대한지리학회지 제53권 제2호 2018(229~246)

Promoting and Controlling Labor Migration: South Korean State's Intervention for Control in the Temporary Migrant Worker Program and Its (Un)intended Outcomes

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한국 정부의 이주노동 관리체제: 단기체류 이주노동 프로그램 통제를 위한 정부의 개입과 그 결과

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Abstract : South Korea has recently implemented a temporary migrant worker program, called the Employment Permit System (EPS), to meet the needs of domestic businesses for low-skilled workers. Much discussion has focused on whether this and other East Asian migration programs would fail like European and American guest worker programs did decades earlier. By examining the ways in which the strong South Korean state has gained and maintained control over not only migrant workers but also employers and labor-sending governments, this research argues that the EPS quota management and classification systems are essential to the effective, but exploitative, enforcement of temporary migrant rules. The government's heavy-handed intervention in labor migration has also produced an extreme ethnic and gender imbalance in the composition of the migrant workforce and a geographical clustering of "non-Korean" male migrant workers in traditional industrial cities in outer parts of Seoul. This research extends our understanding of temporary migrant worker programs by looking beyond the success/failure dichotomy and the Asian model of migration to address how specific programs are actually administered and what are the intended and unintended outcomes of such tight control.

Key Words : temporary migrant worker programs, labor migration, Employment Permit System, Asian model of migration

요약 : 한국 정부는 최근 고용허가제(EPS)로 불리는 단기체류 이주노동 프로그램을 국내 비숙련 부문 노동수급 대책으로 운영해 왔다. 대부분의 논의는 한국의 사례를 비롯한 동아시아 이주노동 정책이 20세기 중반 유럽과 미국에서 시행되어 온 게스트노동자 정책의 전철을 밟아 실패의 길로 접어들 것인지에 집중되어 왔다. 이 논문은 '강한 국가'로 간주되는 한국정부가 이주노동자들뿐만 아니라 이주노동 송출국과 고용주에 대한 통제를 획득하고 유지해 온 방식을 검토함으로써 고용허가제의 쿼터제와 세분화된 분류체계를 통해 한국 정부가 효율적이지만 착취적인 단기체류 이주노동 관리 양식을 조율해 왔음을 주장한다. 중앙정부의 이주노동에 대한 강력한 개입은 이주

이 논문은 2007년 정부(교육과학기술부)의 재원으로 한국연구재단의 지원을 받아 수행된 연구임(KRF-2007-361-AL0016).

이 논문은 2017년 6월 25일 국제학술대회 AAS-in-ASIA (Asia in Motion: Beyond Borders and Boundaries, 고려대학교)에서 발표한 논문을 바탕으로 작성되었음(발표제목 - Defining and Controlling Others: The South Korean State's Classification of Temporary Migrant Workers).

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노동자 구성에 있어서 인종적·성별 불균형을 낳았을 뿐만 아니라 서울 외곽의 산업도시에 외국인 남성 노동자의 공간적 밀집현상을 초래했다. 본 논문은 기존의 아시아 이주노동 정책의 성공/실패 이분법을 넘어서 한국의 고용허가제를 사례로 하여 아시아 모델의 구체적 양상을 조명하고 이처럼 강력한 통제가 야기한 예상된, 그리고 예상치 못한 결과에 대해 탐색하고자 한다.

주요어 : 단기체류 이주노동 프로그램, 노동이주, 고용허가제, 아시아 이주모델

1. Introduction

During much of the 20th Century, the Republic of Korea (hereafter South Korea) was a major source of international migration flows, as it sent large numbers of migrants to countries like China, Japan and the United States. Since the early 1990s, however, South Korea has become a destination of international migration attracting labor and marriage migrants from its developing neighbors, as well as ethnic Korean returnees from former Socialist countries across Asia. An estimated 1.8 million foreign nationals currently live in South Korea, a little more than 30 percent of whom are temporary migrant workers for low-skilled positions in manufacturing and services. The country has made a rapid transition since the 1990s from a net labor exporter to an importer with a growing number of migrant workers recruited for the jobs shunned by natives.

The South Korean government has played an integral role in the country's economic development by guiding and directing the private sector towards export-oriented industries (Amsden, 1989). The recent growth of the migrant workforce brings up questions about the role of the government in labor migration, including how this strong state in East Asia promotes and, at the same time, controls the employment of low-skilled foreign workers in domestic industries and what distinguishes its migration regime from other countries'. Another important question is whether the South Korean government can continue to assume the tight administration of its temporary migrant worker program without suffering side effects.

Temporary migrant worker programs are often criticized for the large gap between policy goals and outcomes (Hollifield *et al.*, 2014; Pittman, 2016). Western Europe's guest worker programs had to be discontinued when it became clear that importing laborers, not people, for a limited period of time rather resulted in substantial permanent settlement (Castles, 1986, 2006; Ruhs, 2006; Schierup *et al.*, 2006). Countries like Israel, Italy, and Spain have made an "uneasy transition" to a migration destination relatively recently, and they too have carried out large-scale amnesty programs for irregular migrants who were recruited on a temporary basis (Drori, 2009; Hollifield *et al.*, 2014). Drawing on these past and current experiences, many migration scholars claim that large-scale temporary migration programs, regardless whether they are formed and implemented by weak states or strong states, might initially appear to work reasonably well, but few would have much staying power over time (Castles, 2004; Martin *et al.*, 2006).

