

*Why Is There So Little Migrant Settlement in East Asia?*¹

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Unlike states in Europe, East Asia settles very few migrants and has not developed a European-style multicultural society. We seek to explain this variation using comparative analysis of two of the most advanced states in East Asia, South Korea and Japan, with several states in Europe. Focusing on family reunification – almost always the precursor to migrant settlement – we examine the effects of several independent variables, including supranational institutions, independent courts, interest groups, political culture, and the perceptions of migrants. We conclude that both Korea and Japan have less migrant settlement because of the lack of regional institutions pushing for family reunification rights, an elite political culture that still maintains the assumptions and repertoires of a “developmental state,” where rights may be sacrificed for economic growth and order, and migrant perceptions of greater immigration control in Asia.

As countries develop economically, they typically transition from being countries of emigration to countries of immigration. It is not a change that happens overnight and it is never simply one or the other – even the most developed states have a fraction of their citizens move abroad – but it is a matter of emphasis. Advanced states in East Asia, such as South

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Korea and Japan, have moved along this well-traveled road. After sending citizens abroad for centuries, since the late 1980s they have been hosting increasing numbers of low-skilled migrant workers. In this, they join most states in Europe.

But there is also a difference between Asian and European states. Whereas European states became, despite frequent denials, countries of migrant settlement, Asian states have not. South Korea (henceforth, Korea) and Japan are mostly countries of migrant worker sojourn and not true immigration.

The question here is: why is Asia different? Current scholarship has not addressed this question because “migrant settlement” is not a recognized field of study. There is surprisingly little research on factors that lead migrants to stay in a country. Instead, immigration scholarship focuses on “integration” or “incorporation” of migrants (*e.g.*, Favell, 1998), a field that takes settlement for granted and looks at how migrant settlers fit into the host society. A less prominent research area looks at why migrants decide to leave their home state (Fischer, Martin, and Straubhaar, 1997), but not why migrants decide to stay in their host state. Many studies note the tendency of migrants to stay in Europe, whether they came as guest workers or colonial subjects, but do not seriously address the question of what factors led those guests to become settlers.

Initiating what might be called a “comparative sociology of immigrant settlement” is significant for several reasons. We see that the European experience is not universal (Bartram, 2000), and there are factors that have allowed Korea and Japan at least to *delay* settlement. Comparative investigation can point to what is distinctive about Asia and Europe. Also, regarding economic development, migration without settlement is a clear net positive for an industrialized state. Migrant workers can play a significant role in contributing to the economy, as they do in all developed states. But if they do not bring their dependents and do not settle, they impose almost no costs. Comparative analysis, then, can show why European states appear to act against their economic interests. Finally, whether or not Japan and Korea become countries of migrant settlement greatly affects their societies and national identities. What is at stake here is whether Asia develops European-style multicultural societies, with all of the diversity, dynamism, and social problems that have accompanied migrant settlement in Europe.

In this article, we bring together diverse sources for a comparative analysis of low-skilled migrant settlement. We give more attention to

Korea because it is a relatively understudied case, though its dynamics are very similar to Japan's. We focus on settlement of *low-skilled* migrants because almost no state blocks migration from highly skilled persons, and very few prevent their settlement. Low-skilled migrants with families are more likely to bring economic, cultural, and social challenges to a state. We compare Asia with Europe as both regions contain non-settler states that have reluctantly taken in migrant workers and are thus more similar than immigration states such as the U.S., Canada, and Australia.

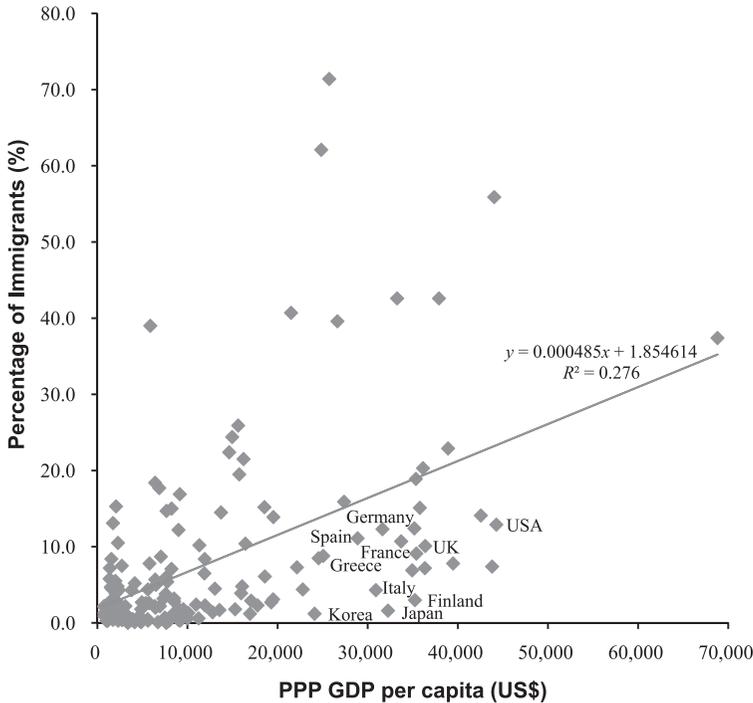
We first demonstrate that Korea and Japan, despite recent moves toward more multiculturalism, settle far fewer migrants than even those states in Europe that have only recently begun to take in migrants. Second, we explain our comparative methods. Third, we examine several independent variables that have been linked to migrant settlement, grouped in five categories: supranational, domestic legal, domestic interest groups, domestic cultural factors, and migrant perceptions.

We argue that one of the key factors distinguishing the two regions is that Europe but not Asia has supranational rights institutions pushing for the family reunification and settlement that exist in Europe. But this is not necessarily the most important factor. Especially striking is that the Asian states *have* many of the factors identified in the literature as leading to family migration and settlement, but in Asia they do not operate to bring about the same results as in Europe. This points to some dynamic inside the state that has blocked family and settlement. We suggest that Asian states have an elite political culture that affects migrant settlement outcomes differently from that in Europe. Specifically, Asia is still characterized by the repertoires and assumptions of a "developmental state," which may prioritize economic growth over individual rights, making the region distinct from Europe. Finally, there is evidence that suggests migrants wish to move to Asia, but fear immigration control and deportation more there than in Europe.

MIGRANT SETTLEMENT IN EUROPE AND ASIA: IS THERE REGIONAL VARIATION?

As Bartram (2000) notes, rapidly growing migrant populations in industrialized Asia have led to a tendency for scholars and other observers to equate migration in Asia with that in Europe. Our purpose in this section is to demonstrate that there is significant regional variation to be explained.

Figure I. Economic Development and the Percentage of Migrants in 2005



Sources: United Nations Population Division (2006), World Bank (2007).

As stated earlier, we focus here on Korea and Japan, two of the wealthiest countries in the region² and comparable in many ways to European states, though both are distinctive in that they have considerably fewer migrants than other wealthy countries (*see* Figure I). Though growing, the numbers are lower than the large economies of Europe and the states that have developed more recently, including Italy, Spain, and Greece (we also label here Finland, a state of 5 million people, which may be an exceptional case in Europe of having few migrants despite relative wealth).

²We focus on Korea and Japan because of their wealth and increasing reliance on migrant workers, and because they are more comparable to European states than are the city-states of Singapore and Hong Kong or the quasi-settler state of Taiwan. However, our arguments in this article regarding Korea and Japan would also apply to these other migrant-worker receiving states. Though all utilize foreign labor, none allow family reunification rights or settlement rights for low-skilled migrants (Battistella, 1995; Seol, 2005).

But Asia is not only distinctive in terms of numbers presently in the country. Our dependent variable, migrant *settlement*, is complex and can be approached in different ways. Studies of migrant settlement can focus on policy regarding migrants and refugees/asylees, and actual numbers of persons who are settled or likely to settle in a host state – especially children.

Migration and Refugee / Asylee Policy

Regarding policy, we are interested in opportunities or rights for settlement, but to rely only on settlement rights would present a misleading picture. For example, temporary visas can sometimes be renewed indefinitely, creating de facto settlement, and undocumented migrants often settle in a host state. The situation is also complicated by the fact that migrants typically plan for return even when they never do so.

We therefore examine a closely related concept. Migrant settlement becomes more likely when migrants bring family members with them to the host state (Castles, Booth, and Wallace, 1984). This is the case because, first, migrants rarely settle in a new land alone. Second, bringing children very often leads to settlement because the children learn the language and culture of the host society. In doing so, they become at least partially assimilated into that society, making their return to the sending state difficult. Moreover, managing a family develops a multitude of social ties in the host society, making return less likely. Our study of migrant settlement in Asia, then, must examine policy for rights or opportunities for migrant settlement and for family reunification.

