



Semi-Compliant Labor Migrants in South Korea: *Koryo-saram* Diaspora and Their Lessons for Global Development

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Abstract

The paper analyses the case of labor migration of CIS ethnic Koreans (*Koryo-saram*) to South Korea. Because of an ethnicity-based preferential policy, they are offered better conditions than other migrants, but in many cases they choose to switch to a condition of semi-compliance by voluntarily taking jobs in sectors that fall out of their visa requirements. This option is dictated by the absence of Korean language skills and better remuneration in the illegal market, but at the same time exposes them to worse working conditions and vulnerability caused by illegality. This situation, that is convenient for all parties – the state, employers, sub-contracting recruitment agencies and in the short term also migrants – can be explained by two factors – a neoliberal distortion of the local job market in the interests of companies and the resilience of *Koryo-saram* workers – that are marked by an underlying inequality of power structures. An approach focused on political feasibility suggests that trade unions could be the best answer at hand to address this condition with possible mid-term improvements deriving from forms of transnational social protection.

Key words: Labor migrants, South Korea, *Koryo-saram*, neoliberalism, resilience, trade unions, transnational social protection

INTRODUCTION

In search for better life-chances labor migrants leave behind their homes, jobs, and families. Yet, they often encounter unequal opportunities in access to employment, accommodation, healthcare and education in the host countries. While all are migrants, there are similarities and differences between skilled and unskilled workers. Even if both groups have reduced political rights deriving from their lack of citizenship in the host country, the former are either directly recipients of better social rights or are able to substitute them thanks to higher salaries. Second, while technically both should have their human rights protected by international norms and national laws and regulations (UN OHCHR, 2006), the bargaining power of the two groups is different: generally, highly skilled workers are able to get proper contracts simply because they have an exit option (find a better employment somewhere else), while non-specialized workers may suffer from the lack of solid alternatives. Finally, skilled workers are usually not under direct social discrimination related to the common thread “they took my job”, and discrimination based on ethnic origins seems to be attenuated because of their social circles. All of this when considering migrants with the legal residential status. Clearly, the situation of irregular migrants is much worse: their opportunities-continuum starts from an existential risk of their lives just to get to the place they are trying to reach.

Given its high numbers and the socio-political effects amplified by media, migration is currently one of the main issues on the international agenda. It touches tangentially on a number of goals defined in the UN 2030 Development Agenda (2015). It also has its own UN ‘New York’ Declaration for Refugees and Migrants (2016) that is still scheduled to become part of a UN Global Compact on Migrants in 2018 (although on December 4th 2017 the USA stated its intention to drop off the agreement leaving the creation of the Compact and its effective implementation in question).

This paper considers labor migration to South Korea, and it focuses in particular on ethnic-Korean migrants from post-soviet space. The specificity of the topic allows for an in-depth analysis of the situation. Furthermore, we contend that this case-study, exactly because of its peculiarities, provides an excellent counter-example to the idea of planning and directing migration issues. It is not our intention to deny the fundamental importance of international and state policies that aim to mitigate the hardships related to migration through normative and legal frameworks. However, we would like to argue that philosophically and politically the compression of different experiences and situations into a single box – as refined and complex as it might be – risks reducing the unpredictability of individual choices and missing the point. In other words, it is better to have a clear picture of how the commendable efforts of legislation to catch up with migrations in all their different aspects are inevitably going to lag behind and to understand how to deal with those situations that manage to escape it.

As a final remark, we need to clarify that this is not an ethics paper. While that component is relevant, even fundamental for challenging ‘political’ assumptions that actually need to be questioned like, for example, the right to exclude (Fine, 2013), if left to its own it risks reducing reality to a desideratum that does not exist. As Adrian Little and Terry MacDonald (2015) recognized, there is the necessity to incorporate a new realist view on debates on migration that is problem-centered:

[...] a theoretical strategy that formulates and justifies normative principles for political action and institutions through direct and systematic engagement with real political predicaments and dilemmas, as these are understood by the real political actors whom the theory aims to guide (Little and MacDonald, 2015, 386).

