



Migration Profile

SOUTH KOREA

A. Executive Summary

As its population is rapidly aging, South Korea attracts thousands of foreign, low-skilled workers, especially from the Great Mekong area. As of the middle of 2020, 1.7 million foreigners were living in the Republic of Korea. At the same time, South Korea's economy – dominated by *chaebol* conglomerates – struggles to fully employ much of its highly knowledgeable youth, which consequently migrates overseas. Over the last 5 years, there have been approximately 300,000 emigrants annually, with a significant portion being students. Migration due to international marriages is also significant, totalling 23,643 in 2019. In these marriages, 75% of foreign newlyweds were female, and 48% of husbands were at least 10 years older than their wives. Most of these women came from poorer countries such as Vietnam and China. Despite the fact that 1.7 million foreigners live in the country, South Korea is one of the most homogeneous societies in the world, with ethnic Koreans making up as much as 96% of the total population. This homogeneity has sometimes given rise to racism and discrimination.

Internal migration is also a relevant issue, with around 7.7 million internal migrants in 2020, of whom 65% moved within the same province. Inter-provincial flow is mainly from Seoul to Gyeonggi provinces. The search for cheaper housing and family relocation appear to be the main reasons for migration, followed by reasons related to employment.

South Korea receives an increasing number of asylum applications, reaching over 15,400 applications in 2019. However, the ratio of accepted requests is fairly low, around 0.06% in 2019. Asylum applicants mainly came from Russia, Kazakhstan, Malaysia, China, India, Pakistan, Egypt, and Bangladesh, while most of the accepted refugees are from Syria, Yemen, Myanmar, and Ethiopia.

Sex trafficking of woman and children, especially from Southeast Asian countries, is still a major issue, as well as the exploitation of migrant workers in the fishing and agriculture industries. Foreigners have reportedly been exploited both in labour or sex trafficking. Foreigners exploited in South Korea originate from China, Thailand, Russia, the Philippines, Vietnam, Indonesia, the Middle East, and South America.

South Korea's legal framework for handling migration flows is rather advanced and efficient, especially compared to other Asian countries. The government has made, and continues to make, efforts to improve its legal instruments, but there is still room for improvement. The Employment Permit System (EPS) can favour abuse and exploitation in some reported cases, and criminalization

of human trafficking through the cumulative application of various articles resulted in confusion and in various understandings of the crime among law enforcement and prosecutors.

B. Country Profile

I. Basic Information

The Republic of Korea consists of the southern half of the Korean Peninsula including the island of Jeju. It is surrounded by the Yellow Sea to the west, the East China Sea and the Korea Strait (Busan Strait) to the south, and the Sea of Japan to the east. Its only land border is with the northern Democratic People's Republic of Korea (North Korea). South Korea spans roughly 100,000 km² as a predominantly mountainous territory. Only 30% of the country is situated in lowlands, where the majority of the population of 51.7 million resides. This gives the lowland regions a remarkably high population density, especially in the Gyeonggi Province in the northwest, which surrounds the capital of Seoul.

While Confucianist traditions and practices are widespread, 56% of the population does not belong to any organized religion. Protestants compose 19.7% of the population, Buddhists 15.5%, and Catholics 7.9%, according to the last available census data from 2015. As of 2020, the number of Catholics had grown to represent 11.2% of the population. Ethnic Koreans represent roughly 96% of the population, making South Korea one of the most homogeneous societies in the world. At the same time, birth rates remain among the lowest in the world, making the median age of the Korean population constant increase, reaching 43 years of age in 2019.

The Korean Peninsula had been an independent kingdom for much of its history, until it was occupied by Japan at the beginning of the twentieth century. The Japanese occupation of Korea began in 1905 in the aftermath of the Russo-Japanese War, and lasted until the end of the Second World War in 1945, when the country was split into the communist-ruled North and the democratic government in the South. An armistice in 1953, following the Korean War, separated the peninsula along a demilitarized zone around the 38th parallel. Since then, tensions between North and South have persisted in ebbs and flows. With the instauration of the Park Chung-hee dictatorship (1961-1979), economic growth skyrocketed during the 1960s and 1970s. This economic boom was fuelled by export-oriented reforms that brought about the rise of big family-owned *chaebol* (meaning "rich family") conglomerates, which continue to influence South Korea's economy and policy to this day. Subsequent democratic governments as of 1987 kept the economy growing despite periods of stagnation, such as the Asian financial crisis in 1997, by implementing more demanding economic reforms. Over the past few years, the aging population has increased the need for workers. As a consequence, the vibrant Korean economy is attracting a growing number of foreigners. Despite being one of the first countries to be hit by the COVID-19 outbreak, South Korea has largely controlled the spread of the virus, with relatively low reported rates of infection and death.