Contrary to the conventional wisdom, however, migration programs in developed East Asian economies appear relatively effective in preventing migrants from being integrated into the host society (Ahsan, *et al.*, 2015; Hugo, 2009; Tseng and Wang, 2013). Understandably, questions have been raised whether the current wave of intra-regional labor migration in Asia is fundamentally different from those in Western democratic societies (Winders, 2014), and whether East Asian programs would too inevitably lead to the formation of significant

ethnic minorities in their urban centers (Battistella, 2014; Lindquist *et al*., 2012; Milly, 2014). In answering these questions, many have highlighted the "draconian" nature of East Asian governments' control measures designed to keep migrant workers from settling and serious labor abuses inherent in their migration programs (Amnesty International, 2014; Lenard, 2014; Piper, 2010). As a result, much is known about the doomed future of temporary migrant worker programs and the so-called "Asian model of migration" that puts severe and discriminatory restrictions on the rights of migrant workers, but little research exists on the administration and policy details of specific programs that have enabled a high level of government intervention in labor migration. Even less exists on the unintended and unexpected consequences of such tight control on the host society.

This research is based on a case study of South Korea's temporary migration program, called the Employment Permit System (EPS). In an effort to relieve a shortage in the domestic labor market, the South Korean government has taken a proactive role in facilitating migration flows from South and Southeast Asian countries, as well as diaspora Korean communities in China. While managing the demand for migrant labor and barring private agencies from recruiting workers from overseas, the government has implemented a "carefully designed and effective temporary migration program" that is similar to the one recommended by the Global Commission on International Migration (GCIM, 2005). Since the introduction of the EPS, a number of studies have asked questions like "whether South Korea would ever become a settler society" and how South Koreans might respond to their country becoming multiethnic and multicultural (A. Kim, 2009; Lim, 2012; Seol and Skrentny, 2009). Yet, a question few have asked is: what in the EPS makes it possible for the government to be the sole controlling manager of labor migration? In other words, how does the EPS ensure that domestic employers and labor-sending governments, as well as migrant workers, follow its temporary migration rules? The research seeks to answer this question by examining the ways in which the EPS collects data from and about both migrant workers and employers to run a tightly-controlled quota-based migration scheme. The availability of comprehensive, detailed migration data has been cited as "a fundamental prerequisite of effective management" of labor migration (Hugo, 2009, 20), and the South Korean government seems eager to prove it.

The EPS classifies migrant workers by ethnicity, nationality, and gender along with other characteristics. Employers too are classified according to their industrial sector, location, and employment size. Based on these classifications and assessments of compliance with the temporary migration rules, employment permit quotas are allocated annually among employers and among labor-sending governments. This restrictive quota-based system serves to achieve the EPS policy goal of deterring both migrant workers and employers from breaking the terms of their contract. However, its tight control also produces a host of unintended consequences, including sharp segmentation in the labor market, an extreme gender imbalance in the migrant workforce from South and Southeast Asian countries, and a cluster of male migrants in industrial cities that are home to small traditional manufacturing firms. It is not to predict that these consequences would soon cause the EPS to fail and lead to the formation of immigrant communities in Korean society. By focusing on the underlying classification system for migrants and employers in the EPS, this research rather aims to shed light on the unintended consequences of tough deterrence and tight controls, an important but underexplored area in the study of temporary migration programs.

We conducted, between 2010 and 2015, more than 30 in-depth personal interviews with migrant workers, including twelve Filipino migrants attending Sunday masses at Hyehwa Church in Seoul, eight Indonesian workers participating in a summer football event hosted

by a group of faith-based organizations and another five Filipino workers playing in a basketball league, and six South Asian migrants working in small-sized manufacturing plants located in the outer parts of the Seoul metropolitan area, called Outer Seoul in this research. All but four migrant interviewees are male. Interviews were conducted in English or Korean, although interpretation help was used to clarify some questions and answers during the interviews with Indonesians and Vietnamese. A series of personal interviews were also carried out with government officials, employers, and migrant rights activists in both Seoul and Outer Seoul. We also analyzed the Korea Immigration Service's arrival and departure records of migrant workers, and the South Korean Interior Ministry's statistics on foreign residents.

2. The Strong State and Temporary Migrant Workers in East Asia

Asia includes many of the traditional source countries of migrant workers, both skilled and unskilled, to the West, but some, particularly in developed East Asia, have recently become popular destinations of migrants from neighboring countries (Athukorala, 2006; Ducanes and Abella, 2008; Fielding, 2016; Findlay *et al.*, 1998). East Asian countries of Japan, Singapore, South Korea, and Taiwan kept their labor markets nearly closed to the inflows of international migration during the economic boom times, but since the mid-1980s they have recruited foreign workers for low-skilled, low-wage jobs. It is well known that Japan has attracted ethnic Japanese migrants from Brazil for factory work and, more recently, Southeast Asian migrants for service sector jobs (Tsuda, 2003). The newly industrialized countries (NICs) in East Asia have recruited young migrants from labor-surplus countries in South and Southeast Asia whose governments set up programs to promote the overseas employment of their nationals (Ahsan *et al.*, 2015).