Though European states vary greatly in their policies regarding foreigners, particularly openness to naturalization (Howard, 2006), rights or opportunities for family reunification and for migrant settlement have long been common. This occurred in some places such as Britain and France because they treated former colonial subjects as citizens or in recognition of special relationships with former colonies, but family reunification rights also extended to guest workers in these and other countries. A UNESCO comparative study of the legal status of migrants in Belgium, France, the Netherlands, and West Germany reported that all of these states recognized family reunification rights and offered renewable visas or settlement opportunities (Thomas, 1982a). Typically, there are also requirements for migrants to provide housing for their family when they arrive and limitations of various kinds on employment possibilities for family members.

States in Europe that, like Korea and Japan, have more recently begun receiving migrants – and presumably saw that temporary workers can become permanent – nevertheless have allowed family reunification. Italy and Spain passed their first comprehensive immigration laws in 1986 and 1985, respectively. Like Korea and Japan, both saw low-skilled migrants as a temporary labor supply and offered only temporary visas contingent on availability of employment. But unlike Korea and Japan, both allowed family reunification (Calavita, 2004, 2005; Cornelius, 2004). Italy offered it from the beginning, while Spain's law did not address the topic but later administrative decrees allowed family reunification with some restrictions on migrants from all states except those in the EC, Latin America, Canada, USA, Australia, Equatorial Guinea, Israel, Japan, and New Zealand (Watts, 2002). As in other European countries, the debate on family reunification is not whether to allow it, but whether it should extend beyond spouses and children and whether family members should be allowed to work. In both states, family is limited to spouses and children, and in Italy family members can work. Family reunification is available for illegal migrants that the Italian state has regularized (Pieke *et al.*, 2004). In 2000 alone, Italy issued more than 300,000 family reunification permits to non-EU migrants (Calavita, 2004:351). In other cases, undocumented migrants bring their family members without authorization. Both Spain and Italy also allow permanent residence to those who can show they have resided legally for at least five years in Spain or six years in Italy, though as Calavita (2005:43) notes, this can be difficult because migrants lapse into illegality if they become unemployed at any time during that span.

Another opportunity for migrant settlement and family reunification in Europe is through refugee and asylee policy. The global model for asylum policy was born in the UN Convention Relating to the Status of Refugees in 1951 (UNHCR, 1996; OHCHR, 2005).³ In recent years asylum policy has become a major part of the migration story in Europe, and political asylum has been a key entry route for migrants lacking family members already in Europe. Sometimes entire families come to Europe seeking asylum. The number of asylum applicants started to increase in the 1980s and exploded in the 1990s. For example, Britain had 28,000 applicants in 1993 and 110,000 in 2002 (Saggar, 2003:181). Germany has had *days* when it received thousands of applicants.

³No East Asian states were represented at the conference that led to this document.

Applications have declined since this period and Europe has turned more restrictionist, but European countries, along with the U.S. and countries adjacent to sites of greatest persecution, still are highly represented among those states receiving claims. France had the highest number of asylum claims in 2005 with 49,700, followed by the U.S. (48,900), Thailand (47,300), Kenya (39,000), the UK (30,500), and Germany (28,900). Europe led the world in numbers granted refugee status (UNHCR 2006:8). Refugees and asylees still add significantly to the undocumented migrant flow in countries new to immigration. As Cornelius (2004:412) describes the Spanish case, after denial of applications, “the vast majority of rejected refugee applicants...simply disappear into the underground economy.”

Korea presents a sharp contrast to Europe. Settlement and family visas are available but are rare or involve cases that are not likely to lead to significant migrant settlement and development of a multicultural society. According to Justice Ministry regulations, dependent family visas are available only to various classes of professionals and specialty occupations, such as artist and athlete, and ethnic Koreans from developed countries. Korea similarly limits permanent resident visas to professionals and specialty occupations with the visa decision ultimately being based on the discretion of the Justice Ministry. Additional possibilities are available to persons very unlikely to negatively impact the economy, such as “Foreign investor (with) over US\$ 2,000,000, employing five and more Korean citizens” and “Foreigners entitled to a pension, over 60 years old, earning over the certain amount of wages determined by the Justice Minister.” Not surprisingly, these individuals are relatively few in number and mostly from developed states.

The main road to migrant settlement in Korea is the F-2 visa, which can be issued when foreigners marry Korean citizens. In 2000, 3.7 percent of marriages in Korea were between a Korean and a foreigner, but these numbers, driven largely but by no means exclusively by rural Korean men seeking foreign brides, rapidly moved upward. In 2004, fully 11.4 percent of marriages were between a Korean and a foreigner, allowing settlement of more than 25,000 foreign wives and almost 10,000 foreign husbands (Seol, 2006; also *see* H. M. Kim, 2007; for similar pattern in Japan and other Asian states, *see* Burgess, 2004; Davin, 2007; and Haines, Minami, and Yamashita, 2007).

These marriages, variously called “transnational families” (Bryceson, 2002), “multicultural families” (H. M. Kim, 2007), and “global

householding” (Douglass, 2006), have the potential to make a significant impact on Korean development, national identity, and degree of multiculturalism. But they are unlikely to lead to immigrant societies like we see in Europe. These marriage partners come in alone and do not make up ethnic enclaves similar to what can be seen in Europe. Because they are marrying Koreans, any passing of non-Korean culture will be severely attenuated. They hold F-2 (resident) visas and can invite family members only as temporary visitors. The only exception is if the foreign spouse has children from a previous marriage; in that case she or he can bring these children into Korea with F-2 visas. This is all very different from Europe’s version of marital migration: European states including Austria, Denmark, France, Greece, and Ireland have sought to restrict naturalized citizens or their children who use marriage loopholes in the immigration law to bring co-ethnic spouses from their homelands. Specifically, states are limiting these spouses’ access to citizenship because immigration authorities consider them “marriages of convenience,” amounting to a strategy for chain migration, and not true unions (Joppke, 2008).

Migrant workers, then, do not have opportunities for family reunification or permanent settlement (Immigration Bureau, 2000; Chun, 2005). The number of foreigners holding the F-5 permanent resident visa or the F-3 dependent family member visa is therefore small (relative to Europe) with developed states well represented (Tables 1–3).

Korea’s refugee/asylee policy also contrasts with Europe’s. It is true that Korean policy has been friendly toward asylum seekers from North Korea – North Koreans are defined as South Korean citizens by the South Korean constitution. In May 2007, about 10,000 were residing in South Korea and receiving government aid for housing, job training, and social integration. The number of North Koreans entering Korea has grown every year since 1995 with the exception of a small reduction in 2005. However, when they shifted from highly skilled North Korean elites to low-skilled, difficult-to-integrate commoners, South Korea became less welcoming, reducing benefits in 1993 and 1997. In 2005, South Korea made it more difficult for asylees to come by cutting its lump sum aid to those who make it, thus making it harder for refugees to pay smugglers to bring their relatives (Lankov, 2006).

More importantly for purposes of comparison, unlike similarly divided (West) Germany, South Korea has never opened its doors widely to non-Korean refugees. Literature on refugees in Korea is almost non-existent because there are so few. The Korean state ratified the UN

TABLE 1
NUMBER OF PERMANENT RESIDENTS (F-5) VISA HOLDERS IN KOREA, 2002–2005

Country of Origin	2002	2003	2004	2005
Total	6,022	10,062	10,571	11,239
Taiwan	5,958	9,967	10,466	11,003
Japan	41	58	62	162
USA	11	11	12	17
China	4	10	11	19
Hong Kong	1	3	4	6
Spain	0	4	5	5
Canada	0	0	0	4
Malaysia	3	3	3	3
Russia	0	0	0	3
Germany	2	2	2	2
Ireland	1	1	1	2
Indonesia	0	1	1	2
France	0	0	1	2
Uzbekistan	0	0	0	2
Belgium	0	1	1	1
Macao	0	0	1	1
UK	0	0	0	1
Australia	0	0	0	1
Mongolia	0	0	0	1
Thailand	0	0	0	1
Vietnam	0	0	0	1
Austria	1	1	1	0

Source: Korean Ministry of Justice, *Statistical Yearbook of Departures and Arrivals Control*, each year.