Therefore, to put it in the framework of political theory: we are neither enquiring the ethical desirability of the issue nor its normative feasibility, but its political feasibility (Pasquali, 2012) that is whether certain solutions are available now, given the current reality and, perhaps most importantly, interpretations thereof and further policy recommendation.

In the following pages we are going to briefly review the recent policies and legislative frameworks developed in South Korea for regulating migration. We will then focus our attention on the issue of migrants of Korean origins, particularly from former Soviet countries (*kyojo-saram*), and consider whether being part of the same ethnic group of the host population results in clear advantages and how these migrants are using or circumventing existing legislation. Data for this case study is based on laws and regulations, literature review, and on semi-structured interviews and direct observations collected by the main author during field trips in July and

August 2015 in two industrial cities around Seoul – Ansan and Incheon (An, 2016). In the concluding reflections, we provide systemic explanations of the peculiar experience of *koryo-saram*: first, local labor market distortions deriving from neoliberal exploitation of workers; second, frameworks of resilience that attach responsibility but refrain from considering power relations. Finally, we propose to draw normative conclusions from this example that could be used also for a more general analysis of migration.

The case study employed two-step data collection method, revealing the demographic and economic profiles of the *koryo-saram* migrants based on survey, and the further analysis of the in-depth semi-structured interviews conducted among the case study participants. The data collection was conducted in three localities in Korea, with the high visibility of *koryo-saram* labor migrants: Seoul, Incheon, and Ansan during the time period from April to August 2015.

1. SOUTH KOREA AND MIGRATION

In neo-liberal economies like South Korea (hereafter Korea) the situation of migrants is dampened by the low level of welfare services provided by the state even for Korean nationals (OECD 2012) and an open ethno-nationalist immigration regime. Korea has turned into labor importing country in the late 1980's as a result of the dynamic economic development throughout the 1970-80's. The national administration, however, was cautious about whom to attract as labor force for keeping the pace of the ever-growing economy. Restrained by the so called ethnic citizenship (Choo, 2006) and hierarchical nationhood (Seol and Skrentny, 2009:148; Shin, 2006) the South Korean government called for overseas Koreans from China (*chosŏnjok*) and post-soviet Republics (*koryo-saram*) as labor migrants to their old and long-forgotten historical “motherland”.

In light of serious demographic challenges and reluctance of local laborers to be involved in the 3D jobs (dirty, dangerous, difficult) there was a need for a pool of temporary labor force, due to the evident labor shortages in certain sectors of Korean economy (Lim, 2008; Song, 2014, Chapter 1:24). Preceding the end of the Asian crisis (1997-98) Korea still maintained official closed-door policies towards immigrants, meaning that temporary non-regular workers, who participated in Industrial Trainee System (ITS), were populations to be returned or expelled after the end of the two-year “trainings”. As Chung (2010: 675) remarks, the Korean immigration regime was following the logic: “welcome to work, not welcome to stay” well represented by the E-9 visa.

In 2004, Korea launched a new labor migration program, the Employment Permit System (EPS) that gave employment and access to the same social protection rights as native Korean workers to 420,000 labor migrants and helped 44,000 small and medium enterprises (SMEs) to overcome labor shortages (Kyung, 2014) and, in addition to the E-9, in 2007 it introduced two new visas the H-2 and F-4 for co-ethnic migrants.

Table 1. Types of relevant employment visas

Visa name	In Korean	Explanation
E-9	전문취업	Non-professional Employment
H-2	방문취업	Visit and employment
F-4	재외동포	Overseas Koreans
F-5	영주	Permanent Residence

Source: Korea Immigration Service, Sep. 2015

2. LEGAL POSITION OF CO-ETHNIC LABOR MIGRANTS

Migrants can hold one of the several employment visas in South Korea. Whereas co-ethnic migrants from China and CIS are having more possibilities to choose from, many of them first acquire a general non-professional employment visa type (E-9), as it is the easiest and fastest visa to get. Labor migrants with E-9 visa are restricted to work in four industries: agriculture and livestock, fishery, manufacturing, construction. E-9 visa requires signing a labor contract with a Korean SME prior to arrival and through the official local ministries. The holders of E-9 are legally bound to work at the designated working place, which is stated in the labor contract and need prior permission from the Minister of Justice in case of change of workplace.