Though varied and evolving, migration policies in East Asia share a common thread in that migrant workers for low-skilled jobs are admitted only on a temporary and rotational basis, and they are not allowed to accompany their family members or to pursue permanent residency, l*et al*one citizenship (Athukorala, 2006; Ducanes and Abella, 2008; N. Kim, 2008; Tseng and Wang, 2013; Yeoh, 2006). East Asian governments, serving as perfect examples of the strong state that intervenes actively in the economy, are noted for making vigorous, explicit efforts to establish an "orderly, legal migration scheme" by maintaining full control over the number, source, employment, and stay of migrant workers and to avoid the mistakes of European and American policies that resulted in "irregular or undocumented movements" and eventually large immigrant populations (Piper, 2010, 400). As Battistella (2014, 14) succinctly puts it, East Asian governments have stubbornly practiced temporary migration programs "to minimize the social costs for the host country and to avoid the establishment of ethnic minorities with residence rights." Put together with migration regimes in Middle Eastern countries, their programs are called the Asian model of migration, in comparison with Western democratic societies that have developed more embracing immigration and integration regimes for migrants (Pohlmann *et al.*, 2013; Skrentny *et al.*, 2007).

Alongside the undemocratic nature of control measures that East Asian governments have taken to keep temporary migrants strictly temporary, their sustainability has received increased academic attention. Some argue that East Asia's instrumental, economic approach to labor migration is bound to fail as was Western Europe's decades earlier (Castles, 2004; Castles and Ozkul, 2014; Martin *et al.*, 2006). Basically, they see little new or innovative in East Asia's large-scale state-run temporary migration programs. Schierup *et al.* (2006, 37) point out that it seemed plausible in Germany and Switzerland

of the 1960s treating migrant recruits "purely as labor migrants who would contribute to labor market needs without having any social, political, or cultural effects." However, the rules and regulations of those once functioning guest-worker systems had to be relaxed and not enforced due to "increasing international competition for labor and employers' desire for more stable workforces" (Castles, 1986, 766). Comparing these European experiences to East Asia's, Castles and Ozkul (2014) maintain that, despite the differences between the two regions, all temporary migration programs will eventually break down, as migration matures.

In contrast, some argue that "the temporary system in Asia seems to hold" (Battistella, 2014, 17). This argument comes from two different points of view on the Asian model of migration. One suggests that the East Asian migration regime is likely to sustain because it is so restrictive that it has a considerable chilling effect on the willingness of migrant workers to turn into settlers (Lenard, 2014; Piper, 2010; Tseng and Wang, 2013). The other points to a possibility of East Asian governments to follow many of the policy measures recommended by the GCIM (2005) and to design, and manage effectively, a temporary migration program that would sustain itself into the future. For example, Ahsan *et al*. (2015) note that East Asia's migration policies might indeed beat the existing alternatives of irregular immigration or permanent settlement programs by benefiting host countries, home countries, and migrants themselves, without "introducing the possibility for migrants to settle in the host country." Sparking a renewed interest in temporary migrant worker programs that could best materialize the migration-development nexus (Hickey, 2016), international development organizations and migration policy institutes together have broadly recommended the labor-sending and -receiving governments of Asia to work together to develop bilateral agreements on not only the intensive regulation and supervision of migrant workers, but also employers' compliance with requirements for minimum working and living standards (Ahsan *et al*., 2015; ILO, 2010; Vandenberg, 2015). In other words, East Asian governments are considered better suited to achieve a high level of effectiveness in both preventing irregular migration and protecting migrant workers against exploitation by keeping out private recruitment interests and to keep a long-term perspective on labor migration (Hugo, 2009; M. Kim, 2015; Ruhs, 2006).

The success or failure of a temporary migrant worker program is measured differently from different perspectives. Questions range from whether the workers recruited return home, to whether it reduces labor abuses and other problems of illegality, to whether it fosters development in labor-sending countries. South Korea's Employment Permit System (EPS) seems to contain elements of both a bound-to-fail program and a too-restrictive-to-fail one. Employers, particularly in manufacturing, are increasingly requesting the contract renewal for their skilled, favored migrant employees, which may enable the replacement of domestic workers with foreign workers and permanent settlement (Lim, 2012). If one focuses on the story of "random round-ups" of visa overstayers on the streets of Outer Seoul illustrated in Amnesty International (2014), it would make sense to argue that this strong state will continue to enforce restrictive measures at the great expense of migrant workers' rights. By signing bilateral agreements with labor-sending governments and cutting out private brokerage agencies, however, the EPS seems to provide a good practice example of a state-run migration program (D. Kim, 2011). As a matter of fact, it was recognized for the effective and efficient management of temporary migrant workers by the International Labor Organization (2010) and United Nations Public Service Awards Programme (UNDESA, 2011).

Many conflicting accounts emerged in our personal interviews with various stakeholder groups in the EPS, making it almost impossible, and somewhat irrelevant, to predict that South Korea's temporary migration program is bound to fail or to succeed. Their differing accounts

have instead prompted us to ask more fundamental questions: what is the underlying structure that makes the EPS an efficiently, or harshly, controlling migration scheme and, as importantly, what problems might arise from the complete government control? Predicting the future of the EPS in either long or short-term periods is beyond the scope of this research. Instead, this research focuses on some of the under-researched areas in labor migration in East Asia, particularly South Korea, so that we could better understand the opportunities and challenges facing temporary migration programs in the 21st Century.

3. South Korea's Rapid but Uneasy Transition in Labor Migration

With a fast-aging population, a low birthrate, and a growing aversion to menial, low-wage jobs among the native-born, South Korea has faced growing shortages in the domestic labor market. During the economic restructuring of the late 1980s and early 1990s, scores of labor-intensive manufacturing firms, around which the country's exporting industries had been established, were struggling to compete against cheap imports. Having played a lead role in promoting development and industrialization in previous decades, the South Korean government addressed the acute shortage of low-skilled workers in manufacturing by "importing labor" from neighboring countries, according to an official in the Ministry of Employment and Labor (interview data, 2010). An industrial training program was created in 1993 to officially allow manufacturing firms to recruit "foreign trainees" for entry-level factory jobs. Although the trainee status meant that they had to take "lower-than-minimum-wage, no-benefits" factory jobs, he went on to note that the program had served to bring in more than 300,000 foreign workers before being completely phased out in 2006.