TABLE 2
NUMBER OF DEPENDENT FAMILIES (F-3) VISA HOLDERS BY COUNTRY OF ORIGIN, 2005

Country of Origin	Total	Male	Female
Total	10,419	3,053	7,366
Japan	1,563	432	1,131
USA	1,435	504	931
China (Joseonjok)	1,174 (598)	247 (152)	927 (446)
India	718	157	561
France	576	208	368
Russia	575	145	430
UK	414	135	279
Mongolia	362	170	192
Germany	330	115	215
Pakistan	267	84	183
Canada	250	88	162
Philippines	248	50	198
Others	2,507	718	1,789

Source: Korean Ministry of Justice, *Statistical Yearbook of Departures and Arrivals Control*, each year.

refugee convention in 1992 and adopted a recognition system the following year. Unlike European states such as France or Germany, Korea's refugee policy is not authorized by a separate law for refugees but is only

TABLE 3
NUMBER OF DEPENDENT FAMILIES (F-3) LONG-TERM VISA HOLDERS, 1999–2005

Year	Total	Male	Female
1999	7,466	2,285	5,181
2000	7,347	2,135	5,212
2001	7,570	2,173	5,397
2002	8,271	2,325	5,946
2003	8,682	2,437	6,245
2004	8,993	2,586	6,407
2005	10,100	2,957	7,143

Source: Korean Ministry of Justice, *Statistical Yearbook of Departures and Arrivals Control*, each year.

a clause of the immigration law, requiring applicants for asylum to register with the immigration office, effectively revealing their illegal presence in Korea to the government agency responsible for control of illegal migrants. Another factor pushing asylum applicants into the illegal migrant category is that unlike European states such as Britain, France, and Germany, Korea places a deadline on application for asylum. Originally only 60 days, the government extended the deadline to one year after pressure from NGOs (Koh, 2003).

Korea did not grant asylum to a single applicant until 2001. Another recognition followed in the next year. According to the Ministry of Justice (2007:258, 483) statistics, Korea had 1,087 applicants from 1993 to 2006. Of these, 473 took a refugee recognition test, and just 52 persons were recognized. Of these, 50 people stayed.

Consequently, a European-style multicultural society has not developed in Korea. Lacking large numbers of migrant children, there are no ethnic enclaves comparable to those in Europe.⁴

The situation in Japan is similar. Though Japan has always had multiple ethnic groups (Lie, 2001) and also hosts growing numbers of foreigners, it does not resemble European states regarding family reunification, migrant settlement, and a multicultural, multiethnic society (Peach, 2003). Though there are long-standing populations of Koreans and Chinese in Japan, their presence is mostly the result of colonial practices and their numbers have changed little since World War II (Lie,

⁴In 2006, the Korean Ministry of Justice allowed children of undocumented migrant workers to have a “special stay permit.” However, this permit only allowed children to finish their school semesters or school years and was premised on their leaving Korea. The ministry explained that these students would face educational disadvantages if forced to move during the school year. *Asian Workers News*, No. 213, October 13, 2006.

2001). There is surprisingly little research on migrant settlement or migrant communities in Japan. One study of “migrants and their children” discusses only the children of migrants who married or had children with Japanese nationals (Terasawa, 2000). Similar to Korea, it reserves settlement and family visas for professionals and specialty occupations.⁵ The exception is a visa for dependent family members for ethnic Japanese abroad, used most extensively by *Nikkeijin*, the ethnic Japanese from South America up to three generations removed from Japan. Though *Nikkeijin* typically exhibit Latin American cultural traits (Tsuda, 2003), they are still ethnically Japanese and represent an attempt by the Japanese state to import foreign workers while *avoiding* a multiethnic society.

Japan – as well as other wealthy Asian countries – are absent from UN statistics on refugee and asylee reception and settlement (UNHCR, 2006). Japan has faced international criticism for its resistance to refugees (Beer and Weeramantry, 1979; Flowers, 2008). Japan’s refugee/asylee policy is almost identical to Korea’s; it also is run through the immigration office and places a time limit on eligible asylum applications (Koh, 2003). Under intense international pressure in the late 1970s, Japan did accept several thousand Indochinese refugees (Akashi, 2006), but this was an exceptional case. According to UN statistics, in 2005 Japan had accepted 1,941 refugees and 533 awaiting a decision.⁶ These numbers are dwarfed by statistics for nearly every European state regardless of size. For example, the Netherlands, a country of 16 million and with a greater population density than Japan, had 118,189 refugees and 14,664 waiting for a decision (UNHCR, 2006). In this area as with so many in the area of migration, Korea and Japan are twins; “Japan and Korea ranked last

⁵Article 50 of Japan’s Immigration Act allows the Ministry of Justice to issue permits for special permission to remain at the discretion of the minister and based on humanitarian considerations. In some instances the ministry has issued permits to entire immigrant families. This is not a mass amnesty, however, and not a settlement or family reunification policy: from 2003 to 2006, *e.g.*, the ministry has not given permits to more than 30 persons in any year. <<http://www.moj.go.jp/NYUKAN/nyukan25.html>> (in Japanese). Accessed July 20, 2008.

⁶Akashi (2006:220) presents statistics from Japan’s own Ministry of Justice which are different though still far below European refugee admissions: 11,319 Indochinese refugees and 376 other refugees admitted under the UN Convention relating to the Status of Refugees.

among all the industrialized countries in 1999 in terms of the number of asylum seekers received” (Wong, 2004:189).

Foreign Children in Schools

Another way to show regional variation is population statistics: the number of foreign children in schools can be an indicator of current or incipient migrant settlement. By this measure, Korea is not a country of settlement. Despite about 550,000 foreigners in 2005 in Korea according to the UN data (*see* Figure I), the number of foreign children in Korean schools is only about 1,500 (*see* Tables 4 and 5; for a review, *see* Seol, Han, and Yi, 2003). There is also another group of foreign children in Korea numbering almost 8,000, but these children, mostly from the families of professionals from developed countries (USA, Japan, France, Germany, Italy, Norway, and Taiwan), are enrolled in foreign schools and not likely to settle. Combining these statistics, we see that 1.7 percent of foreigners in Korea are schoolchildren.

We have less data for Japan, but the numbers there are similar. Japan’s Ministry of Education, Culture, Sports and Science Technology (2006) reported in 2005 that there were about 75,000 foreign children in Japanese schools, or about 3.6 percent of all foreigners (2 million foreigners in 2005). This number is misleading and may exaggerate the extent to which Japan’s schools are educating the children of non-Japanese migrants. Almost half of the students (32,566 in 2004) are ethnic Japanese *Nikkeijin*, and many may also be long-term residents who are descended from Koreans and Taiwanese displaced during World War II. One report states that only 5,097 foreign students in all of Japan needed Japanese-language instruction (Solidarity Network with Migrants Japan, 2007:65–67).

The numbers in Europe are very different. Consider Spain or Italy, two states that also started receiving foreign workers at about the same

TABLE 4
NUMBER OF FOREIGN WORKERS’ CHILDREN IN KOREAN SCHOOLS, 2003–2005

Year	Total	Primary School	Middle School	High School
2003	837	570	191	76
2004	921	615	207	99
2005	1,574	995	352	227

Source: Ministry of Education and Human Resources Development (2005:1).

TABLE 5
 NUMBER OF THE FOREIGN WORKERS' CHILDREN BY VISA STATUS AND
 REGION IN KOREAN SCHOOLS, APRIL 1, 2005

Region	Foreign Workers' Children				Illegal Stayers among Them			
	Total	Primary	Middle	High	Total	Primary	Middle	High
Total	1,574	995	352	227	148	99	43	6
Seoul	557	307	162	88	68	42	22	4
Busan	77	48	18	11	0	0	0	0
Daegu	54	29	16	9	0	0	0	0
Incheon	62	42	8	12	6	4	2	0
Gwangju	5	0	2	3	0	0	0	0
Daejeon	40	24	7	9	0	0	0	0
Ulsan	14	14	0	0	0	0	0	0
Gyeonggi	490	341	86	63	71	51	18	2
Gangwon	57	39	11	7	0	0	0	0
Chungbuk	40	28	6	6	1	1	0	0
Chungnam	52	33	16	3	1	0	1	0
Jeonbuk	4	2	1	1	0	0	0	0
Jeonnam	22	15	4	3	0	0	0	0
Gyeongbuk	31	17	11	3	0	0	0	0
Gyeongnam	46	36	2	8	1	1	0	0
Jeju	23	20	2	1	0	0	0	0

Source: Korean Ministry of Education and Human Resources Development (2005, p. 2).

time as Korea and Japan. The Spanish schools teach 608,040 foreign children,⁷ who made up 12.7 percent of all foreigners (4.8 million foreigners in 2005). In Italy, there were 500,000 foreign children in the schools,⁸ or 20 percent of all foreigners (2.5 million foreigners in 2005). Non-EU children, from places such as Albania, Morocco, and the Ukraine, are heavily represented. The difference between Europe and Asia is dramatized by a simple statistic: the number of Chinese children in the Spanish capital city, Madrid, was 1,973 in 2006 – a number that exceeded the total foreign children of any nationality in all Korean schools.⁹

EXPLAINING VARIATION: COMPARATIVE METHODS AND OLD VERSUS NEW MIGRANT EUROPE

To understand differences between Asian and European states, we use Mill's "method of difference" (Skocpol, 1984; Ragin, 1987) to compare the Asian case of no settlement with European cases of settlement of

⁷<http://www.mec.es/mecd/estadisticas/educativas/dcce/DATOS_Y_CIFRAS_WEB.pdf>.

