose the Working Visit System for ethnic Koreans with other nationalities, in spite of some criticism of ‘ethnic nationalism’.

It has shown that in immigration policy itself acts as a kind of test of the level of liberalism within a state. The change from the Industrial Trainee System towards the Employment Permit System has demonstrated how Korea has solved the first liberal paradox; that is, how a state itself goes through the liberalizing process. During the initial stages immigration policy was clearly a result of ‘customer politics’ but as time went by the explanations offered by neo-institutional theories became persuasive. However, the influence of customer politics did not disappear completely, in that ministries and the government considered each customer group and support base in their decision making. As such, since 2004, the Korean government has been working towards policy development, which draws on partnerships between government resources, NGOs and the academic world. Still, under these circumstances the ministries decided which partners (advisors) it would choose from amongst several nongovernment organizations and figures in academia.

Immigration organizations and foreign workers’ movements (NGOs), the judicial system and international laws, have all had an impact on Korean immigration policy.

However, since immigration policy is still set by the government in Korea, the sudden change of Korean immigration policy since 2004, is explained well by an examination of the perspective of the government, which Boswell emphasizes, and the competition for power between ministries, as illustrated by Rosenheck. The perspectives of both the Nationalist Government (1998~2002) and the Participatory Government (2003~2007) were similar as both emphasized 'fairness' and 'justice' to a greater extent than their predecessors. Therefore, this raised the question of; why immigration policy changed rapidly towards expansion and inclusion in the Participatory Government, but not during the Nationalist Government? Boswell's hypothesis can still be seen as valid if emphasis is placed on the intentions of government, rather than its actions. However, it can also be explained through the notion of 'customer politics', as the intention of the government was related with its support base. Thus, the Korean case has shown that political economy and neo-institutional theories are complementary rather than mutually exclusive.

Meanwhile, in Korea's case there was the problem of how to solve the second liberal paradox. Korea developed in ways unlike the German model of progress from re-ethnicization to de-ethnicization. The eventual enactment of the Employment Permit System showed that Korean foreign workers policy progressed in a liberal direction, however the operation of the Working Visit System in March 2007 seemed to indicate a move towards an illiberal policy of ethnic

preference, which suggested that Korean immigration policy fell victim to a liberal dilemma (Kim, 2008). Nevertheless the actual situation is more complicated than Kim (2008) grasped.

This complication is that the definition of 'ethnicity' in Korea is unlike any faced so far by western scholars. In Korea, where the history of emigration is short, overseas Koreans are considered to be literally kin communities. Specifically, many 2nd-3rd generation overseas Koreans in fact do have family-ties and relatives within Korea. These groups are recognized as being 'poor relatives', and it is therefore ideologically justifiable to allow access to what once was, in time memorial, their home. In addition, as Korean-Chinese and Korean-Russians can make contact with North Korean residents with relative ease, they are perceived as a group which can contribute towards peaceful reunification.

Of course the Korean-Chinese issue as to whether to create an ethnic selection policy has been a dilemma for Korean policy makers since immigration policy was formulated in the early 1990's. When compared to Japan's policy of repatriation privileges for ethnic Japanese in Southern and Central America (Nikkeijin), Korea's policy seems to have been rather less active than the Japanese. The difference between the two situations is geographical in nature. Though both the Nikkeijin and Korean-Chinese communities are approximately 2 million strong, China's proximity has resulted in realistic fears of mass migrations if borders were opened. However

Japan, with its greater distance from its co-ethnic groups, thought it possible to control and absorb the resulting such ethnic migration.

As the government started to become more concerned about migrants' social integration recently, there has been more motivation to use Koreans in China, than other foreigners, as they are perceived to be easier to integrate into the society. This in itself is a form of ethnically preferential thinking. However, the Working Visit System was in fact more of an effort to solve an existing problem, namely the legalization of large numbers of undocumented migrant workers. The fact is that of all immigrants in Korea since the middle of the 1990's, nearly 80% of them were illegal and a vast proportion of these were of Korean-Chinese extraction.

Meanwhile, Skrentny et al. (2007) regards the case of ethnic preference in European countries as being designed to benefit the ethnic group itself, both at home and abroad. However, co-ethnic preference in Asian countries, including Japan and Korea, is in the national, rather than majority ethnic groups, interests. Naturally this is a simplification and generalization as there is no state which doesn't consider the national interest, however it is a fact that when comparing the general trend in Europe with Japan and Korea, Europe has tended to give co-ethnics citizenship, while Asian countries grant solely the right of temporary residence.