When asked about the failure of the industrial training program, another official in the same ministry pointed to the rapid growth of irregular migrants, the vast majority of whom either "ran away" from their sponsoring employers or "overstayed" their trainee visas. While explaining the relationship between the government and private-sector employers under the training program, he stated that

> During the early days of the program, we [the government] failed to foresee what employers would do with their trainees. We certainly knew training involved much more than teaching them how to use machines and tools, and that employers took advantage of them. But, we didn't know employers would go so far to keep them at the warehouse of the factory for years after the expiry of the visa (interview, 2010).

Having no prior experience with the inflows of migrant workers, the government lacked structured procedures for managing the training program at the time, and employers certainly exploited the vacuum of government control. Two officials in the Ministry of Justice noted that

> Back then more than two thirds of the industrial trainees dropped out of the program. A congressional inquiry was held about irregular migrants, but nobody knew how many or where they were. Pressure for migration reform was coming from everywhere, calling for a decisive government action to roundup and deport those trainees and to sanction employers for hiring them, and we did just that to clean up the mess (interview, 2010).

As noted in these interview quotes, facing scores of industrial trainees becoming irregular migrants, the South Korean government saw an urgent need to assert

its authority and regain control of labor migration. Labor migration reform was an intensely debated issue in the early 2000s, and finally in 2003, the Employment Permit System (EPS) was introduced to bring in migrant workers, not trainees, for manufacturing jobs on a three-year contract (손윤석, 2013). It was housed in the Korean Employment Information Service (KEIS) under the Ministry of Employment and Labor. By 2007, the EPS became an umbrella program to manage all migrant workers, both ethnic Koreans and other foreign nationals, for entry-level jobs in manufacturing and services, and in smaller numbers also in agriculture, construction, fishery, and livestock sectors. While ethnic Koreans from diaspora communities overseas have been conceived of as a separate, privileged group of migrant workers and accordingly named "special migrants," the EPS has invested substantial effort and resources in regulating the migration of "non-Korean" workers who are officially classified as "general migrants." In official government documents, the general migrants are sometimes called "EPS workers," "foreign workers," "E-9 visa holders," and "Southeast Asian workers," but in this research we use the colloquial term "non-Korean" to distinguish them from ethnic Korean workers. Over the years, South Korea has signed a bilateral labor accord with 15 national governments across developing Asia to recruit "non-Korean" workers and in general to make sure that the EPS "operates properly and manages labor migration from the start to finish," added the aforementioned officials (interview data, 2010).

4. The Employment Permit System: Gaining Control over Migrant Workers, Employers and Labor-sending Governments

The EPS was introduced to end the widespread exploitation of foreign trainees and employment of irregular migrants who were rampant among small-sized manufacturing firms during the 1990s. According to the policy reviews given at the first "Ten Years of the EPS' Implementation" conference (고용노동부, 2014b), overall, the EPS is deemed to have served well its goal of providing small-sized domestic businesses with a legal labor source, without any major disruptions in the supply of migrant workers. As shown in (Table 1), the South Korean government also believes that the formation and implementation of the EPS has generated a range of positive outcomes, including a fairer treatment of migrant workers; a lower social cost by cutting out private recruitment agencies; and lastly, better relations with labor-sending

Table 1. The Employment Permit System's claimed policy achievements, 2004-2014

Policy Goals	Achievements claimed by the government
To alleviate labor shortages	EPS mitigates "labor shortages in small- and medium-sized businesses by bringing in qualified foreign workers and arranging their job placement in a swift and convenient manner"
To improve the rights of foreign workers	EPS protects "human rights of foreign workers at all stages (entry, employment, and return)"
To minimize social costs	EPS helps to "minimize social costs of labor migration by preventing violations of visa status and ensuring the timely departure of foreign workers"
To enhance the country's international standing	EPS helps to "improve South Korea's international reputation and inter-governmental relations with labor sending countries"

Source: 고용노동부, 2014b

governments by setting out a clear set of rules and procedures on the recruitment, employment, and return of migrant workers.

However, few migrant workers or non-governmental organization (NGO) workers we interviewed would agree on the positive assessment, particularly on the improved treatment of migrant workers. Some simply dismissed the government's self-claimed achievements, citing that NGOs, not the state, had played a key role in ending the infamously exploitative industrial training program, which is echoed in some academic studies (박형기 등, 2014; Gray, 2006; D. Kim, 2011). Some others pointed out in the interviews that the EPS had indeed achieved every goal set out at the beginning to improve the governance of labor migration-except one to improve the protection of migrant workers' rights. As one migrant worker from Sri Lanka, who works in Ansan of Outer Seoul, shares his view,

> My brother and I were here about 15 years ago as industrial trainees. Things were horrible back then They took my passport away [based on a suspicion that] I was going to run away for a better paying job. When comparing now to then, I can see an improvement, but still far from what the government claims I can't take another job. I'm tied to this syringe manufacturer for my entire three years (interview, 2015).

Another worker, who came from the Philippines to work at a machine tool plant in the northern part of Outer Seoul, calls the EPS "an efficiently exploitative" program on the ground that

> My boss keeps talking about going by the rule, when it comes to things like overtime and sick days. But, who wrote the rule? Certainly not by us migrant workers (interview, 2013).