II. International and Internal Migrants

1.7 million foreigners were living in the Republic of Korea as of mid-2020 according to UNDESA's data. China, Vietnam, and Thailand were the main countries of origin, respectively representing 46%, 10% and 9% of the total foreign population in the country, followed by the United States and

the Philippines with less than 4% each. Overall, males constitute the majority of foreigners, at roughly 55%. However, among Chinese migrants, 53% are female. International migrants are relatively young, with 58% being under the age of 35 years old. As its workforce ages, South Korea also increasingly attracts workers from Cambodia, Myanmar, Uzbekistan, and Vietnam. The Republic of Korea operates programmes facilitating the migration of overseas Koreans, for entry, temporary or permanent residency, access to the labour market, and in some cases citizenship, as is the case with North Koreans fleeing to the South. According to the Overseas Koreans Act, the H-2 visa allows ethnic Koreans to work in the Republic of Korea for up to three years. From 2009 to 2016, an average of 270,000 people per year made use of this programme, with 57% being men. Totalling approximately 11 billion USD, South Korea was the fifth remittance-generating country in Asia in 2019. Thus far most immigrants were of Korean-ethnicity, for instance former Korean immigrants, or their offspring, coming back to the fatherland. Nevertheless immigrants that are not of Korean ethnicity are recently growing in number. Non-Koreans are sometimes poorly regarded by the ethnic majority. Despite important progress made by authorities to address this issue, cases of discrimination and evidence of xenophobic sentiments continue to be reported. According to a survey held by Statistic Korea (KOSTAT) in 2020, 20.3% of foreigners and 24.1% of naturalized Koreans experienced discrimination during the previous year. Low-skilled foreign migrants, mostly from Cambodia, Thailand, Vietnam, Indonesia, and Nepal, working in farms, livestock, or manufacturing, have recently been reported as suffering harsh conditions, even if not exploited, because of poor housing, working or health conditions. As many as 90 to 114 deaths per year have been reported from 2017 to 2019 as a result of these conditions. The COVID-19 pandemic has likely exacerbated these circumstances.

In the last twenty years, migration towards South Korea due to international marriage has become increasingly common, representing a high proportion of all immigration to the country. Marriage migration is often seen, especially by women from Great Mekong countries, as a means of achieving better economic and social conditions, through hypergamous marriages, often brokered by commercial entities. As of 2018, South Korea had granted a little less than 160,000 visas to spouses of Korean citizens. Most of them originated from Vietnam and China. These numbers have steadily grown in recent years with more than 23,000 new marriages in 2019. Roughly 75% of foreign newlyweds are female. On average, husbands were at least 10 years older than their wives in 48% of total international marriages in South Korea in 2019. Dependence on the partner for visas, unfamiliarity with local laws, diverse customs, and language differences make these migrants particularly at risk of isolation, abuse, and exploitation, including trafficking for forced marriage.

Internal migration is significant, with approximately 7.7 million internal migrants in 2020. However, roughly 65% of them moved within the same province. Inter-provincial flow is mainly from Seoul to the Gyeonggi Province. Gyeonggi is also the first destination for internal migrants, followed by Seoul and Busan, alongside the surrounding province of Gyeongsangnam-do. According to the Korean Statistical Information Service's report of 2020, the main reasons for internal migration were housing 38.8%, family 23.2%, and jobs 21.2%. Compared to 2019, housing showed the highest increase in 2020, rising by 247,000 migrants. This was arguably due to an increase in housing prices. Data shows that the search for housing is the main reason for migrants to leave areas such as the cities of Daejeon and Seoul, to reach Gyeonggi and the newly constructed city of Sejong. Jobs represent the main reason for migration towards Jeju Island and the Chungbuk central area, especially from the Ulsan and Daegu areas in the southeast.