⁸<<http://www.stranieriinitalia.it/news/scuola4set2006.htm>>.

⁹<<http://www.munimadrid.es/Principal/menus/Publicaciones/PobExt/ANEXESTJUL06.xls>>, accessed January 23, 2007.

migrant workers, examining the presence of various independent variables scholars have linked to settlement. In this method, several positive cases (settlement) are compared with a case or cases that are negative on the dependent variable (no settlement). We can then identify possible differences in independent variables between negative and positive cases.

There are many states in Europe offering “positive cases” of migrant settlement that can be used for comparative analysis. First, there are the states of what we might call here “Old Migrant Europe,” including Germany, Britain, France, and some others. Arguably, these states are less comparable to Asia because most of them began to accept migrant workers decades before Asia, in the 1950s, as part of the post-World War II economic boom. The story of Old Migrant Europe is also distinctive because some of these states had long-term, special relationships with former colonies. However, Old Migrant Europe is important for comparison for several reasons. First, most potential causal factors were developed for Old Migrant Europe, especially Germany. In addition, some current issues in Old Migrant Europe, such as those relating to asylees, are also helpful for understanding the Korean and Japanese cases. Finally, Germany is comparable to Korea and Japan because it shares with them a strong *jus sanguinis* citizenship tradition and lacks strong colonial ties with labor-sending states.

Arguably stronger comparative cases are states of “New Migrant Europe,” such as Spain and Italy. These states began to receive migrants at about the same time as Asia, and similarly after decades of twentieth-century emigration. These cases can thus control for changes in the global economy as well as any learning experience based on what happened in Old Migrant Europe. Spain is of particular interest because it, like Korea, transitioned to democracy after decades of authoritarian rule and shortly before receiving migrants. Unfortunately, there is very little social science accounting for migrant settlement in these cases and our independent variables were mostly developed for Old Migrant Europe, especially Germany. Still, the allowance of family reunification and migrant settlement in Spain and Italy is important because it shows that migrant settlement in Europe was not the result of the unique post-World War II economic boom or relationships with colonies (*see* Howard, 2006:448).

Our analysis also uses the “method of agreement,” comparing Korea with Japan. Here, cases that are similar on the dependent variable are compared and analysis seeks commonalities between them. Factors present in both Korea and Japan are likely to be more significant than those

found in only one state. For example, because the lack of settlement we find in Korea is typical in industrialized East Asia, it is less likely that unique factors such as Korea's division with the North are the key forces shaping its lack of settlement. As stated earlier, because there is relatively little material in English on the Korean case, we focus our attention on Korea and bring in the Japanese case at various points to show that the variables work similarly in each.

Despite the lack of research that centers directly on the question of migrant settlement, one finds in the literature on European immigration discussions of factors associated with settlement, family reunification, and migrant rights in general. They are rarely discussed systematically, but in the interest of comprehensiveness, we consider as many as possible here, even if scholars posit their impact for only one or two European cases. The variables can be divided into three sections and we move from macro to micro. First, we discuss supranational/interstate variables (supranational rights institutions sending-state pressure), then move to domestic legal (independent courts), domestic interest group pressure (employers, unions, and NGOs), and domestic cultural (public opinion elite culture) factors, and finally examine migrants' perceptions (desire for settlement; fear of immigration control).

The logic of comparative analysis suggests that variables present in both Old and New Migrant Europe, but lacking in Korea and Japan, are the more likely causal factors. As shown in Table 6, the key variables showing this pattern are supranational rights institutions, domestic elite political culture, and migrant perceptions of immigration control.

SUPRANATIONAL/INTERSTATE VARIABLES AND MIGRANT SETTLEMENT

Supranational Institutions

Scholars studying immigration to Europe have identified institutions at the supranational level as factors leading to rights for migrants (Soysal, 1994). There are several human rights documents emphasizing family. The phrase "the family is the natural and fundamental group unit in society and is entitled to protection by society and the state" appears in Article 16(3) of the Universal Declaration of Human Rights and Article 23 of the 1966 International Covenant on Civil and Political Rights. The 1966 International Covenant on Economic, Social and Cultural Rights

TABLE 6
POTENTIAL FACTORS FOR MIGRANT SETTLEMENT IN EUROPE AND ASIA

	Supranational Rights Institutions	Sending States	Independent Courts	Employers Want Migrants	Unions and NGOs	Public Opinion Support	Developmental State Culture	Migrants Want to Settle	Migrants View Control	Outcome
Old Europe	Yes	Yes	Yes	Yes	Yes	No	No	Yes	High	Settlement
New Europe	Yes	No	Yes	Yes	Yes	No	No	Yes	High	Settlement
Korea	No	No	Yes	Yes	Yes	No	Yes	Yes	Higher	No settlement
Japan	No	No	Yes	Yes	Yes	No	Yes	Yes	Higher	No settlement

emphasizes family in Article 10(1): “The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.” Section B of the UN Convention Relating to the Status of Refugees emphasizes the “principle of the unity of the family” and recommends all governments allow family reunification (UNHCR, 1996; OHCHR, 2005). Article 8 of the Council of Europe’s European Convention on Human Rights states that “everyone has the right to respect for his private and family life, his home and his correspondence.” The European Social Charter is more direct still, declaring in Article 19(6) that states undertake “to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory.”

Moreover, European Community standards take for granted that migrants will bring families and settle, and the EU has issued several directives toward allowing greater family rights for migrants (Cholewinski, 1994). A 2000 European Commission report urged family reunification not in the interests of the migrants but in the interests of the host society: migrants with families stabilize sociocultural conditions, aiding integration and “social and economic cohesion” (Commission of the European Communities, 2000:7; also *see* Braham, 2005:234). Because the best rights and protections are for persons from EU member states, the resulting appearance of unfair treatment of so-called “third-party nationals” has led to charges of race discrimination, but the key point is that supranational institutions at the global and especially European level have created norms or expectations for family reunification for migrants to Europe.¹⁰ In at least one case (France), a constitutional court struck down a limitation on family reunification rights by citing article 8 of the European Convention on Human Rights (Gomes, 2004). It is likely that these EU guidelines have been factors in allowing family reunification rights in New Migrant Europe, including Spain and Italy, both of which have allowed families and settlement.

Though it is difficult to show the actual impact of supranational institutions, these institutions and rights directives are clearly *present* in Europe. Are there similar supranational institutions pressuring Korea or Japan to offer family reunion opportunities? Obviously, Korea is a

¹⁰An excellent review (“Family Reunification Issues”) can be found at the Web site of the International Organization for Migration at <<http://www.iom.int/jahia/Jahia/cache/offonce/pid/576>> (accessed January 16, 2007).

member state of the United Nations (though only since 1991). It has ratified UN conventions on civil and political rights, economic and social rights, racial discrimination, discrimination against women, children's rights, and trafficking of persons. Japan is also a UN member state (since 1956) and has ratified all of the major human rights conventions (neither country, and no European states, have ratified the relatively new International Convention on the Protection of the Rights of All Migrant Workers). Gurowitz (1999) finds a role for international human rights norms in the expansion of migrant rights in Japan. Surak (2008:569) concurs, but notes the limits of supranational institutions to push Japan to see foreigners as future citizens.