A brief look at the EPS-led labor migration process would provide a better understanding of these differing views of what it has achieved. It starts with the Foreign Workforce Policy Committee (FWPC), a steering committee made up of representatives from various ministries and agencies involving labor and employment matters, which makes an annual assessment of the number of low-skilled workers to be brought in by industrial sector and migrants' nationality and ethnicity. The FWPC follows the rule of thumb that migrant workers need not make up more than two percent of the total employed labor force at any given time. Using the EPS web-based application system, the KEIS accepts, and reviews, employment permit applications from domestic employers, while the Human Resources Development Service of Korea recruits workers through its overseas offices in the 15 labor-sending countries. These two institutions then put together a list of qualified migrant applicants who have passed both a Korean language proficiency test and a physical examination and send it to potential employers to choose from. Once chosen, would-be migrant workers are to sign a labor contract with their future employers, who would sponsor the E-9 visa for them. The next step for the workers is to attend a mandatory orientation in their home country and another one after they enter South Korea but before start working. The primary goal of both orientations is "to tell the workers to stay at their job for the full work term and to return home immediately after the expiration of their visa," said an Incheon-based NGO worker who once worked as an orientation instructor (interview data, 2012). After the second orientation, both the migrant worker and the employer will have their details stored in the EPS database until the former returns home.

Clearly, the South Korean government sees the success of the EPS in maintaining a solid grip on not only migrant workers but also employers and labor-sending governments. Unlike other NIC governments in East Asia that have left the task of matching domestic employers with migrant workers to the private sector and

"increasingly relied on the sending side" (Xiang and Lindquist, 2014, S125), the South Korean government is actively guiding and instructing all parties involved in each step of the migration process. Employers are regulated to honor migrant workers' basic legal rights in terms of the minimum wage, employee benefits, and workplace safety and health, for which the EPS is recognized as an exemplary temporary migration program (ILO, 2010; Vandenberg, 2015). In addition, employers have to make monthly deposits that their migrant employees can withdraw only when they leave South Korea. Tough sanctions will be imposed on the employers who do not comply with these requirements. In return, employers are given considerable leverage over migrant workers who are basically beholden to their initial employers-unless an exceptionally compelling case, like a factory closure, is made for a change of workplace. Tying migrant workers to their respective employers is ultimately to deny their mobility in the labor market, as pointed out above by a Sri Lankan informant. In so doing, however, the government can effectively keep track of the whereabouts and legal status of all migrant workers.

An interview quote from a faith-based NGO director, in Yongin of Outer Seoul, plainly describes how the EPS puts pressure on both employers and labor-sending governments to be accountable for the legal status of migrant workers.

> If an EPS worker runs away from the workplace without permission, his employer is required to report it to a local KEIS office. His case will then be notified to [the worker's] home government office. That's how this bilateral accord works Countries with a high number of run-away migrants will receive lower quotas in the following year. That is why Cambodia suffered a reduction last year. That government is surely under pressure to get their workers back home so that they can send another batch of workers (interview, 2012).

Having learned lessons from the failure of its industrial training program, the South Korean government instituted a quota-based migration program to hold both employers and labor-sending governments accountable for any violation of temporary migration rules. Employers are given annual allowable quotas to hire migrant workers according to their industrial sector, business size, and location, while the 15 governments are given quotas to send migrant workers to South Korea. Quotas could be reduced or lost, if deemed not in compliance with the rules. Needless to say, the management and allocation of the quotas requires a comprehensive and detailed classification system of migrant workers and employers, which is discussed in the next two sections.

5. Classification for Control in Labor Migration

The EPS collects extensive data about individual migrant workers and employers from their applications and uses them in allocating employment permits to employers and labor-sending governments. It also draws on statistics collected by other government offices, including the Korea Immigration Service that keeps records of all foreign nationals who arrive at the ports of entry. The South Korean immigration office's arrival and departure records provide a good estimate of the number and demographic characteristics of foreigners present in its territory, including visa over-stayers. In addition, the Ministry of the Interior collects data on "foreign residents" through its resident registration system, in which all non-native born residents must report to their respective local government offices. This particular database provides information on the whereabouts of specific groups of migrant workers. These two statistical sources were frequently referred in our personal interviews with government officials to explain how migrant workers

Table 2. Low-skilled migrant workers in South Korea, 2016

	Numbers	Visa types	Main employment sectors	Primary sources
Special migrants (ethnic Koreans)	254,950	H-2 Working Visit; 5-years, multiple entries	services construction	Northeast China
General migrants ("non-Koreans")	279,187	E-9 Non-Professional Employment; 3-years, single entry	manufacturing	South and Southeast Asian countries

Source: 법무부, 2017

were classified in the EPS.

(Table 2) provides a snapshot of the country's low-skilled migrant workforce that numbered 534,187 people in 2016. Basically, migrant workers are divided into two groups: ethnic Koreans and "non-Koreans." Ethnic Koreans are granted H-2 work permits, with which they can work anywhere within the country. In contrast, all other low-skilled workers of non-Korean origin are eligible only for E-9 employment permits that require employer sponsorship for a work visa. Engaged in a balancing act to help relieve labor shortages in low-skilled jobs, while putting a limit on employer demand for cheap migrant labor, the FWPC has annually authorized the EPS to bring in around 100,000 migrant workers in recent years (고용노동부, 2014a). These permits are then split fairly evenly between ethnic Koreans and "non-Koreans." The latter is limited strictly to manufacturing jobs, though employers in agriculture, livestock, and fishery have successfully lobbied for their share, around ten percent, of the total employment permits. In contrast, ethnic Koreans are eligible to work in services and construction, in addition to all the jobs allowed for "non-Korean" workers.

