Immigrants as 'New' Precariats in the Korean Immigration Policy Regime

Navigating Identity, Rights, and Governance

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Chapter 3

'Precariat' as Identity and Differentiated Rights of Immigrants

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The Nexus of Identity and Immigration

Identity and rights are intricately intertwined, as evidenced by the late 20th century being referred to as both the 'Age of Migration' and the 'Age of Rights' (Castles & Miller, 1998; Morris, 2003). This confluence stresses the inseparability of immigrant identity from citizenship rights. The phenomenon of cross-national immigration poses a challenge to conventional citizenship norms grounded in the nation-state paradigm, particularly in the context of a burgeoning 'post national society' (Morris, 2003). Consequently, the emergence of transnational rights signifies a departure from traditional citizenship rights. Understanding immigrant identity as part of the new precariat requires linking it to various forms of rights discourse. The identity of immigrants significantly shapes the rights they are afforded, dictating the breadth and nature of their entitlements. Moreover, this nexus between immigrant identity and rights influences the framework of immigration policy within specific countries. Differential treatment in the allocation of rights among immigrant groups across nations indicates a stratification that engenders varying levels of precarity among immigrant groups. This book addresses the repercussions of such stratification, highlighting the multifaceted vulnerabilities experienced by different immigrant cohorts.

In the framework discussed, the precariat, unlike the conventional proletariat, embodies a distinctive identity as a 'class-in-the-making' (Standing, 2011, p. 7) or a 'class-in-becoming' (Jørgensen, 2016, p. 962). This trait presents challenges in precisely delineating the identity of the precariat. While situated on the fringes of the labor market, not all segments within this category share a uniform identity. Indeed, variations exist among the precariat based on social backgrounds, resulting in diverse manifestations of instability. For example, precarious youth engaged in educational pursuits encounter distinct challenges compared to elderly individuals compelled into temporary employment due to involuntary retirement. Similarly, women predominantly occupy casual, short-term, and part-time positions, even though job opportunities have generally increased compared to previous eras. These internal distinctions underscore the manifold experiences encompassed within the overarching classification of the precariat.

Furthermore, the identity of immigrants as precariat, as highlighted in this book, is notably intricate. The emergence of the precariat stems from the

flexibilization of labor markets due to neoliberal policy hegemony. As this neoliberal trajectory transcends national boundaries, global phenomena such as outsourcing, temporary employment, and subcontracting proliferate. Immigrants entering this burgeoning precariat encounter heightened complexity in their identities, particularly with the incorporation of racial and ethnic dimensions. An intriguing example is found in Korea, where, despite similar immigration motives, there are substantial disparities in the rights afforded to female and male marriage immigrants. This complexity is further compounded by the varied allocation of civil, political, and social rights among immigrant cohorts, reflecting the diverse political, economic, social, cultural, and historical contexts of different nations.

Expanding upon this discourse, this chapter aims to theoretically explore the dynamics of the identity of immigrants as precariat, intertwining it with discussions on identity politics and citizenship. The theoretical discourse will be supported by empirical data, thus enriching the understanding of this multifaceted phenomenon.

The Dynamics of Biological, Social, and Political Identity

Identity is deeply entrenched in categories and ascriptions (Appiah, 2006; Won, 2019). Ascriptions to specific categories like gender, race, or sexual orientation exhibit a multidimensional nature, encompassing biological, social, and political dimensions. Biological ascription stems from one's birth into a particular group and is not a matter of choice; however, it is inherently dynamic, intertwining with social and political attributions. Human identity thus surpasses mere biological categorization, expanding through social and political processes involving the internalization of group-specific values and behaviors, thereby fostering the development of a shared social or political identity.

The transition from biological to social and political identity necessitates certain conditions beyond voluntary choices. First, identification is paramount. Mere membership in a social group based on biological identity is insufficient; it requires the adoption and internalization of the group's thoughts, behaviors, and emotions through the process of identification. Consistent alignment with culturally or religiously valued practices within a specific racial group, for instance, is imperative, along with a willingness to adhere to corresponding norms, potentially facing consequences if non-conformity ensues.

Significantly, the process of identification culminates in identifiability, which is rooted either in physical attributes (associated with biological identity) or cultural markers (linked to social identity), thereby delineating one group from another (Dworkin & Dworkin, 1999, pp. 17–24; Won, 2008). Inter-group distinctions transcend mere physical belonging, encompassing aspects such as social membership, collective consciousness, or solidarity. The degree of internal identification ultimately manifests in external identifiability, which serves to fortify the demarcation from or exclusivity toward other groups.