However, Asia lacks regional supranational institutions like those that help govern Europe and pushed for family reunification there. There are two primary supranational institutions in the region, including Asia-Pacific Economic Cooperation (APEC), of which Korea and Japan are members, and the Association of Southeast Asian Nations (ASEAN), which does not include Korea or Japan but does include migrant sending states. The former is geared toward economic growth and the latter encourages growth as well as peace and security. They exhibit no rights concerns and had not weighed in on questions of migrant rights in the region until 2007, when ASEAN issued a mostly symbolic "Declaration on the Protection and Promotion of the Rights of Migrant Workers." However, the declaration of course has no obligations for non-member states and does not contain any language regarding family reunification or settlement as do the European rights declarations. Thus, one possible factor to explain lack of migrant settlement in Korea and Japan is the lack of regional human rights institutions and regional governing bodies.

Sending-State Pressure

Another factor affecting family rights for migrants in Europe is the interests of sending states. In several instances, European states made formal agreements with migrant sending states and those agreements explicitly specified the rights of migrants to bring family members.

Castles, Booth, and Wallace (1984) mention this factor though do not analyze it. In their account, European states were desperate for labor and sending states were able to get concessions in guest worker agreements – though, to be sure, there is little evidence that the labor importers were greatly concerned about it. For example, Belgium allowed

families in agreements with Southern European states, regularized illegal migrants from Italy, Spain, Morocco, and Turkey, and until 1977 actually subsidized up to 50 percent of family reunification costs for children and spouses. France also allowed family immigration until 1974, but that year's "ban on family reunification contravened a number of international and bilateral agreements so in July 1975, a new decree permitted family immigration once again" (Castles, Booth, and Wallace 1984:53). The Netherlands had bilateral agreements with Southern Europe, Turkey, Tunisia, and Morocco in the 1960s that allowed for family reunification to continue through the 1970s. Reichl (2003) shows that in Germany the Turkish state argued successfully for the same family reunification rights that Germany was already giving guest workers from European states (also *see* Jacobson, 1996). Heisler (1985) describes the situation in Switzerland in 1964, where Italy negotiated the ability for its workers to be joined by family members after 18 months.¹¹

Have Korea and Japan negotiated, or been asked to negotiate, family reunification rights for its migrant workers? Korea has set up agreements with various sending states to supply Korea with industrial "trainees" for the "Industrial and Technical Training Program" (ITTP; 1994–2006), and with "workers" for the "Employment Permit Program" (EPP; 2003–present). Despite the different names, both programs have since inception been low-skilled labor importation programs. They have been based on agreements with various sending states that have included China, Philippines, Vietnam, Thailand, Indonesia, Mongolia, Bangladesh, Uzbekistan, Sri Lanka, Pakistan, Nepal, Myanmar, Cambodia, Kazakhstan, and Kyrgyzstan. None of these agreements have allowed family members to come to Korea (Seol, 1999; Seol and Skrentny, 2004).

Korea's trainee program was modeled on Japan's. Japanese businesses use most of the trainees, about two-thirds of whom come from China, for cheap labor in low-skilled jobs (Tsuda and Cornelius, 2004). We find no evidence of sending states lobbying for family reunification in the Japanese case.

¹¹It should be emphasized that sending states were not intending for migrants to settle in host states, and in fact set up organizations to maintain ties with them. Heisler (1985) argues that their goal with their migrants was "temporary but long-term" emigration that would relieve pressures on local labor markets while offering opportunities for remittances; after a long period of sojourn, they would return rather than deprive the state of the migrants' human capital.

However, the importance of sending-state leverage is easily exaggerated. We have found no evidence that sending states pressured for settlement or family reunification rights in New Migrant Europe. In other words, even if sending-state pressure was a key factor for family reunification in Europe before the 1980s, it is no longer necessary.¹²

DOMESTIC LEGAL VARIABLES: INDEPENDENT COURTS AND RIGHTS

Guiraudon (2000) argues that international human rights institutions have force less because they impose international norms on European states than because they reinforce pre-existing judicial norms and rules within European states. Joppke (1998, 1999) concurs, arguing forcefully that migrant settlement occurred in Germany not because of supranational factors but because of domestic ones (also *see* Hollifield 1992:84). One key factor was the German legal system. Despite desires to keep migrants from settling, independent courts interpreted Germany's Basic Law to allow family reunification rights (Joppke, 1999). Similarly, the Council of State in France struck down a 1974 French attempt to deny work permits to family migrants and a 1994 effort to require a two-year wait for family reunification rather than only one year (Thomas, 1982b:51; Hollifield, 2004:191, 202).

Do Korea and Japan lack independent courts and constitutional rights comparable to those in Europe? Korea's constitutional court is new but vibrant, regularly striking down or modifying legislation (Ginsburg, 2003; Lim, 2004). Moreover, Korea's constitution also emphasizes the importance of the family. Article 36 states, "Marriage and family life are entered into and sustained on the basis of individual dignity and equality of the sexes, and the State must do everything in its power to achieve that goal." The Korean court has ruled in favor of individual rights, and it has ruled in favor of migrants on issues such as compensation for workplace injuries and pensions for undocumented workers (C.W. Lee, 2003; J. H. Lee, 2004). One of the more well-known cases regarded ethnic

¹²This also applies to another factor mentioned by some scholars as leading to family reunification: the decision to end labor migration which sometimes led migrants already in a European state to send for family (Hollifield 1992). This may have mattered in Old Migrant Europe, but the experiences of Spain and Italy show that this factor is not necessary for family reunification and settlement.

Korean citizens of China and their eligibility for a special government program offering visas for ethnic Koreans (Park and Chang, 2005; Skrentny *et al.*, 2007).

Japan also has independent courts, and in some instances, they have ruled in favor of migrants. Courts have made pro-migrant rulings on housing discrimination (Gurowitz, 1999), access to national health insurance, and one court ruled in favor of a Brazilian journalist who had been barred from a jewelry store by an owner who believed foreigners caused crime. The court in this instance based its ruling on Japan's ratification of the UN's Convention on the Elimination of All Forms of Race Discrimination (Tsuda and Cornelius, 2004). And in at least one instance, a Japanese court in 2003 ordered the Ministry of Justice to give special residence permits to unauthorized migrant families who had been long-term residents (Tsuda and Cornelius, 2004).

But these decisions have been limited in scope and have had limited impact. Independent courts play important roles in Korea and Japan, but they have simply not operated in the same ways as European courts to order family reunification or large-scale migrant settlement.

DOMESTIC INTEREST GROUPS

Freeman (1995) argues that migrant politics is typically "client politics." Wilson (1980) developed the concept to refer to the politics of social policy where benefits of the policy are concentrated and costs are dispersed. Family immigration is usually solidly in the client politics category because the benefits of expansive immigration or generous immigration rights are concentrated to employers or migrants and their advocates. The costs are born by taxpayers or wider societies, who have to accommodate sometimes unwelcome diversity. Even where costs are concentrated on a particular locality, that locality is typically not organized and faces a highly motivated national force of employers and/or migrant rights' groups. It is therefore not surprising that interest groups that benefit from immigration or advocate migrant rights were forces behind migrant worker settlement in Europe.

Employers

Though not normally considered a force for migrants' *rights*, employers typically fight for more open immigration policies because they want

access to inexpensive labor (Freeman, 1995). Anything that is likely to ensure access to migrant labor is therefore in employers' interests. Not surprisingly, there is some evidence that European employers supported migrant workers' legal opportunity to bring families. Though most European states had planned on "rotation" of guest workers, where workers would be replaced after a year or two, employers saw this as creating instability. If employers found good workers, they wanted to keep them (Reichl, 2003). This was especially true if employers had invested in training these workers, which was more likely in larger firms. In addition, some employers wanted family reunification because they thought it would produce better workers. They believed that single men tend to drink and get into trouble whereas family men are more stable. Castles, Booth, and Wallace (1984) describe this as a general factor across Old Migrant Europe, though their specific examples of employer interests, as well as those of Reichl (2003) and Braham (2005), discuss only Germany. Employers in New Migrant Europe have also lobbied for more open migration, though because unions fought for family reunification and these states granted it quickly, employer efforts for family migration have not been necessary.

Korean and Japanese employers, especially smaller firms, seek access to migrant labor as employers do in Europe. However, Asian employers do not appear to see family and settlement rights as in their interests. An employers' association, the Korean Federation of Small and Medium Business (KFSB), ran and steadfastly defended the ITTP that denied basic worker rights (Seol, 1999; Seol and Skrentny, 2004). In Korea, employers have greater control over the migrant worker program than is possible in European countries and are poised to press for family reunification or settlement but have not done so. Japanese employers are similarly silent on these issues.