The employment visa for co-ethnic migrants is called H-2 visa and it can be acquired by ethnic Koreans with foreign citizenship who are twenty-five years or older. This visa grants a work permit for five years with multiple entries. Similarly to E-9, H-2 visa has employment permission only in specific industrial fields: agriculture, fisheries, manufacturing, construction, or the service industry (Immigration Control Act, 2002).

The advantage of the H-2 visa as compared to E-9 is that the visa issuance is not tied to a prior agreement with the employer and it does not require a permit from the Minister of Justice.

However, there are certain procedures that limit the labor mobility of H-2 visa holders due to dependence of legal status on employment agreement, mandatory registration to change the employers, attending employment training and further registration in job center in order to appear in the list of employees recommended to employers by an employment security office in Korea, and filing job-search application to head of a job center.

The F-4 visa is the most preferential status for co-ethnic migrants, as it gives residential and work permit in Korea for two years and it can be renewed an unlimited number of times. The requirements for getting F-4 visa are similar to the H-2: the applicant should comply with the definition of overseas Korean and prove it through birth certificates. Additionally, the applicant should provide a higher education diploma, which used to serve as a confirmation of not having an intention to work in non-regular work such as manufacturing. F-4 visa holders are not required to have a job contract and can work in almost any employment area, excluding unskilled manual labor and ‘speculation’ activities. However, there is no data available on their employment (Park, 2017). According to the author’s qualitative data findings, many *koryo-saram* labor migrants with diplomas get F-4 visa status but work in manufacturing, agriculture, and service industries.

Overseas Koreans with H-2 and F-4 visas belong to a novel category of membership which is sometimes called ethnic-based citizenship (Lee, 2012). This category gives some privileges such as higher horizontal mobility in labor market and less restrictive duration of stay and employment. However, while there is no difference in access to formal types of social protection among different types of foreigners, there is a distinguishable line between *chosonjok* and *koryo-saram*: the latter are worse off in comparison to the former because most of the times they cannot speak Korean.

3. SEMI-COMPLIANT LABOR MIGRANTS

There are different ways in which *koryo-saram* labor migrants can organize their employment and be recruited, but their activity basically can be categorized as compliant, semi-compliant or non-compliant, if we follow Ruhs and Anderson’s terminology used for studying the British job market (2006). Compliant employment is based on labor contract between the direct employer and the employee, where the employee has a legal residence status in the country of employment. However, in our case study *koryo-saram* labor migrants belong to a category of semi-compliant

migrants, who on one hand have legal residence status and work permit in South Korea, but involve in different types of irregular working schemes.

In fact, six out of ten *koryo-saram* interviewees ended up working irregularly with unfair employment agreement involving either one-time sub-contracting (dispatch) or long-term sub-contracting. In other words, although overseas Koreans hold special status in Korea, their decisions are similar to labor migrants without legal residential status or work permit. It is counterintuitive, but the interviews show that in the manufacturing sector, working illegally is better paid than working legally. Overwork, nightshifts and employment without labor contract - all these partly illegal practices are paid 1,5 times better than work based on fair labor contract terms.

One of the most widely spread options of such schemes is agreement-based sub-contracting transaction for labor migrants, that they call long-term or permanent *arbeit*. Outsourcing through sub-contracting agencies is a way of hiring employees and avoiding the associated employment costs and liabilities connected to employees' entitlements and employment protection. As a means of avoiding this prohibition, many manufacturing employers enter into indirect employment arrangements where workers are actually working for a sub-contracting broker but they have their employment contract with a broker otherwise known as 'in-house sub-contracting work'.

In 2012 the Korean Supreme Court held that the practice of 'in-house sub-contracting' is an unlawful mean of avoiding the workers' entitlements to employment protection under Korean law. Worker dispatch is a practice that is allowed in some industries and occupations where professional skills and competences are required, but is prohibited in the agriculture, manufacturing, and constructions industries (Act On The Protection, Etc., Of Dispatched Workers of 1998, Chapter 2, Article 5).