It is pertinent to note that while identification predominantly operates internally within a group, consolidating social identity, its interaction with other groups holds

political implications. When shared behaviors and practices are either restricted or enforced by external groups, it often leads to inter-group conflicts that spill over into political arenas. Take, for instance, the hijab in Islamic societies, which not only signifies shared cultural practices but also serves as a marker of identity. However, differing views on the hijab can fuel inter-group tensions, even triggering diplomatic disputes between nations. Hence, social identity is not static; it evolves, intertwining with political identity over time.

The second condition for the evolution of biological identity into social and political identities is treatment. Treatments denote the varying, sometimes privileged, sometimes discriminatory, ways individuals are treated based on their affiliation with a specific group. Such differential treatment inherently involves power differentials, intertwining social identity with political identity. Whether favorably or unfavorably bestowed, treatment based on group membership, tied to the allocation of limited resources, directly fuels conflicts among groups regarding resource distribution. Moreover, whether in tangible assets or intangible ones like opportunities or authority, politically charged preferential or discriminatory treatments, grounded in group membership, fuel and perpetuate group conflicts, engendering political ramifications. Inter-group conflicts engender political and economic disparities, exacerbating, or resolving conflicts depending on the relative power wielded by each group.

In this manner, the dynamic processes by which biological identity transitions into social identity and social identity extends into the political realm offer insights into comprehending the multidimensional precarity and vulnerabilities encountered by immigrants within the framework of the precariat as identity. The escalation of political dynamics is notably amplified by the surge in international migration, as it triggers political tensions between the host country's culture, the social affiliations of sending countries, and the reinforcement of identifications.

The Politics of Identity

As highlighted earlier, identity transcends mere static affiliation and intersects with the political dynamics surrounding social resources. In Korea, entrenched norms of mono-ethnicity and mono-culture, along with a pronounced societal emphasis on 'pure-blood', have fostered a limited psychological and social receptivity to immigration and immigrants. This diminished receptivity manifests in discriminatory treatment, coupled with an amplified negative perception regarding the allocation of scarce social resources to immigrants (Park, 2010; Won, 2008; Won & Jeong, 2014). These distinct characteristics within Korean society accentuate the potential extension of identity into the sphere of 'politics'. The politics of identity, predicated on apprehending relational disparities and power differentials among groups, manifests in several dimensions.

First, identity serves as the foundation for both exclusion and inclusion. Particular identities not only recognize and validate 'difference' but also dictate the bestowal or withholding of access to scarce social resources based on said identity (Appiah, 2006). Given the scarcity and zero-sum nature of social resources within

the majority-minority group dichotomy, the 'accessibility' to social resources inherently symbolizes power and privilege. Thus, identity politics transcends mere group affiliation, signifying a manifestation of 'power (difference)'.

Second, identity transcends its role as a mere marker of group membership to become a potent symbol of 'power'. This denotes deliberate sociopolitical endeavors aimed at amplifying power differentials. In essence, identity serves as a conduit for political mobilization, directed toward augmenting existing power imbalances. Mobilization, in this context, refers to the concerted efforts of actors to influence the prevailing distribution of power (www.quora.com). Majority groups may undertake political mobilization to uphold and fortify the current power structure or utilize it as a means to transition toward a new power arrangement. Hence, mobilization transcends individual passive engagements to actively pursue change, expanding from the private sphere to the public realm.

Political mobilization varies based on the identity of majority-minority groups, leading to diverse manifestations related to immigration. For example, groups resistant to changes in the existing social resource distribution may increase negative incidents (e.g., crimes) related to immigrants or spread opposition to policies favoring immigrants. Ultimately, political mobilization surrounding identity involves conflicts and resistance between groups benefiting from existing resource (power) distribution and those seeking to change it. Political mobilization exhibits variability contingent upon the identity dynamics within majority-minority groups, engendering diverse manifestations concerning immigration. For instance, groups resistant to alterations in the prevailing distribution of social resources may escalate negative incidents (e.g., crimes) associated with immigrants or propagate opposition to policies favoring immigrants. Ultimately, political mobilization concerning identity sparks conflicts and resistance between groups that benefit from the current resource (power) distribution and those endeavoring to effect change.

Third, the politics of identity invariably entwines with public institutions. As identity politics extends beyond individual disparities or interpersonal interactions to encompass facets like 'discrimination' and 'mobilization', formal institutions such as laws and regulations become entangled. Moreover, the state, via policy mechanisms, dictates the parameters of immigration, delineates the rights bestowed upon distinct immigrant (identity) groups in terms of civil, social, and political entitlements. These determinations contribute to differential structuring of vulnerabilities among immigrant cohorts. Consequently, the state assumes a pivotal role in channeling identity politics into the public sphere through the principle of 'state neutrality'. The state's neutrality, serving as an arbiter in conflicts among various groups with conflicting identities striving for advantages in the distribution of scarce social resources, embodies 'impartiality' toward neither faction. Nevertheless, mechanical neutrality, given the power differentials inherent in a binary majority-minority framework, carries inherent limitations, potentially leading to outcomes disadvantageous to minority groups. In a binary structure where the majority confronts the minority, mechanical neutrality essentially implies the preservation of the prevailing access to scarce resources favoring the majority, thus precluding alteration.