When asked about the rationale behind this enforced ethnicity-based classification of migrant workers, several interviewees referred to "what both employers and the government want." That is, ethnic Koreans, predominantly from Northeast China and fluent in Korean, are deemed qualified to serve native customers at restaurants and hotels, while "non-Korean" migrants from South and Southeast Asia, who are visible minorities in South Korean society, seem rather "fit for factory jobs" and need to be "better kept away from the public" (interview data, 2012). Indeed, many E-9 workers are accommodated in factory dorms and rarely have opportunities for interpersonal interactions with the general public, unless they come out on weekends for shopping, worship, or other personal activities (Y. Kim, 2009).

Answering the subsequent question "Why not recruit ethnic Koreans only for all low-skilled jobs across industries?" a faith-based NGO director in Hwaseong of Outer Seoul stated that,

> Ethnic Korean workers would surely run away from those physically demanding manufacturing jobs. That's been the case all along. Manufacturing kept losing their ethnic Korean employees to restaurants or construction companies. More money and flexibility there. That explains why the government has tied E-9 workers to manufacturing (interview, 2015).

In 2015, a total of 55,000 employment permits were issued for hiring "non-Korean" migrant workers, at least 77 percent of which went to manufacturing firms. The FWPC further divided these "non-Korean" manufacturing quota shares among the 15 labor-sending countries and again among domestic manufacturing industries. While Indonesia, Philippines, and Thailand used to receive quantities of quotas in the earlier years of the EPS, former Socialist countries like Cambodia, Myanmar,

and Vietnam have emerged as the primary recipients in recent years. According to Employment and Labor Ministry officials, the allocation of EPS quotas to individual countries reflects a combination of employer preferences, return rates of migrant workers, and broader political considerations like South Korea's trade and investment relationship with former Socialist countries. As migrant workers are recruited from as many as 15 countries, quota allocations are used as leverage to get the labor-sending governments to cooperate in the recruitment and return process.

When allocating employment permits among manufacturing firms, the FWPC considers both the labor needs of individual industries and their "strategic importance in the country's exports" (interview data, 2012). A group of basic industries like machinery, metalworking, and chemical manufacturing are called "root industries," and their labor needs receive high priority. Consequently, small firms in metalworking are allowed to hire larger numbers of migrant workers than, say, those in clothing industries, in recognition of their role in the supply chain of South Korea's globally branded export giants like Hyundai and Samsung. An FWPC planning report plainly states that small- and medium-sized manufacturers in root industries are so essential to the country's overall export performance that "their workforce needs should be appropriately met with increased allocations" of employment permits (고용노동부, 2014a).

The constant and extensive presence of the government in the management of labor migration is clearly

Table 3. Employment permit quota template for employers, 2015

<table>
<tr><th></th><th>Allocation of employment permits</th></tr>
<tr><td></td><td>Total of 55,000 permits for non-Korean migrant workers</td></tr>
<tr><td>Industrial sector</td><td>42,400 for manufacturing;
6,000 for agriculture and livestock;
2,300 for fishery; and
2,300 for construction</td></tr>
<tr><td>Employment size</td><td>For manufacturing firms with less than 300 employees (or an asset of 8 million dollars), but the ceilings set for migrant workers as follows:
<table>
<tr><th>no. of native employees</th><th>maximum no. of employment permits</th><th>maximum no. of new employment permits</th></tr>
<tr><td>1-5</td><td>5</td><td>3</td></tr>
<tr><td>6-10</td><td>7</td><td>3</td></tr>
<tr><td>11-30</td><td>10</td><td>4</td></tr>
<tr><td>31-50</td><td>12</td><td>4</td></tr>
<tr><td>51-100</td><td>15</td><td>5</td></tr>
<tr><td>101-150</td><td>20</td><td>5</td></tr>
<tr><td>151-200</td><td>25</td><td>6</td></tr>
<tr><td>201-300</td><td>30</td><td>6</td></tr>
<tr><td>301-</td><td>40</td><td>6</td></tr>
</table></td></tr>
<tr><td>Exceptions</td><td>manufacturing firms in metalworking industries, located in rural areas, and/or with ten employees or less, are eligible for 20 percent more than the specified maximum number of permits and one additional new permit</td></tr>
</table>

Source: 고용노동부, 2014a

shown in (Table 3). It sets varying quotas of migrant workers for different employment sizes, similar to Singapore's dependency ratio ceiling that limits the maximum number of foreign workers per workplace. For example, a small manufacturing firm with five domestic employees could hire up to three new migrants in a year, while its total number of migrant employees should be no larger than five or half of the firm's entire workforce, whichever comes first. In contrast, a mid-sized firm with 50 domestic employees can have no more than twelve migrant employees. Additional quotas might be earned if a firm is located in rural towns where factory workers are hard to find, while quotas might be lost if it happened to lose track of migrant employees in the past three years. Regarding the purposes that such a detailed EPS quota table serves, a government official who participated in an earlier version of the table contended that

> It is to get those small manufacturing firms registered and compliant with the EPS rules. With those extra permits, the government can collect data about who hires how many of what kinds of workers, when, where, and all that (interview, 2014).

When asked about the willingness and capability of the government to continue to assume the lead role in micromanaging EPS quotas and matching migrant workers with employers, he put it simply by saying that

> It would still be a whole lot easier and cheaper than managing visa over-stayers, run-away workers, and illegal immigrants. We had that problem before [under the Industrial Training]. We can't repeat the same mistakes (interview, 2014).