The reason for the difference in employer positions is not clear. It is true that migrant workers are not sources of social disorder in Korea at this time and there are few discussions linking migrants to crime. However, Japanese media and Japanese political leaders are famous for blaming migrants for crime (*see, e.g.*, Tsuda and Cornelius, 2004), and almost half of the Japanese public blames migrants for crime (Simon and Sikich, 2007; *see below*). In the Japanese case, however, the link of unmarried male migrants to disorder has not led to calls for family reunification.

Labor Unions

Jacobson (1996) argues that labor unions fought for family reunification for migrants in Germany and elsewhere in Europe. Joppke (1999:77) shows that interest groups, including unions, were important forces pushing for migrant rights in the 1990s. Watts (2002:115) argues that unions fought for expansive immigration in New Migrant Europe and maintained (in Spain at least) that a lack of family reunification “contributed to migrant instability by forcing migrants to live without their families or to live with their families in a semi-clandestine state.”

Asia presents both contrast and similarity. Though arguably growing in influence (Kume, 1998), Japan does not have a history of a strong labor movement, and unions have not been major actors in policymaking. Studies of immigration or migrant worker policy in Japan identify little role for labor unions.

However, labor unions are very active in Korea but the end result is the same as in Japan. Korea’s labor unions are well organized and have a history of activism and confrontation (Koo, 2001). Though some have made efforts to aid migrant workers, family reunification rights have not been a priority. The only mention of the issue comes from a statement from the more progressive wing of the trade union movement in Korea, the Korean Confederation of Trade Unions (KCTU, *Minju nochong* in Korean), which weakly stated in a planning document, “It is necessary to allow family reunification of temporary migrant workers within certain circumstances, considering that Korea does not receive immigration” (KCTU, 2002:16). Like Korea’s independent courts, labor unions in Korea are active forces for worker rights, including migrants, but have not made moves for settlement and family reunification of migrant workers.

Migrant Advocates/NGOs/Religious Organizations

NGOs worked to maintain family reunification in Germany when the state sought restriction (Joppke, 1999), and Hollifield (1992:84) argues that church groups and other organizations were important forces for residence permits. Do NGOs fight for migrant rights in Korea and Japan?

The answer is yes – but not for families and settlement. In Korea there are many local and regional groups as well as national organizations

(J. K. Kim, 2005); most are unified in two umbrella groups called the Joint Committee for Migrant Workers in Korea (usually abbreviated JCMK or *Oeinohyup* in Korean) and the Human Rights Solidarity for Migrant Workers (usually abbreviated HRSMW or *Yijuyeondae* in Korean). These groups work with or are sometimes offshoots of churches or religious organizations (D. W. Kim, 2004). Their number one priority has been replacing the industrial technical training program (ITTP) with the employment permit program (EPP) to allow trainees to be given a fuller set of rights (Seol and Yi, 2006:34). NGOs in Korea have worked on a variety of other issues, including compensation for workplace injuries, but have also focused on providing social services to migrants such as Korean-language training. However, with the exception of a few groups pushing for amnesty for undocumented workers, NGOs have not made family reunification or settlement a major issue (Seo, 2006; Seol and Yi, 2006).

In Japan, NGOs may be less active than in Korea (Adolino and Blake, 2001:118), but there is still significant NGO activity on migrant rights issues, as well as on rights for refugees/asylees (Gurowitz, 1999; Flowers, 2008). As in Korea, family reunification and settlement are not prominent demands.

It appears, then, that interest group activity is not a universal factor leading to migrant settlement. Migrant worker NGOs, labor unions, and employers are politically active on migrant issues in Korea and Japan but not for family or settlement opportunities.

DOMESTIC CULTURAL VARIABLES

Public Opinion

Democratic theory suggests that politicians follow the people's wishes, and studies show links between public opinion and policy (*e.g.*, Page and Shapiro, 1992). This leads to an obvious hypothesis: Korean and Japanese people oppose immigration more than people in Europe.

A closer look reveals some difficulties with testing this hypothesis. As Saggat (2003:179–180) has pointed out, three conditions have to hold for public opinion on immigration restriction to affect policymakers in democratic states. First, a “significant majority” must be opposed to immigration. In Britain in 1970, for example, 80 percent of British opposed further immigration. Second, voters must see a political party as especially tough on immigration. In Britain in 1966, 13 percent more voters saw the conservatives ahead, but the lead was 53 percentage points

in 1970. Third, immigration must be an issue of high salience to voters. Widespread opposition to immigration means little if the overall issue is in the voters' minds only when asked about it. Again looking at Britain in the 1970s, the issue was highly salient: 66 percent of those polled said immigration restriction was one of the two or three most important issues facing the country.

The problem of applying the public opinion explanation to Korea is readily apparent. If there is no immigration problem to speak of, the issue will not be salient to voters, and parties will not be taking a position on it. Moreover, it will be difficult to interpret public responses to questions on immigration because the frame of reference will be unclear at best.

It is also true that public opinion typically does not track well with immigration policy. Though some countries such as Britain did make a restrictionist turn when public opinion became intense and focused on the issue, policies in Europe or the U.S. are almost never as restrictionist as public opinion would suggest (Simon and Lynch, 1999). Europe continued to allow family reunification even after restrictionist turns in policy that arguably were driven by public opinion. For the public opinion hypothesis to have explanatory power, Korea and Japan would have to show exceptionally intense hostility to migrant families and settlement.

But even a cursory look at public opinion in these countries suggests no overwhelming public opposition to migrant settlement. A Gallup poll in July and August of 2006 asked Korean citizens and NGO activists¹³ how they felt about migrant family reunification and migrant settlement. Regarding whether foreign workers should be able to bring their families to Korea (*see* Table 7), only a plurality of the public disagreed (44 percent) and the next largest was not sure (31 percent). In contrast, 38 percent of the NGO activists strongly agreed and the same percentage agreed. When asked about whether migrants should be allowed to settle permanently (*see* Table 8), a plurality of citizens (39 percent) was not sure and the next largest group agreed (32 percent). Again, the NGO activists had different views, with 43 percent strongly agreeing and the same percentage agreeing. Other results were more mixed. When asked whether both skilled and unskilled migrants should be allowed to settle (*see*

¹³1,202 citizen respondents and 56 NGO respondents with each representing a different NGO.

TABLE 7
SHOULD FOREIGN WORKERS BE ALLOWED TO BRING THEIR FAMILIES TO LIVE WITH THEM WHILE THEY WORK IN KOREA?

	Non-ethnic Koreans		Ethnic Koreans	
	Korean Citizens (N = 1,202)	NGO Activists (N = 55)	Korean Citizens (N = 1,202)	NGO Activists (N = 54)
Strongly agree	6.2	38.2	6.1	42.6
Agree	44.3	38.2	48.3	42.6
Not sure	30.7	16.4	29.3	9.3
Disagree	14.7	5.5	13.6	3.7
Strongly disagree	4.1	1.8	2.7	1.9
Total	100.0	100.0	100.0	100.0

Note: Values are given in percent.

TABLE 8
SHOULD FOREIGNERS WORKING IN KOREA BE ALLOWED TO LIVE IN KOREA PERMANENTLY?

	Non-ethnic Koreans		Ethnic Koreans	
	Korean Citizens (N = 1,202)	NGO Activists (N = 53)	Korean Citizens (N = 1,202)	NGO Activists (N = 54)
Strongly agree	2.6	34.0	5.5	42.6
Agree	32.4	49.1	37.9	48.1
Not sure	38.9	11.3	36.8	5.6
Disagree	22.5	5.7	17.3	3.7
Strongly disagree	3.5	0.0	2.5	0.0
Total	100.0	100.0	100.0	100.0

Note: Values are given in percent.

Table 9), a majority (57 percent) agreed. When asked whether Korea should preserve its ethnic homogeneity, the plurality answer (45 percent) was “not sure.” Similar if slightly more negative results were found when asked whether Korea should become a multicultural society (*see* Table 10). Moreover, a 2007 Pew Research Center poll of 46 countries found that South Korea was the only country (excluding the Palestinian Territories) that expressed opposition to more restrictive immigration policies.¹⁴ None of these results indicate an intense opposition to migrant settlement or family immigration.

Japan is similarly unremarkable in this regard: public opinion is not distinctively hostile to immigration (Bartram, 2000). Simon and Sikich’s

¹⁴<<http://pewglobal.org/reports/display.php?ReportID=258>>, accessed August 7, 2008.