An integral concern lies in the approach to resolving identity-based conflict situations, particularly through policy decisions. Whether to adopt policies based on mechanical neutrality, potentially favoring the majority, or to craft policies advantageous to the minority, is not a matter of inevitability but of deliberate choice. For example, opting for proactive measures benefiting immigrants may prompt scrutiny of the state's neutrality and encounter resistance from the majority. Conversely, embracing policies detrimental to immigrants, such as curtailing immigration, restricting permanent residency, and confining immigrants to low-wage labor, may align with majority preferences but entail political hurdles. As a result, state intervention via policy in the political dynamics of identity represents a matter of 'choice', laden with political ramifications regardless of the chosen path. In the realm of immigration issues shaped by racial identity, the nature of the immigration policy regime and the structural conditions encountered by immigrants with precarious identities fluctuate contingent upon the state's policy choices.

Beyond Citizenship: Identity, Citizenship, Denizenship

The Crisis of Citizenship

Understanding the identity of immigrants as the 'new' precariat relies significantly on the concept of 'citizenship'. The meaning and importance of citizenship for the 'new' precariat, i.e., the immigrant population, differ from the relationship between traditional precariat identity and citizenship. Thus, elucidating the status and entitlements of immigrants through the conventional lens of citizenship within a nation-state's uniform cultural, social, and political framework presents limitations. This approach fails to adequately address the reality of immigrants who come from diverse cultural backgrounds. In essence, a 'crisis of citizenship' has arisen for immigrants within the nation-state (Soutphommasane, 2005, p. 401).

Citizenship is an essentially contested concept (Lister, 1997, p. 3), making definitive explanations challenging. The controversial nature of citizenship extends beyond theoretical discussions to encompass political disputes. Traditional citizenship is defined as 'a status bestowed on those who are full members of a community', encompassing a set of rights and obligations conferring official and legal identity to individuals (Marshall, 1992; Turner, 1997).

In this manner, traditional citizenship is embraced as membership within a political and regional community, signifying full inclusion as a constituent member of a specific society (Bloemraad et al., 2008; Bosniak, 2000). Therefore, citizenship constitutes a composite of membership, rights, and significance universally bestowed upon members of the nation-state. Citizenship comprises civil rights/legal rights, political rights, and social rights (Marshall, 1992). Civil rights involve basic human rights related to labor, accumulated economic freedoms through work, intellectual freedom, and equality before the law. Political rights include the active right to engage in political activities and exercise political power, such as suffrage. Social rights pertain to access rights to a certain

level of economic well-being and social resources, institutionalized through welfare state systems. In the evolution of capitalism, society assumes the role and responsibility of mitigating emerging inequalities. The proactive implementation of welfare systems, such as social security, aligns with this responsibility (Esping-Andersen, 1990). Multifaceted citizenship operates in a mutually reinforcing manner, wherein the attainment of civil/legal citizenship establishes the basis for social citizenship, which encompasses secure employment and access to welfare services.

The traditional discussions on citizenship face a crisis in several dimensions, one being the 'Janus-faced nature of citizenship', wherein citizenship functions simultaneously as a symbol of equality and a marker of inequality (Džankić & Vink, 2022; Siim & Squires, 2007). Essentially, citizenship delineates social boundaries within society. From the perspective of this dual nature of citizenship, the crisis in traditional citizenship can be analyzed through distinct issues: (1) citizenship within the community concerning individual or group disparities and (2) individual-state relations within the community.

As previously noted, the conventional understanding of citizenship primarily emphasizes one aspect: inclusion as rights (legal, political, and social rights). However, critical perspectives, such as feminism, highlight the other aspect of citizenship as a mechanism for exclusion (Lister, 1997). The exclusionary dimension of citizenship operates at various levels for minority social groups, categorizing them as non-citizens or partial citizens, defined as 'those who are excluded from citizenship communities' (Yeatman, 1994, p. 80; cited in Lister, 42). Consequently, the notion of citizenship as membership in a community does not necessarily yield positive (and equal) outcomes for all groups. Citizenship functions as both 'citizenship as status' and 'citizenship as practice' (Lister, 1997, p. 15), and its exclusionary traits can manifest in either or both. For instance, even if formal mechanisms grant citizenship as a right to specific social groups (in status), discrimination, stereotypes, harassment, and violence can undermine substantive citizenship, thereby perpetuating exclusionary dynamics (in practice).