This paper has made a number of discoveries. First, western theories about immigration assume that the country emigrated

to is a liberal democracy, which has liberal democratic values. However, the level of maturity of a liberal democratic state can be different from the assumed model in several ways. Korea, until 2003, did not represent the model of the liberal democratic state western theorists assume in respect of attitudes to foreign residents human rights. It showed, since 1987, that even though Korea was progressing towards the assumed model of a liberal democratic state, the level of maturity of the liberal democracy was initially very low. From the aspect of competition between systems that neo-institutional theories emphasize; the judiciary insisted consistently on prohibiting discrimination against foreign residents, and upholding their human rights, from an early time. However, legal protections were not enforced in relation to foreigners before 2003. Secondly, western theories are centered around the issue of foreign workers (migrants) and refugees and there is no discourse on the issue of marriage migrants. In the case of Korea, the large influx of marriage migrants made essential the speedy establishment of policies geared towards social integration. These specific circumstances of Asian states, such as Korea and Taiwan, create a need for a distinction to be made between traditional western theories and theories concerning the Asian condition; and as such new works need to be performed. Lastly, the phenomenon of migration as an ethnic return policy in Korea needs more specific examination of its categorization and concepts.

To sum up; before 1987 when Korea democratized, the nature of government control was both nationalistic and unionistic. After democratization the Korean government underwent a period of confusion as professionalism began to take root, and this process was mirrored in the implementation of immigration policy. The end result has been the institutionalization of expansionistic and inclusive policy, and even though the new Korean government in 2008 has changed from the political left to the political right it is unlikely, as illustrated by Hansen's path dependency theory, that immigration policy will deviate greatly from its general direction of development. Though, exactly how the perspective of the present government, and the ongoing competition of professionalism between ministries, affects Korean immigration policy from now on, is the matter of later concern.

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**CARE DEFICIT AND INTERNATIONAL MARRIAGES:
THE POLITICAL ECONOMY PERSPECTIVE**

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The phenomenon of cross-border marriages is one of the international migration flows in our globalization times (Constable, 2005; Thai, 2008; Kojima 2001; Suzuki 2000; Piper 1997; Glodava 1994), and in East Asia, these cross-border female migrants are de facto economic migrants in the sense of their role as unpaid reproductive workers (Kojima, 2001; Wang, 2001). Within the context of Taiwan and its closest neighbors, the number of female migrant partners from Southeast Asia and China to Taiwan has increased significantly since early 1990s. Table 1 shows that about one out of ten newly wed couples in Taiwan are transnational, excluding those involving “Chinese brides” who are not officially considered as foreigners. If they are counted in, the proportion can be as high as

one-third.⁸ From 2000 to 2007, every one out of ten newly born babies are from these female migrant families (see Table 2).

Among these cross-border marriages, up to the end of 2009 there are more than 100,000 Vietnamese women married to Taiwanese,

⁸ PRC people is officially considered as Taiwan’s people, for the Nationalist government always claimed its its sovereignty over mainland China after its flee from China in 1949. The current constitution in Taiwan still refers itself as the “Republic of China”, and therefore it produces a very complex and confusing regulation system toward immigrants from China and other areas. Differential citizenship is thus created for people in different categories.

which constitutes the biggest ethnic group in Taiwan besides Han people. Mass cross-border marriages between Vietnam and Taiwan relates to the demographic changes, care deficit in Taiwan, and the strong economic ties between these two countries. I will discuss the bilateral relationship between Taiwan and Vietnam as the background against the large scale cross-border marriages between these two countries.

The socio-demographic background of these Vietnamese female immigrants and Taiwanese men is shown in Table 3, 4 and 5. In general, Vietnamese female migrant partners are about twelve years younger than the Taiwanese grooms, and have had little education beyond 6-year elementary school. About half the women come from rural areas, and a quarter are ethnic Chinese (Wang 2001: 110). Most Vietnamese women come to Taiwan with the introduction of either matchmaking agency or their friends or relatives, who might be also a part of the matchmaking industry. They are those women who have strong motivation to escape poverty, as one interviewee Khoa told us "when I saw him (the husband), I found him ugly, very dark. I did not like him at all. However, I just wanted to leave Vietnam, and to make money (for the family) in Taiwan, so I did not take the appearance into account."

In Taiwan, there is a common perception that Vietnamese women use international marriage solely as a tool to improve their family's poor economic situation. This perception is largely

an interpretation from the dominant class and ethnic ideology that fails to capture the complexity of women's motives and life experiences. Among our interviewees, women wanted to help their parents and improve the livelihood of their family by marrying and migrating internationally. In other words, to fulfill the 'filial daughter role' and support their natal families is the most important reason to marry overseas man. If the husband family can provide economic security for the natal family, Vietnamese women mostly would conform the Taiwan's gender roles assigned on them. However, if not, they need to go to work and make money to remit, which causes great tension between them and the husband family. It will be discussed in details later.

LOW WELFARE REGIME AND CARE DEFICIT

One common explanation for why a Taiwanese man might seek an overseas bride is his disadvantaged socio-economic status in the domestic marriage market (Wang and Chang 2002). The average age of grooms is 36 years old, and their educational attainment is not high, with an average of less than the nine-years of compulsory education. The occupational distribution of the grooms is centered in manual work, cab driving, self-employment and farming. Further, most of the respondents are from low-income areas. The socio-economic status of these grooms, then, in terms of education, occupational prestige and place of residence is comparatively low. In Taiwan, this

disadvantaged social background makes finding domestic partners difficult (see table 3 and 4).