4. WHAT IS THE PROBLEM?

The Korean government established migrant supporting services as 'Global Centers', where any foreigner can get relevant information for any issue related to residency and employment. Apparently, there is awareness of the types of social protection provided by formal institutions among labor migrants. However, the majority of interviewees, irrespective of attitudes to conditions, do not approach formal institutional arrangements in case of information requests or

search for employment or accommodation. When the problems appeared, they addressed informal institutional arrangements, such as migrant networks.

Interviewee M25072015

You can call the operator in global centers for migrants and ask anything. They will explain everything in details. But sincerely, I have never used it. But it exists, as I have heard.

The system of dispatch of sub-contracting recruitment is advantageous for employers, who save money by reducing the number of legal workers and, accordingly, social spending on them, and thousands of sub-contracting agencies, that have a substantial interest rate for taking legal risks. However, labor migrants are in a dead-lock position: better earnings are conditioned by the illegality of employment and trading off welfare insurances.

Furthermore, labor migrants risk not being paid for their work (three out of ten interviewees had this experience). Finally, usually there is no standard working day, as it depends on the business of the factory or agricultural site. Night and day shifts are not to be chosen, but are prescribed by demand that employer assigns. The overworking exceeds the allowed limit of twelve additional hours a week; usually it is more than twenty hours weekly overwork.

Interviewee M21072015*

If you go outside of Seoul, more to the province, there are many job offers, which are better paid than in Seoul. Seoul is an expensive city, everyone wants to live there. The employers in the provinces raise salaries, arrange bonus systems, pay 1,5 times more for illegal working without signing a labor contract and giving employment entitlements. They attract workers on their manufacturing sites. There are many of them: those that produce steel, aluminum, copper, you know (...) all those factories, where people do not want to work. They work for a month or two, and then they leave, because the job is very dangerous and hard: you can be injured or killed easily (...).

There are partial or potential remedies. Trade unions are part of a tripartite negotiation system at the national level, being an intermediary between the state, employers and workers' interests. They protect the labor rights of all the workers in Korea including labor migrants. In case of violations of labor law, for example delay or non-payment of salary, a worker can address this issue to the local representative of trade union.

Interviewee M21072015*

Once I wasn't paid for 3 months of work. The sub-contractor did not want to pay it, so I turned to the trade union. I called to the Global Center, they explained me where I needed to go. I went there and requested to do something. It wasn't too hard, even with my low level of Korean knowledge at that time. They helped me. The employer paid me money directly. After this incident, the owner of the factory took me to the factory but without sub-contractor. When he found out that the sub-contractor didn't transfer my salary he ceased to work with him.

Trade unions are usually effective, as they have strong political power at the national level, but usually they solve the conflicts between employee and employer, or employee and intermediary sub-contracting agencies, without involving governmental agencies. So, although trade unions are a very important and powerful protection tool for labor migrants, they focus on mitigating the issues deriving from illegal practices that go against the formal social protection provided by government rather than addressing the issue at the source.

A major hardship is related to the working conditions that are physically challenging to overcome, especially the unstandardized working day. Working hours are much longer than it is prescribed by labor law, the type of work is monotonous and, as many interviewees told, degrading.

Interviewee M22072015*

In this type of work (manufacturing) one needs to work really long hours. You start at 8:00am and work till 8:00pm or from 8:30am till 8:00pm which amounts to 11-12 hours daily. Typically, the standard time of working day is eight hours, but we are working more than eight hours, it is considered to be extra time of overwork. Overwork is counted differently. I mean, they pay for additional hours at a different rate. You can find a job, where the standard working day lasts for eight hours, and you work five days a week, but then the salary is not big. When you work for 11.5 hours, additional hours are paid 1.5 times more than a standard hour. And if you work on Saturday and Sunday, they also paid almost two times more than on weekdays. Therefore, if you want a bigger salary, you need to work extra hours as well as on Saturdays and Sundays.

Beyond the big physical load on manufacturing sites, most of the interviewees told that the biggest hardship was connected to psychological difficulties of misunderstanding. The language barrier created a distinct inequality in the industrial relationships between labor migrants, who do not possess high proficiency in Korean language, and their managers. In addition, there are cultural differences between *koryo-saram*, who are not used to be exposed to differential treatment based on status, and the East Asian hierarchical social structure.