These interview statements make it very clear that the South Korean government sees the EPS continue to serve two goals: one to recruit migrant workers to help relieve labor shortages in manufacturing industries; the other to classify and keep track of migrant workers to prevent their settlement. While most of the government officials interviewed seemed fairly sure that the EPS would work "as designed" in the years to come, there might have been some unintended consequences of its detailed classification system and quota-based management.

Table 4. "Non-Korean" migrant workers' countries of origin and gender ratios, 2016

Source countries	Total	Male workers	Percentage of males
Vietnam	40,415	36,784	91.0%
Cambodia	37,745	29,802	79.0%
Indonesia	32,161	30,772	95.7%
Nepal	29,510	27,696	93.9%
Philippines	26,347	23,336	88.6%
Sri Lanka	25,099	24,801	98.8%
Thailand	24,695	20,962	84.9%
Myanmar	19,894	19,890	99.9%
Uzbekistan	15,654	15,377	98.2%
Bangladesh	10,266	10,211	99.5%
Others	17,401	15,478	88.9%
Total	270,569	245,785	91.3%

Source: 법무부, 2017

6. (Un)intended Consequences of Tight Control Measures

1) Gendered and Ethnicized Migrant Labour

The quota-based EPS owes much of its effectiveness to the ability to keep track of migrant workers in the country. Its registration and classification system for both migrant workers and employers ensures the EPS rule of temporary labor migration. However, the conventional wisdom tells us that stricter (im)migration measures often cause significant and unintended repercussions in the host society, and the EPS is already showing signs of unexpected side effects due to its over-classification.

According to the Ministry of the Interior's (2015) statistics on foreign residents, ethnic Korean migrant workers are fairly gender balanced and tend to live in big cities, particularly Seoul, where service and construction jobs are plentiful and ethnic Korean communities have been established. The gender and geographical distribution of "non-Koreans," however, is greatly different from ethnic Koreans'. (Table 4) lists the ten major source countries of "non-Korean" migrant workers in 2016. While looking at the table, a striking gender imbalance in the migrant workforce stands out. They are entirely male-dominated, as more than nine in ten are male. Such a male-biased gender ratio represents the opposite of the "feminization of Asian labor migration," which has been widely accepted in the study of Filipino and Indonesian domestic workers in Hong Kong, Singapore, and Taiwan (Ehrenreich and Hochschild, 2002; Oishi, 2005; Parreñas, 2001).

According to our personal interviews, the near absence of female workers in the "non-Korean" migrant workforce can be attributed to three major factors: firstly, South Korea does not issue work visas for the domestic work, the single largest sector that would attract migrant women. A growing demand for migrant domestic workers is often met by Korean Chinese visitors who enter South Korea on the non-working visa but then take on employment. Secondly, the EPS prioritizes labor needs in the "root industries" of machinery, metalworking, and chemical manufacturing that are traditionally dominated by male workers. Thirdly, and lastly, the minimum wage rule also factors into the extreme gender imbalance in the EPS migrant workforce. As one employer who has hired a number of Indonesian and Sri Lankan migrants to work in his chemical factory in the southwestern part of Outer Seoul puts it succinctly,

> We go by the minimum wage [about $1,500-2,000 a month, including overtime pay]. Anyone in this business would hire boys off of the EPS list of applicants when [male and female workers] cost the same. Simple as that (interview, 2012).

Reflecting this gendered hiring practice reinforced by the combination of the EPS rules and employer biases, recruitment offices of labor sending countries often seek out only male applicants. Several Southeast Asian workers mentioned in personal interviews of the "men-only rule" for jobs in South Korea (interview data, 2012).

2) Enclaves of "Non-Korean" Male Migrant Workers in Outer Seoul

Along with the gender imbalance among "non-Korean" migrant workers, their geographical distribution is skewed to industrial cities. Given that nearly 90 percent of E-9 visa holders are currently employed in manufacturing, the vast majority of South and Southeast Asian migrants work and live in industrial cities, particularly traditional manufacturing districts with a high number of small factories in "root industries." Outer Seoul, composed of Gyeonggi-do and Incheon, has been home to the largest cluster of these industries in the country. Taken together, it makes perfect sense that more than

half of the country's "non-Korean" migrant workers are registered in industrial cities of Outer Seoul (행정안전부, 2015).

Let us take an example of Hwaseong, a mid-sized industrial city 60 km southwest of Seoul. This city has more than 20,000 "non-Korean" migrant workers and ranks top in the nation for E-9 visa holding residents. It houses approximately 8,500 small-sized manufacturing firms, more than half of which are classified into metalworking and machinery (화성시, 2015). During our multiple fieldworks in 2014 and 2015, the presence of migrant workers was almost unnoticeable on weekdays when they were at work and stayed inside the factory. On weekends, particularly Sunday afternoons, however, the city's old market streets turned into pedestrian malls full of migrant workers strolling, eating, and shopping. Although their number was not near that of Filipina domestic workers in Hong Kong's Central District or Singapore's Lucky Plaza, a young and male-dominated crowd of South and Southeast Asian workers in Hwaseong's Old Central Market seemed to provide a defining view of South Korea's migrant labor force.