Another referred factor for the widespread of cross-border marriages is Taiwan's gender culture of masculinity. Those men who marry Vietnamese women would like to find a subservient wife for the family, and to reproduce their masculinities in this cross-border family formation process (Wang and Tien 2009). To those Taiwanese grooms, it is natural that a man should be the main economic material provider for the family. From their viewpoint, Vietnamese women should be dependent, deferential and with low material desires, thus manifesting the value of his economic contribution. The family members and friends in the same cultural social context have the same image of an ideal wife, and exert great influence on the decision of marriage for other Taiwanese men in the network. Moreover, Vietnamese women are represented by matchmaking agencies as being like traditional Taiwanese women of the 1950s in order to attract potential grooms, and this fits well with the expectations of Taiwanese men and their parents. Furthermore, the impression of third world countries, and the higher income and living standards in Taiwan put Taiwanese men in a position to imagine an inferior other, or inferior female Vietnamese who is dependent and submissive.

In addition to demographic and gender cultural factors, we want to argue that the political economy of low public welfare regime is another important factor to influence the increase of cross-border marriages between

Taiwan and Vietnam. Since Taiwan's guest worker scheme⁹ is favourable to middle class family, the lower socio-economic class uses the international marriage as a strategy to cope with care deficit.

A major demographic change in Taiwan is the coming of an ageing society. In 1988 the population aged over 65 was only 5.7 per cent, while in 2007 it increased to 10.2 per cent (see Table 6). Industrialization brings urbanization, and most families are nuclear families living in cities. It is still a prevalent ideology that old parents should live with their children, especially to live with sons, so the government does not have to provide general care system for elderly. However, when the family is no longer sustainable by depending only on one income, it is hard for a family to take care of the elderly by keeping the wife or husband at home. In addition, as Table 7 shows, more and more aged couples live alone without living with their children,

⁹ Guest worker scheme is to ensure Taiwan is a zero migration country, and all migrant workers are required to leave after a working period. The government worries the influx of migrant workers from Southeast Asia might reduce the overall 'population quality', and exclude any possibility for migrant worker to apply for permanent residence. See Wang, 2011: Immigration Trends and Policy Changes in Taiwan)

increased from 19.6 per cent (1992) to 29.2 per cent (2002), a big increase of 10 per cent in ten years. Three generation family types with persons aged over 65 is reduced from 43 per cent to 33 per cent in the same period. In other words, traditional family care system is no longer sustainable. To deal with this care crisis, the government allows people to hire migrant workers to take care of elderly since 1992.

However, the employment of a migrant worker costs a family at least NT\$23,000 (about US\$770) if the wage, tax levy, insurance for migrant worker is included. Considering the average monthly income in Taiwan in May 2010 is only NT\$41,131 in industry and service sector (Council of Labour Affairs, http://www.cla.gov.tw/cgi-bin/Message/MM_msg_control?mode=viewnews&ts=4c48f740:1c5f&theme=, accessed on <2011/05/17>, 99年5月台灣地區薪資與生產力統計結果), low income family is not able to afford hiring a migrant worker to tackle the care deficit problem. If so, who takes care of the care deficit? Table 7 shows the division of labor by gender in domestic affairs. Except the task of simple home repair, most domestic work is done by female.

The gender culture requires female to take care of domestic work, while at the same time the society requires female to participate in labour market to support family economy, a married woman becomes a two-shift worker. Table 8 shows that a Taiwanese working

woman had to do 5.9 hours housework after their work. Those women who did not participate in the labour market had to do 9.1 hours domestic work to take care of children, elderly and housework. Among these different houseworks, child care takes about 40% of total houseworking time, while elderly care takes about 25%. In other words, Taiwanese women had to spend four to six hours to care the children and elderly every day.

Pre-school child care in Taiwan is normally done by family or relatives, but woman is normally the main care provider based on traditional ideology of division of labour in domestic work. Such an ideology also leads to low support of providing public child care. An evidence is the high marketization of child care centers and kindergartens in Taiwan. Though the Ministry of Education has increased its expenditure in pre-school education after 2003, it is not a universal child care education, and under fiscal budget deficit such an expenditure would be cut (<http://www.epochtimes.com/b5/2/4/22/n185232.htm>, 大紀元：台灣幼教經費增加明年增列幼托機構千所, accessed on <2011/05/17>). In addition, the elementary school education is school-centred without paying attention to child care after school. Most school children in the urban regions go to private Buxiban (cram school) or Anqinban (private child care school) until the working parents return to take them home.

Taiwan's female labour participation rate increased from 38.8% in 1981 to 44.5% in 1990,