Interviewee M22072015*

(...) The worst place I ever worked at was a factory which made construction materials and formwork. We lived extremely isolated in the mountains, the director was very (...) well, a very-very bad man, he was very greedy. The working conditions were very bad. The dorm was very dirty, the food included just instant noodles, or water with pepper and rice (...). When I worked, he shouted at me to hurry up and verbally abused. It is morally challenging when you are constantly bullied. And when you do not know the language, you have no idea how you can respond to that (...) you cannot just start a fight silently [laughs]. In general, it was the most unpleasant working experience (...).

REFLECTIONS

This paper has focused on the relatively privileged population – compared to other migrants – of ethnic Koreans from post-soviet Republics migrating to South Korea. *Koryo-saram* come from countries that have serious economic issues (except Kazakhstan), political authoritarianism, corruption and relatively poor systems of social welfare (not in terms of structure but in terms of devoted resources). Nonetheless, these countries are not torn by war or famine. Besides, notwithstanding the persisting issue related to fears of cultural shifts perceived by local populations (Miller, 2016, Skidelshi, 2017) that apply also to Korea, *koryo-saram* are more acceptable to their host country because of ethnic homogeneity, for instance, in comparison with the migrants from South-East Asia. Also, according to many empirical findings, labor migrants are not the poorest and the most vulnerable part of the sending country's population, but rather educated people with more choices, as migration itself requires some investments (Ypi, 2016). The main source of unequal treatment is the lack of language skills and cultural differences, but this could be an entry issue, which can be mitigated through the already existing governmental policies that provide free language courses to the migrants. In other words, *koryo-saram* labor migrants are not dealing with a desperate situation, if compared with refugees or trafficked human beings.

Koryo-saram migrants have to deal with many hardships, and their labor rights need to be acknowledged and protected. At the same time, co-ethnic migrants have better positions in terms of legal status and, when facing a choice between full legality and remuneration, can trade off their rights for higher salaries.

Therefore, if we want to provide some normative guidance on migration starting from this case, we need to understand this situation asking two questions: why is this happening? Is there any feasible alternative?

To answer to the first question, we need to start from the stakeholders involved and their interests. First, the state is turning a blind eye to the brokering activities of the employment agencies. Overwhelmed by a series of other government activities and shaped into a neoliberal framework, the state has no pressing interest in solving a situation that seems to be acceptable to all parties involved, not least to itself. Second, employers take advantage of this possibility for economic gains and shift responsibility on brokers. Third, brokers (employment agencies) take the legal risks but also high commissions from employers. Fourth, *koryo-saram* migrants often times trade off employment entitlements for higher earnings. This can be explained by the fact that many of labor migrants do not consider permanent residence in Korea as their main goal, but rather focus on earning a specific amount of money to meet certain demands (sustaining families in their home country, paying for higher education, or making money for some sort of one-time big purchase). Their choice needs to be further analyzed, but for the moment we can note that many (although not all of them) prioritize short term earnings over long term career development. Fifth, trade unions protect the labor rights of all the workers in Korea including labor migrants. Their presence is fundamental in two ways: it checks emerging problems for individual migrants and it brings back into the picture local workers as a category whose rights might be at risk in this situation. At the same time, the role of trade unions in Korea is mostly devoted to the resolution of individual cases rather than to the provision of a comprehensive framework.

If we combine these interests, we get two apparently divergent, but in fact closely interrelated answers to our question of why a choice for illegal terms of working is happening: first, artificially generated imbalances in the market; second, individual autonomy.

First, this case resonates with the idea, developed by Ruhs and Anderson on the basis of the British case (2006) that semi-compliance derives from the combination of flexible markets and state regulations. The position of the Korean state is similar to what Lutz and Palenga (2010, 426-427) identified as *complicity* in reference to Germany's issues related to care work migration. State authorities implement restrictive policies and regulations on migration, but at the same time accept legal breaches from various companies. For example, as of September 2017, there are 239,595 undocumented foreigners (Korea Immigration Service, 2017); out of them 13,255 migrants were deported and 2,549 Korean companies were recognized as employing migrant workers illegally (Korean Broadcasting System, 2017). The employers have not been prosecuted

and were simply subjected to an administrative fine of 20,000 US dollars, whereas sub-contractors are rarely prosecuted for the violation of labor laws. Despite wide public resonance regarding illegal employment of migrant workers, public officials tend to ignore the activities of thousands of dispatch agencies openly operating on the streets of Incheon, Ansan, Busan and many other cities.