III. Emigration and Skilled Migration

According to UNDESA, there were 2.2 million South Koreans living abroad as of 2020, mainly in the United States (47%), Japan (21%), China (6.5%), Canada (6%), and Australia (5.6%). According to the Korea Statistical Information Service (KOSIS), recent flows have numbered roughly 300,000 emigrants leaving the country every year over the last five years. Nevertheless, net migration remains positive, as the country still has more immigrants than it does emigrants. This is due to Korea's shortage of labourers, which makes the country a net importer of workers. South Korea's migration policies support the immigration of ethnic Koreans, while preventing many foreigners from occupying skilled work positions. Even so, the dominance of big, family-owned conglomerates (*chaebol*) often prevents the growth of smaller businesses, therefore stifling the creation of new job positions. While the aging population has caused a shortage of a low-skilled labour force, high-skilled Koreans are facing difficulties in finding a job and unemployment rates have increased in recent years, especially among the youth. South Korea has one of the highest educated populations in the world, with at least 70% of 25-34 year olds having a post-secondary degree. This is significantly higher than the OECD average of 45%. Consequently, very few high-skilled Koreans are keen to accept low-skilled jobs. Some students from the Republic of Korea are reportedly moving to Southeast Asian countries, such as Malaysia, the Philippines, and Singapore, to benefit from English-language education. Students from the Republic of Korea accounted for the largest number of international students in China in 2018.

IV. Forced Migrants (internally displaced persons, asylum seekers, and refugees)

Previously, the Republic of Korea (ROK) has not been a significant destination country for those seeking protection, except from the Democratic People's Republic of Korea (DPRK). Those who enter the Republic of Korea from the DPRK are not considered asylum seekers, but are recognized as citizens under the ROK's Constitution. South Korea began accepting refugee applications in 1994 after acceding to the 1951 Refugee Convention and its 1967 Protocol. In 2013, ROK became the first Asian nation to adopt its own refugee law. Since then, the number of asylum seekers has risen sharply, peaking at 16,173 in 2018. UNDESA estimated that there were 28,792 refugees in the country as of 2020, including asylum seekers. In contrast, estimates for 2019 counted only 11,727 refugees and asylum seekers. These numbers have been slowly but steadily increasing over the last ten years. Nevertheless, South Korea has registered a very low ratio of accepted asylum requests: only around 0.8% in the first ten months of 2020. South Korea received 15,433 new applications for asylum in 2019, but only accepted around 1.5%. There were 6,666 new asylum requests in 2020 according to UNHCR, and 20,073 asylum seekers hosted in the country, while refugees under UNHCR mandates numbered 3,498 and stateless people totalled 204. Most of the refugees in 2020 came from Syria, Yemen, Myanmar, and Ethiopia, while the main countries of origin for asylum applicants were Russia, Kazakhstan, Malaysia, China, India, Pakistan, Egypt, and Bangladesh.

Taking advantage of Jeju Island's visa-free policy, designed to attract tourists, over 500 Yemeni asylum seekers arrived in South Korea in 2018. This generated some anti-immigrant sentiments and an intense public debate in the country.

Though IDMC registered 5,600 new displacements in 2019 and 1,700 internally displaced people for the same year, internal displacement generated by natural disasters does not seem to be a critical issue. Nevertheless, tropical cyclones and wildfires can still represent a threat, as happened

in 2019 with the Goseong Fire that caused two deaths and destroyed some 2,000 buildings.

V. Victims of Human Trafficking

Both Korean and foreigner victims were reportedly exploited in South Korea. There are also reports of South Koreans being exploited by traffickers abroad. Online chats and other applications are increasingly being used to engage and coerce victims, as well as to communicate with purchasers of commercial sex. Chat room operators have reportedly threatened women and even children with the release of compromising photographs, in order to coerce them to participate in the production of pornographic materials. Some South Korean women, entering destination countries on tourist, work, or student visas, are exploited in sex trafficking in massage parlours, salons, bars, or through internet-advertised escort services. Exploited foreigners, both in labour and sex trafficking, reportedly originate from China, Thailand, Russia, the Philippines, Vietnam, Indonesia, the Middle East, and South America. The UN Office on Drugs and Crime reported cases of traffickers targeting children who had no parental care or who were raised in situations of dysfunctional parenting, with parents or siblings who were directly involved in the trafficking.

Trafficking for forced marriage from Vietnam and Cambodia to South Korea has been an issue of concern for the respective governments, to such an extent that the government of Cambodia instituted a ban on marriages between Cambodian women and South Korean men, as well as the activities of brokers making such arrangements.