TABLE 9
SOME FOREIGNERS WORKING IN KOREA HAVE COLLEGE EDUCATIONS OR RARE SKILLS, WHILE OTHER FOREIGNERS DO LOW-SKILLED WORK. REGARDING THEIR OPPORTUNITY TO LIVE IN KOREA, WHICH COMES CLOSEST TO YOUR VIEW?

	Korean Citizens (N = 1,200)	NGO Activists (N = 53)
High-skilled foreigners and low-skilled foreigners should both be allowed to live in Korea permanently	56.8	86.8
High-skilled foreigners should be allowed to live in Korea permanently, but not low-skilled foreigners	17.2	7.5
Low-skilled foreigners should be allowed to live in Korea permanently, but not high-skilled foreigners	8.3	1.9
Neither high-skilled foreigners nor low-skilled foreigners should be allowed to live in Korea permanently	17.8	3.8
Total	100.0	100.0

Note: Values are given in percent.

TABLE 10
SHOULD KOREA PRESERVE ITS ETHNIC HOMOGENEITY? SHOULD KOREA BECOME A MULTI CULTURAL SOCIETY?

	Ethnic Homogeneity		Multi-cultural Society	
	Korean Citizens (N = 1,202)	NGO Activists (N = 54)	Korean Citizens (N = 1,202)	NGO Activists (N = 54)
Strongly agree	3.2	0.0	4.4	49.1
Agree	24.6	3.7	38.0	43.6
Not sure	44.8	11.1	43.4	7.3
Disagree	22.4	48.1	11.9	0.0
Strongly disagree	4.9	37.0	2.2	0.0
Total	100.0	100.0	100.0	100.0

Note: Values are given in percent.

(2007) review of the 2003 International Social Survey Programme's data on attitudes toward immigration shows that Japan's attitudes are very similar to those of Western nations, including Canada, Germany, Great Britain, the U.S., France, and Australia, regarding immigration and the economy and views toward maintaining current levels of immigration. Japan is distinctive only in a question about whether migrants increase crime: 46 percent of Japanese strongly agree, which was twice as high as the next closest country (East Germany). Though no 2003 questions focused on migrant families or settlement, Simon and Lynch (1999) reported that a 1993 poll in Japan that showed no overwhelming public opposition to settlement: only "a plurality do not favor increasing the number of skilled workers, allowing foreign workers to have permanent

status in their country, or bringing their families with them” (p. 464; no numbers were provided). And though majorities in all European countries supported further restriction of immigration, the Pew Research poll cited above revealed the Japanese public to be evenly split. Thus there is little evidence that an intensely strong public opinion is driving the lack of family reunification rights and migrant settlement in Korea and Japan.

Elite Political Culture: A “Developmental State” Culture?

It may be that the opinions and culture of state officials or other elites shape family and settlement policy. Some studies of political culture show that the culture of elites can be different from that of the public (Verba *et al.*, 1987). In the context of immigration, Joppke (1998, 1999) argues that colonial powers in Europe saw a moral obligation to treat their former subjects well, and that German elites perceived an obligation to treat Turks well because Germany invited them in. For Joppke, “elite consensus” can be a significant factor in immigration policy. Heisler (1985:473) implicitly makes an elite culture argument when she argues that European states granted rights to migrants because “as modern welfare states” they would not tolerate “naked economic exploitation of ‘guests’ presumably invited, recruited, and admitted by their governments.” In this view, European elites share a political culture that assumes a certain level of humanitarianism and human rights for migrants. Perhaps more evidence for this thesis is that New Migrant Europe has allowed settlement of families in a time of migrant labor surplus – though this could reflect a human rights elite culture at the supranational (EU) level impacting the national level. Finally, despite increasing restrictions in recent years, European openness to refugees and asylees who offer no economic or foreign policy advantages also suggests the impact of humanitarian cultural assumptions.

For the Korean and Japanese cases, the elite culture hypothesis would be that Asian elites, both in the state and in groups that have easy access to state officials, believe that Korea and Japan owe little to migrant workers except the short-term opportunity for employment or that they believe (without consulting the public) that Korea and Japan are not appropriate for migrant settlement. They therefore restrict economic immigration as well as refugees and asylum seekers. This hypothesis is made more plausible by the fact that the public and NGOs (even if they support family and settlement rights in principle) are not pushing the

issue, and therefore elites are enacting their preferences on the settlement question in a political vacuum.

Another way that culture can affect state policy is not through attitudes but through practices, habits, or cultural “repertoires.” In this view, political culture is a phenomenon of the state (Steinmetz, 1999). Different states will approach policy, including matters such as immigration or citizenship, in distinctive ways (Brubaker, 1992; *see* Dobbin, 1994 for another example of national policy repertoires).

Though not making an explicitly cultural argument, researchers on Asian development have argued that there is a “developmental state” in Asia that has played a key role in the economic growth in the region. In the original formulation in Chalmers Johnson’s (1982) study of Japan’s Ministry of International Trade and Industry (MITI), the emphasis was on the state’s relationship with the domestic business class and the competence of bureaucrats, or “state capacity,” to create and implement policies to develop the nation’s economic base in a way that benefits the national interest (also *see* Woo-Cumings, 1999; and Beeson, 2004 for a review). In practice this meant export-led growth and protected domestic markets. Some Asian states have shown a particular repertoire or “hegemonic project” (Pempel, 1999) that seeks economic growth while minimizing social costs and social disruption.

It is not difficult to see Korean and Japanese bans on migrant settlement/families as fitting the model of the developmental state. Korean immigration policy looks like Korean trade policy: export a lot (Korea has a long history of emigration), but protect the markets – in this case labor markets rather than consumer markets – at home. It could be argued that Korean policy for migrant workers is an extension of the authoritarian labor relations that characterized the 1960s, 1970s, and 1980s (*see* Koo, 1993). In this view, Korean immigration policy, including refugee policy, is part of the Korean state’s repertoire, the characteristic way it approaches things.

Elite political culture hypotheses are hard to test, but available evidence is consistent with them. In fact, Korea has resisted even settlement of ethnic Koreans when they offer little in the way of economic development. Though ethnic Koreans with foreign citizenship can obtain a visa that amounts to permanent settlement in Korea, by putting a stipulation that these Koreans do skilled work, Korea effectively denies settlement to the more than two million ethnic Koreans in China and the former Soviet Union. Instead, only the more skilled Koreans residing in the West can

easily take advantage of the visa (Park and Chang, 2005; Skrentny *et al.*, 2007).

The developmental state culture hypothesis is further supported by the fact that the paradigmatic developmental state, Japan, has an immigration and refugee policy that is very similar to Korea's, and has justified it in developmental state terms. In the early 1990s, Japan adopted a series of plans for employment and economic development that explicitly stated that Japan should avoid migrant settlement because it harmed development goals. One plan stated, "To reduce potential social costs, including education for the children of migrant workers, and the emergence of 'social' problems associated with migrant settlement, foreigners should be admitted to the country on a short-term basis only." This plan also stated that foreign labor should be allowed in Japan only after all domestic options are explored first and that production should be moved overseas to avoid immigration (quoted in Weiner, 2000:60). The Ministry of Justice, which oversees immigration and refugee policies, has continually expressed concerns of cost and social disruption since the early 1980s while maintaining restrictive refugee/asylee policies (Flowers, 2008:343; also *see* Mukae, 2001).

Though the Korean state does not declare its plan as explicitly, it behaves as if it has the identical plan as Japan. Indeed, one sees little difference in immigration and refugee/asylee policies in other developmental states in Asia, including Taiwan and ethnically diverse Singapore (Seol, 2005). Just as there is Asian model of development, the basics of which one can find in Japan, Korea, Taiwan, Singapore, and Hong Kong, there is also an Asian model of immigration policy: low-skilled migrants can work but they cannot bring family members and cannot, except in rare circumstances, settle.

MIGRANT PERCEPTIONS OF HOST STATES: DESIRE FOR SETTLEMENT AND FEAR OF CONTROL

It is possible that crucial independent variables lie within the potential migrant population. We have seen there are few legal opportunities for low-skilled migrants to bring families and settle, but undocumented migrants might still bring families to Korea and Japan in violation of the law (as they do in Western states). We might then hypothesize that the key variable is that low-skilled migrants *choose* not to bring their families and settle in Korea and Japan.