The rationale of this complicit attitude of the state to semi-compliant migrants stands in its ability to temporarily solve the so called labor-deficit problem, soothing at the same time the potential social conflicts that could be caused by a liberal migration policy. In other words, the labor-deficit problem is a self-created problem that relies on distortions of the domestic labor market through labor migrants:

So, when people speak of a persistent shortage of less skilled labor, what they really mean is that some employers would like to have less skilled work done at a price that is below the market price for that sort of labor in a particular state, given the characteristics of the work, so long as we accept social welfare provisions simply as background conditions affecting labor supply, rather than seeing them as intrusions into the working of the market. The whole point of a temporary workers program that restricts people to a given sector or occupation is to find workers who will do the job at below the market rate (that is, the price that would be required to attract people from the domestic workforce into this sort of activity), because the conditions under which these temporary workers are admitted leave them with no effective alternative within the receiving state to taking these jobs at the pay that is offered (Carens, 2013, 123-124).

While here we are not dealing with a directly reduced salary – actually we witness a monetary increase – the logic is the same: migrants are working at worse conditions (without fixed working hours and social benefits) than local workers. Migrants are employed with lower than minimum standards, in terms of social protection, and this move (self)excludes local workers from these jobs (Carens, 2013, 115-121). As Ypi (2016) remarks, it would be better to avoid speaking of exploitation of migrants or exploitation of local workers, and to consider them as one category – the working class. Taking that perspective, she continues, guestworker programs are exploitative inasmuch as they shift the labor market to generate a competition towards lower standards for workers at the sole benefit of companies' profits.

This takes us to the second answer to our question that deals with autonomy. In fact, in our case, the lowering of standards is partially caused by the migrants themselves. Even though their decisions are not purposefully made to lead to that situation, their immediate choices put the whole *koryo-saram* migrant community into a position of semi-compliance. As Khalid Koser,

executive director of the Global Community Engagement and Resilience Fund, remarks, we need to take seriously the responsibilities of migrants in adapting to local legislation rather than bypassing it (Alfred, 2017). Such choices could have a boomerang effect on the perceptions by local populations of migrants as individuals who operate outside the rule of law, but they still seem to be the best option for most for two possible reasons. First, self-help is a common trend among migrants, but it is particularly relevant in case of *koryo-saram* deriving from the situation in CIS countries after the demise of the Soviet Union: the first years in the transition to independence were marked by a serious scarcity of goods and services, so individuals had to take care of their necessities and social protection by themselves. Second, it shows the resilience of migrant population, that is, their ability to react and adjust to a changing environment. *Koryo-saram* migrants, in this sense, seem to act as neoliberal subjects: ready to adapt and to ‘take advantage’ of the environment. Facing the choice between higher earnings (despite high probability of unsecured industrial accidents) and social protection, also considering the low levels of social welfare in Korea, many select the most rewarding option. This means that labor migrants are not only subjected to exploitation, there is also a wide-spread and socially accepted practice of trading off legal entitlements. So, falling into illegal working conditions pays off financially to all stakeholders in a short-run, even if it becomes a tragedy for those laborers who then lose their ability to work, due to chronic health problems or industrial accidents, without any chance to get insurance payments. Nevertheless, the neoliberal line of responsibility dismisses the issue of “choice for illegality” too simplistically, as it shifts all the responsibility on the shoulders of the least powerful. While it is true that many *koryo-saram* opt for irregular jobs in exchange for a higher income, this is not a choice made with full information and from a good bargaining position. In other words, while it is not directly forced upon them, it is nonetheless far from being a free choice. This structure reflects a neoliberal framework: the human rights plus consent system that Carens criticizes (2013, 111-112). This is based on a contractual framework that assumes the importance of individual choices, but hides the existing power structures that characterize the parties. *Koryo-saram* labor migrants do not have the same contractual resources of the Korean state or its companies. The results of similar policies are evident in the treatment reserved to migrants to Hong Kong and Singapore, where nothing beyond basic human rights is granted.