Abuse and exploitation of migrant workers from poorer countries, above all in the Great Mekong area, has been a well-known issue in the past. A research study by the IOM and Advocates for Public Interest Law (APIL) reported several human rights violations in the fishing industry between 2014 and 2016. Despite important efforts to address this issue, several media outlets and NGOs still report abuses, especially in the fishing and agriculture industries. According to the US State Department, some of the roughly 400,000 migrant workers employed in fishing, agriculture, restaurant livestock, and manufacturing in South Korea, especially those from Vietnam, Pakistan, China, and Indonesia, may be victims of exploitation, primarily through debt-based coercion and the confiscation of documents, or through forced labour.

VI. National Legal Framework

The immigration of foreign workers to South Korea is regulated by the Employment Permit System (EPS), which provides several rights to migrant workers, giving them the same entitlements as Korean workers. The system operates through several memoranda of understanding (MOU) between South Korea and various sending countries, in particular Bangladesh, Cambodia, China, East Timor, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, Sri Lanka, Thailand, the Philippines, Uzbekistan, Vietnam, and Laos. In principle, the system provides the complete exclusion of non-governmental and private sector actors, to prevent the risk of corruption, extortion, and consequent human rights abuses that have been a characteristic of private sector-based recruitment in the region. Nevertheless, the system restricts the possibility of workers to freely change employment without losing their visa, except in particularly justified circumstances, in order to prevent exploitation or health issues. Critics have therefore considered that the current system could foster alternative forms of servitude.

South Korea acceded to the 1951 Refugee Convention and 1967 Protocol in 1992, and it has been

one of the first Asian countries to implement its own stand-alone refugee law, through the introduction of the comprehensive Refugee Act, which came into force on July 1, 2013. According to the law, any person who intends to obtain refugee status as a foreigner within the Republic of Korea may apply for refugee status with the Minister of Justice by submitting a written application to the head of the local immigration office or foreigner-related office. In case of rejection of the application, the law also established a Refugee Committee in the Ministry of Justice to deliberate on objections. Applicants are allowed to stay in Korea during the appeal procedures and are provided with a refugee applicant status. Moreover, in particular circumstances, the Minister of Justice may grant humanitarian status to the applicant, even if his or her application as a refugee has been rejected.

Sex trafficking and labour trafficking are criminalized with prescribed penalties of up to 15 years of imprisonment, through the cumulative application of various articles from chapter 31 of the Criminal Act. Article 289 on "trafficking in persons" requires the buying or selling of another for exploitation, without including a demonstration of force, fraud, or coercion, as an essential element of the crime. However, when not covered under Art. 289, trafficking offenses can still be persecuted through Articles 288, which deals with "kidnapping, abduction, etc. for the purpose of indecent acts, etc.," and 292, which treats "receiving, harbouring, etc. of a person kidnapped, abducted, trafficked, or transported". Child sex trafficking is criminalized by Art. 12 of the "Act on the Protection of Children and Juveniles Against Sexual Abuse." This legislation requires the transnational movement of the victim, but various other articles under the law can be applied in cases that occur within the national borders. Nevertheless, the lack of a comprehensive law defining trafficking in a way that is consistent with international law can result in a conflation with other crimes such as commercial sex, domestic violence, kidnapping, and other forms of sexual abuse.

VII. Main Actors

The State and International Organisations

The Ministry of Employment and Labour (MoEL) has a primary role in addressing labour shortage and in preventing irregular and overstaying migrant workers. It adopted the EPS and has signed MOU agreements with sending countries to import workers, and is involved in the selection process and job referral. Along with the labour market forecast, the Korea Employment Information Service (KEIS) offers policy recommendations and ranks employers wishing to hire foreign workers. It also provides support to job seekers running employment information systems, job matching, and training portals. Immigration and foreign worker policies are enforced by the Ministry of Justice (MoJ), which is responsible for the EPS and programmes for overseas Koreans, together with the MoEL, and assesses the implementation of foreign worker regulations. The Korea Immigration Service (KIS), under the MoJ, issues visas and work permits for migrant workers and keeps records on their length of stay, overstays, status changes, and re-entries. It also implements the Korea Immigration & Integration Program (KIIP) that aims to support foreigners to help them acquire basic knowledge and information, so that they can become self-reliant members of Korean society.

The MoJ, with its Refugee Committee, is also responsible for evaluating asylum requests and granting refugee status, according to the Refugee Act.

Since becoming a member of the Organisation for Economic Co-operation and Development

(OECD), South Korea has committed to increasing its official development assistance and to strengthening its international development cooperation.

UNHCR in the Republic of Korea is engaged in the executive, judicial, and legislative branches of government, as well as the National Human Rights Commission, NGOs, and civil society to improve the domestic asylum system and the treatment of asylum-seekers and refugees, and to ensure respect for their rights, including the principle of non-refoulement.