A series of personal interviews with city officials and NGO workers across Outer Seoul revealed that they have indeed been very concerned about the "increased appearances of foreign males" in public places. As a police officer, who is in charge of an old business district of Hwaseong, states,

> Our problem is quite different from that in Hong Kong and Singapore. They are dealing with female workers that are harmless. Here, we have a bunch of young guys as you see. They drink. They fight. Certainly they prompt an extra police presence on streets during the weekend (interview, 2015).

Although it is rare for migrant workers to get in trouble with the law and, if they do, it will result in an immediate deportation, local government officials and native residents alike seem to regard their clustering as a potential social problem. "Two people called the police to report Filipino migrants walking down the street drunk," a local faith-based NGO worker said of an incident occurred to his migrant friends (interview data, 2014).

A city official of Hwaseong suggested that, if migrant workers were kept inside the factory and away from the public at all times, his city would have "no concerns about the negative community effects of labor migration" (interview data, 2015). But then he countered his own suggestion by saying that

> Well, we cannot expect [migrant workers] to work on weekends. They too are humans Right now we talk about what if they drink and get into fights and bring our city negative publicity. But, a few years down the road, we may worry about what if these guys unionize and settle (interview, 2015).

As suggested in this interview quote, industrial cities in Outer Seoul are experiencing an increase in the number of young South or Southeast Asian male. Certainly there is no evidence to show that these migrant workers are more prone to trouble-making than their Korean fellows. Nonetheless, local governments and residents in these cities are concerned about perceived problems associated with their city turning into a "non-Korean" space. Given the growing dependence of small-sized manufacturing firms on the migrant workforce, these cities are very likely to have more "non-Korean" male migrants in the years to come. "As long as high priority is given to those root industries" in the allocation of EPS quotas, said a long-time migrant rights activist in Yongin of Outer Seoul, the ethnic, gender, and geographical clustering of migrant workers would continue and further development will occur (interview data, 2014). Another NGO worker based in the same city, however, predicted more, not less, government intervention in labor migration, because the national government would "rather ask

local governments to put more cops on the streets to prevent any potential problems" from occurring (interview data, 2014). He even expected the EPS to add a gender quota to the existing enforcement regime to avoid such a male-dominated migrant workforce in industrial cities. No one interviewed could foresee that South and Southeast Asian migrants attempt to settle and make the EPS another failed guest worker program. However, they all would agree that the growing presence of "non-Korean" male migrant workers in Outer Seoul has come entirely unexpected, and that it might initiate a small change to the EPS' classification and quota allocation systems that could result in bigger and more fundamental changes later on.

7. Conclusion

Temporary migrant worker programs are frequently promoted as a means to end the widespread employment of undocumented workers and, in general, illegal immigration. Yet, they have their critics, who argue that many temporary migrants tend to stay permanently and that serious labor abuses are inherent in the programs. Conscious of the failure of previous guest worker programs, the critics predict that any new or expanded temporary migration scheme will lead to more illegality.

Several developed economies in East Asia have recently put in place state-run temporary migration programs to meet the needs of their domestic businesses for low-skilled workers. Many migration scholars view them as mere replicas of European guest worker programs that had to be discontinued after only two or three decades of implementation. Some point out that East Asian programs might last longer than expected, but their effectiveness in preventing migrant workers from overstaying the temporary contract arises from the enforcement of restrictive measures and sanctions. Yet, some others speculate that East Asian migration programs have added some new elements and capabilities to the management of labor migration by adopting, among others, government-to-government agreements aimed at an intensive supervision of migrant workers throughout the migration cycle and the regulation of private recruiters and employers. With a growing number of South and Southeast Asian migrants working in East Asian countries, further research needs to be conducted on the roles various agencies and networks play in facilitating and managing the flows of low-skilled workers across the region and in (re) shaping the Asian model of migration. While existing research tells us much about the similarities and differences between East Asian programs and Western ones, it falls short in explaining how specific temporary migration programs are actually administered, how they stay effective in enforcing temporary migration rules on employers and labor-sending governments as well as migrant workers, and what effects result from tight enforcement of rules.

Through a case study of South Korea's Employment Permit System, this research extends our understanding of the temporary migrant worker program beyond the success/failure dichotomy to include heavy government intervention in facilitating and controlling labor migration and its intended and unintended outcomes. South Korea's recent transition to a labor importing country has certainly been bumpy and not without consequences. After the failure of the industrial training program, the EPS was introduced for its government to gain control over labor migration from recruitment through employment to return of migrant workers. Much discussion has focused on either the violation of migrant workers' rights or their potential settlement in South Korea, yet little is said of the role of the EPS quota-based management and systematic classification of migrant workers and employers in enforcing the temporary migration rules. The findings of this research reveal that, with its extensive database and quota settings, the EPS can hold employers account-

able for hiring irregular migrants and put pressure on labor sending governments to ensure the timely return of their migrant nationals.

While the government officials interviewed for this research consider such a high level of government intervention necessary for a successful and sustainable migration program, few seem aware or care to admit that the EPS has created a gendered and ethnicized migrant workforce, and that "non-Korean" male migrants are clustering in traditional industrial cities of Outer Seoul. It remains to be seen whether and how the growing presence of "non-Korean" male migrants in Outer Seoul would affect the future allocation of EPS quotas and, in general, the South Korean state's heavy-handed intervention in labor migration. The EPS may continue to be both effective and exploitative. Or, its over-classification and micromanagement may be loosened. However, the important question may not be so much about the success or failure of another temporary migrant worker program, as about the rise of new kinds of migration programs with different administration methods and policy mechanisms from the old and maybe with different problems and outcomes.

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Recieved March 20, 2018
Revised April 5, 2018
Accepted April 18, 2018