Recapitulating, *koryo-saram* are engaged in partially illegal working practices and neglect social protections because such practices are tolerated (companies in breach are condemned to pay a minor administrative fee that makes the practice of dispatch economically convenient), the

market system is opened to a de facto condition that lowers minimum standards and a neoliberal framework of resilience is adopted by migrants themselves.

In order to move to our second question on whether there is a feasible alternative, we need first to clarify why this situation is problematic. If we want to keep ourselves into an analysis based on political feasibility, we need to clarify our normative standard and base it on ideas that could be acceptable to the parties involved. This could be found in the international covenants that have been adopted by the UN General Assembly. While these may be considered as idealistic guidelines or statements of purpose, they nonetheless have political (not only ethical) standing. The UN OHCHR (2006) document on the rights of noncitizens, for example, is a clear instrument that simply illustrates the specific international conventions from where each specific right related to migrants comes from. Particularly relevant for our case is Part III Section C ‘Non-citizen workers and their families’ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (UN OHCHR1990). There we can find recognition that local and foreign workers (particularly, but not only, when legal migrants) are to be treated as one category with the same entitlements concerning remuneration and other protections (article 25). At the same time, article 27 generates expectations towards an equal treatment on issues pertaining to social security or compensation in those cases when those guarantees are not applied to the migrants.

This could be the normative standard against which we can consider the situation in Korea a problem for all workers. At the same time, it cannot be a guide for finding solutions simply because almost all parties involved either ignore this information or are not taking it seriously. If we are looking for solutions that are politically feasible, it seems that this situation is so much off the agenda – considering that there are much worse cases concerning migrants and much more pressing issues for the Korean government – that the best way to address it is to let things continue as they are, with one caveat: empowering trade unions as the only effective actor for dealing with these issues. This could be done by directly introducing migrant workers to representatives of trade unions at the moment of entry into the country. These meetings should be conducted with an interpreter, given that most *koryo-saram* cannot speak Korean. Trade unions are going to be a proper referent simply because they can take into consideration the interests of all workers, local and migrant. They will be able to advise migrant workers about their rights and the risks associated with illegal labor, even going as far as to explain both the problems that can derive to local workers from illicit practices of the migrants and the social stigma that migrants are going to face if they choose to opt out of legality.

In addition, even if its immediate political feasibility is contestable, we can consider transnational social protection (Levitt and others, 2016 and Levitt, 2017). The idea proposed by Levitt and others (2016) is to map existing international agreements between sending and receiving states and communities that focus on sharing the delivery of individuals' social welfare. For our purposes, we would need to extend the reach of these practices from academic research to further policy planning and implementation. For this idea to work, it would require that migrants remain inside the legal boundaries determined by their status in the host state. Economically, the support derives in the host state from taxation and from the sending state from remittances that are sent home. While this idea is interesting and worth exploring it suffers a major downside. The sending state might not be able to allocate money, and in most cases related to former Soviet countries corruption might derail the money deriving from remittances.

Furthermore, this additional element requires to abandon a state-centric view and to embrace a more comprehensive perspective that appreciates links among communities and international actors. Two prudential remarks are needed to avoid falling into an idealistic picture that does not reflect reality. First, individual perceptions might be still strongly related to the imagined state-community that resists the suasion of an internationalist perspective. Second, this possibility needs to be balanced between another idealistic plan that tries to cover every aspect (and as such is destined to fall short somewhere) and the freedom of individuals to choose what is most important for them from a position of strength in bargaining. Therefore, we could propose that the ILO (International Labor Organization) and the IOM (International Organization for Migration) together with other UN affiliated organizations could be directly supporting migrant community structures. For example, they could support migrant communities' kindergartens and primary schools that would prepare kids for the educational system in the host country. While at the beginning any financial, legal and infrastructural support would be mainly provided through international organizations, the autonomy of migrants can be directed to their involvement in self-managing these community-based networks. The goal in the medium term, as experiences and competences are developed, would be to offer *koryo-saram* to take the responsibility for the whole system and leave international support to check that these structures are not isolating but integrating migrant communities in the socio-cultural environment of the host state. Whether they would opt to do so, it is something that is better left to their autonomous choice.

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