The Republic of Korea has been a member of the ILO since 1991. The country has ratified a total of twenty-four ILO Conventions, including four of the eight ILO fundamental conventions (covering discrimination and child labour). It has pledged to ratify more in the near future.

Since 2015, IOM Republic of Korea provides a wide range of training and workshops to enable Korean humanitarian actors to carry out principled and quality humanitarian interventions that measure up to international standards.

Other Organisations

Institutes such as the Danuri Helpline 1577-1366, Multicultural Family Support Centers, and Support Centers for Foreign Workers are operated using government assistance and sponsorship from private businesses. There are a total of 210 Multicultural Family Support Centers being operated in Korea, established to help marriage immigrants and their families to successfully settle in Korea. The Centers provide Korean language education, education on multicultural understanding, counselling for individuals and families, employment, and business start-up support services, as well as translation and interpretation services. The Centers also operate bilingual classes for the children of marriage immigrants. There are other support centres for foreigners, operated by regional or private institutes. There is also a self-governing centre of foreign residents established in Ansan-si, Gyeonggi-do, where many foreigners live, which provides various administrative services. In addition, many institutes (such as community centres and regional cultural centres) that provide services for Koreans also have classes and programs specifically intended for multicultural families and foreigners.

ECPAT is a growing network of over 110 civil society organizations of over 100 countries focusing on ending the sexual exploitation of children. It advocates for a stronger legal environment to protect children, raising awareness among the public about the issue and partnering with the private sector to prevent their services from being misused. It also helps survivors and victims to come to terms with what has happened to them.

There are at least seventy-seven NGOs working with migrants in South Korea, such as Advocates for Public Interest Law (APIL), the Catholic Human Rights Committee, the Immigrants Advocacy Center GAMDONG, the International Child Rights Center, and the Joint Committee with Migrants in Korea. For instance, APIL is a non-governmental, lawyers' organization established in 2011. It seeks to defend the human rights of refugees, victims of human trafficking, stateless persons, migrants who have been detained for prolonged periods, and victims of human rights violations committed by Korean corporations abroad. APIL does this through litigation, legislative advocacy, awareness raising, legal education, and cooperating both domestically and internationally with other human rights organizations.

The Catholic Church

The Catholic Church in South Korea consists of sixteen territorial dioceses with three archdioceses,

as well as several congregations and civil society associations, operating over 70 welfare institutions for women, including 10 protection centres for single mothers, 10 facilities for victims of forced prostitution, 10 counselling centres for victims of domestic violence, 22 maternal and child welfare institutions, and relief and rehabilitation facilities for parents and their children. It also runs 49 welfare institutions for the homeless, including 27 free meal service centres and several homeless shelters and group homes, which are widely spread across the country, but especially concentrated in the capital city of Seoul. To serve disadvantaged children and adolescents, the Catholic Church in Korea runs over 280 welfare institutions, such as child care centres, community youth centres, and relief and rehabilitation facilities. Other Catholic welfare institutions include 14 hospitals and clinics, medical social work, counselling services handling general and labour problems, 30 multicultural family support centres, 14 shelters for migrant workers, and 13 family health support centres.

Caritas Korea was founded in 1975 and focuses on assisting people in need, empowering the most disadvantaged, and improving the capacity and resilience of vulnerable communities in order to achieve a balanced, integrated, and sustainable development. Caritas Korea works in close partnership with all *Caritas Internationalis* member organizations and actively collaborates with Caritas partners in Asia as a member of the Caritas Asia regional network. To foster the stable and long-term development of local communities, Caritas Korea supports local Development Cooperation projects that vary from tackling poverty and revitalizing livelihood by improving education to generating employment opportunities and establishing awareness-raising advocacy programs.

The Korea province of the Salesians of Don Bosco carries out several projects, with a main focus on youth in need, including a high school, three alternative schools, several counselling and welfare centres, group homes, retreat houses, a boarding home, a probation centre, and two centres for migrants.

The Jesuit Conference of Asia and Pacific runs the Yiutsari Jesuit Center for Migrant Workers in the city of Gimpo, in the Gyeonggi Province.

During the COVID-19 pandemic, the Order of Malta's delegation in South Korea prepared and distributed thousands of basic kits, including masks and alcohol-based sanitizers, to disadvantaged families in the cities of Seoul and Suwon. Some 2,000 people have benefitted from these kits.

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