Migrant Desire for Family Reunification and Settlement

Regarding factors leading to migrant decisions to bring family and to settle, as stated above, the literature provides little guidance. Castles, Booth, and Wallace (1984), among the few to consider family reunification from the perspective of migrant workers, treat it as a simple, human desire to prefer togetherness to isolation. Massey *et al.* (1993) discuss the dynamics of family reunification determining migration decisions, rather than simple economics, but do not address why family reunification happens only sometimes. Even studies of Asia that note the lack of settlement assume that settlement is inevitable and cannot be stopped (Castles, 2004).

Survey data for Korea show more than a third of migrant workers seek Korean citizenship and the majority prefer to bring their families to Korea (*see* Table 11). So why do they choose not to?

Migrant Perceptions of Immigration Control

The key appears to be perceptions of immigration control. Migrant destination choices in Europe are sensitive to state restriction efforts (Neumayer, 2004), and perceptions of restriction appear to steer Asian migrants from low-wage countries all the way to Europe. Qualitative studies of illegal Chinese immigration to Japan and Europe show Chinese

TABLE 11
MIGRANT WORKERS' ATTITUDES TOWARD SETTLEMENT IN KOREA: % OF "YES"

	Total (N = 1,675)	Regular Migrant Workers		Undocumented Migrant Workers	
		Ethnic Koreans (N = 26)	Non-ethnic Koreans (N = 248)	Ethnic Koreans (N = 270)	Non-ethnic Koreans (N = 1,131)
If possible, would you want to invite your family from your home country to Korea?	70.5	92.9	66.1	85.1	67.7
If possible, would you want to acquire Korean nationality?	47.3	42.3	39.9	64.4	45.0
If possible, would you want to marry a Korean?	25.4	27.3	28.7	22.6	25.2

Source: National survey data conducted by National Human Rights Commission of the Republic of Korea in 2002. *See* Seol, Choi, and Han (2002).

migrants wish to go to Japan (and Taiwan; no mention is made of Korea) but they do not settle there in great numbers because these states control immigration better (Liang and Ye, 2001). Kwong's (1997) fieldwork in China revealed that Chinese believed that "the Japanese government routinely deported those arrested back to China after informing Fujian provincial authorities" (p. 61). Morita (2003) shows the power of Japanese control in the words of Iranian migrant who explained, "I went to Japan without my wife and child because I didn't know whether I really would be able to stay and work." After finding a job, however, "the regulations had already changed and every Iranian who entered Japan by then needed to get a visa and my family could not come. It was a real pity for me (pp. 160–161)."

Pieke *et al.* (2004) mostly corroborate this view. In their in-depth study of two Fujian villages, they found that the greatest number of emigrants were legal, non-settling, non-family reuniting contract laborers to Singapore. But they also found that in the late 1980s and early 1990s, villagers started going to Japan (the authors do not report how this started), many illegally. Nevertheless, they quickly add that migration to Japan slowed with declining job opportunities in the recession and "a crackdown on illegal migrant workers" (p. 46; also *see* p. 50). Elsewhere, they describe another would-be migrant to Japan who chose England instead because, in his translated words, it was "a bit freer than in Japan" and that "in Japan, you can't go outside." In England, on the other hand, "you can go around and won't get deported" (p. 67). In contrast, they document case after case of Chinese who move to England, Italy, and Hungary (the states in their focus) more easily. All of these states offer family reunification for legal migrants, though Hungary has begun to make this more difficult. They document Italy's frequent amnesties for the undocumented, which allow regularized migrants to bring in their family members and settle (Pieke *et al.*, 2004:125).

Though data on the perceptions of undocumented workers toward immigration control in Korea are not available, research on broker fees for legal migration to Korea yields insights suggesting perceptions of greater immigration control in Korea. Specifically, migrant workers in the Philippines pay broker fees that vary according to various factors including expected wages in the destination country – but also the possibility of settlement. Broker fees for migration to the U.S. are the highest, followed by European states, then Japan, and then Korea. Both Korea and Japan have lower fees in part because of the difficulty of transitioning to settle-

ment (Seol and Park, 1998). In addition, though cross-national data are lacking, studies of anxiety levels of migrant workers in Korea found that migrants exhibited greater anxiety than persons displaced by construction of a local dam, and that the lack of family members and fear of deportation (for illegals) were significant sources of anxiety (Seol *et al.*, 2005; Han and Seol, 2007).

Given the lack of systematic comparative data, our conclusion here should be taken with caution and as tentative, but it appears that the lack of settlement in Korea and Japan is in part the result of the perceptions of potential migrants. Low-skilled, ethnically different workers do not bring family members because there is no right to family reunification and they do not bring them illegally because they tend to fear deportation if they do. Whether or not control capacity *is* stronger in Asia is not clear and may not be relevant: migrants act based on their perceptions. We are *not* arguing that migrants do not fear control efforts in the West, but that they appear more wary of Asian control efforts. And it is certainly the case that they can perceive no amnesties for the undocumented in Korea and Japan. These concerns lead them to treat migration in Asia as temporary. They send remittances back home and rarely try to bring family with them. The separation from family members then ensures that their stays are short-lived.

DISCUSSION AND CONCLUSION

We have argued that Korea and Japan exhibit immigration patterns common to each other but different from European states. They are different from European states that received guest workers in the aftermath of World War II, when demand for migrant workers was very great, and they are different from more recent migrant receiving states in Europe such as Italy and Spain. They are different in several ways, but most prominent is that low-skilled migrants to Europe for decades brought families and stayed. In Asia, the vast majority arrive alone and eventually go home.

By asserting that Asian states are comparable yet different from European states, we have sought to make a start to what might be called a comparative sociology of migrant settlement. By the logic of comparative social science and the analysis of Old and New Migrant Europe with Korea and Japan, many of the factors presumed to lead to family reunification and migrant settlement are not important (summarized in Table 6).

Factors that distinguish Korea and Japan from Europe – but that they share with each other – are likely the more powerful factors that hold off or put a brake on processes of settlement: the lack of regional supra-national rights institutions, a developmental state elite political culture, and migrant perceptions that Asian states are more restrictive toward immigration.

These factors are almost certainly interrelated. We suggest that Korea and Japan maintain a developmental state elite culture in part because there is no regional body pushing them toward more humanitarian and expansive family reunification and settlement policies and rights for migrant workers, asylees, and refugees. This developmental state culture also leads to practices that at least give migrants the perception of stronger immigration enforcement and keeps amnesties such as those that occur in New Migrant Europe off the agenda.

A developmental state culture is likely also related to the failure of some of the other variables to work in the same way as they do in Europe. Korea and Japan (to a lesser extent) have independent, rights-conscious courts, as well as employers, unions, and NGOs interested in maintaining openness to migrants or rights or both – all factors linked to family reunification and settlement in Europe. But these variables simply do not work the same way in Asia, stopping short of the pressure to bring about a multicultural society comparable to those in Europe. Thus the comparative analysis suggests that these factors *alone* do not bring about migrant settlement. A state cultural component also appears to be necessary that would give the state different assumptions about humanitarian needs or constitute a different set of policy repertoires. Flowers (2008) suggests a similar argument when she notes that the Japanese state does not see pro-refugee/asylee NGOs as legitimate political actors.

It is beyond the scope of this article to systematically explore possibilities for Asia's migrant future, but our study does offer insights into how Korea and Japan may become countries of migrant families and settlement. The lack of regional human rights institutions appears to be a factor allowing elite political culture to maintain developmental state assumptions and take restrictionist policy positions, keeping family and settlement rights outside the boundaries of legitimate discourse. This puts more burdens on NGOs to change cultural boundaries of policy-making on both foreign workers and refugees, and limits the arguments that courts can make on behalf of migrants (Gurowitz, 1999). However, Korea and Japan may change their political cultures and policies

following a different path. Specifically, the increase in international marriages promises to simultaneously introduce norms of diversity into society as well as create voting constituencies with an interest in family reunification rights. Great pressure will come from a shrinking native workforce due to sharply declining birthrates (Seol and Skrentny, 2004; Tsuda and Cornelius, 2004). These forces may change the political rules of the game, permanently break down the migrant worker rotation programs that have failed all over Europe, and allow for more of the benefits and challenges of a European-style multicultural society in the future.

Guillén (2001) has argued that globalization has not made business organizations in Argentina, Korea, and Spain replicas of each other – national patterns remained. He titled this book *The Limits of Convergence*. Like business organizations and practices, immigration in Asia and the West may remain divergent in important ways. Korea and Japan may well be destined to become diverse societies of migrant settlement. But their pathway to that destination, and the end result, may look different from what scholars who study Europe have come to expect.

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