The globalization of immigration further complicates the Janus-faced nature of citizenship. This complexity arises partly due to the fact that both traditional and critical perspectives typically assume the nation-state as the primary framework for citizenship. However, for groups like immigrants whose identities and experiences transcend national borders, the concept of citizenship operates within different contexts (Lister, 1997; Siim & Squires, 2007; Yuval-Davis, 1991). Specifically, as globalization and population movements increase, the distinction between citizens and non-citizens becomes less clear, prompting the need to extend citizens' rights to non-citizens. Consequently, traditional notions of citizenship have been reconfigured or reinterpreted to accommodate the realities of immigration (Bosniak, 2022; Cohen, 1999).

One proposed adaptation to address the globalization of immigration is the concept of transnational citizenship (Soysal, 1994). In considering transnational citizenship and its relevance to understanding the identity of immigrants as the new precariat, several key issues emerge. First, the notion of the universality of

citizenship is critical. This concept questions whether both majority and minority groups have equal access to citizenship rights. As previously mentioned, traditional citizenship, rooted within the boundaries of the nation-state and often marked by inherent discrimination that is not universally applied to minority groups such as women (Lister, 1997; Yuval-Davis, 1991), becomes even more problematic when applied to immigrant communities.

Practically, citizenship manifests as more nuanced and layered than a universal entitlement, given its inherent discriminatory tendencies that are not uniformly extended to minority groups. Additionally, citizenship is selectively conferred upon immigrants as a set of rights, not universally, but contingent upon specific criteria such as identity. Moreover, traditional citizenship, which historically centers on the 'white heterosexual male' as the norm within national boundaries (Brochmann, 2020), involves distinct content and mechanisms for granting citizenship rights beyond national borders, differing from those afforded to majority groups. Especially in the context of globalization and deindustrialization, social citizenship, exemplified by welfare services, gives way to 'market citizenship' (Hundt, 2019, p. 32). Consequently, certain group members do not receive full citizenship, but rather 'partial citizenship' (Hundt, 2019, p. 32). This partial citizenship disproportionately affects immigrants, and the discriminatory or incomplete allocation of citizenship exacerbates the precarity experienced by immigrants.

It is noteworthy that both the process and extent of granting citizenship rights to immigrants exhibit elements of discrimination. The manner and order in which legal, social, and political rights are conferred upon immigrants influence the perceived threat to the privileged status of the majority group concerning limited social resources. The extent and method of granting legal, social, and political rights to immigrants shape the degree of threat posed to the entitlements of the majority group regarding scarce social resources. Granting legal rights to immigrants can occur through institutional and declarative inclusion, as legal power is static and institutional in nature, incurring no explicit costs. In contrast, the provision of social rights, such as welfare or employment, to immigrants differs from legal rights, as it involves costs primarily borne by the majority group, resulting in a zero-sum dynamic between costs and benefits. Consequently, the majority group tends to exhibit relative negativity toward social rights granted to immigrants. Moreover, granting political citizenship, including voting or participation rights, to immigrants is even more passive. Political citizenship has the potential to disrupt the distribution pattern of scarce resources in favor of the majority group, rendering it the most threatening to them.

In conclusion, the crisis of citizenship emerges from the globalization of immigration and the increasing influx of immigrants, challenging the foundations of a singular identity and exclusive affiliation upon which traditional citizenship is constructed. As a result, this situation triggers a crisis within the interconnected dynamics of citizenry, the state, and territorial boundaries, often conceptualized as 'the triad of citizen-state-territory' (Łucka, 2019).

Innovating Citizenship for Immigrants

If the initial concern regarding the crisis of traditional citizenship revolves around the intersection of immigrant identity and citizenship, a subsequent issue is the diversification of citizenship itself. Citizenship, as it pertains to immigrants beyond the confines of the nation-state, is undergoing a novel differentiation into denizenship, multicultural citizenship, and flexible citizenship (Kymlicka, 1995; Siim & Squires, 2014; Standing, 2012). As previously observed, the origins of such differentiation stem from the crisis of traditional citizenship and the evolutions occurring within the nation-state. With the global exchange of capital and goods transcending national boundaries, there emerges a globalization of migration, which challenges the fundamental tenets of traditional citizenship. Beyond the mere blurring of physical borders associated with the nation-state, the clash of diverse cultures and values, leading to conflicts over limited resources, necessitates the inevitable differentiation of the citizenship concept.

The differentiated citizenship associated with immigrant identity, referred to as 'new precariat', is not unrelated to citizenship based on differentiated universalism.

The traditional and liberal model of citizenship emphasizes impartiality as a crucial element in rights enjoyed equally by all citizens. It underscores universality transcending particularities, emphasizing formal, right-based attributes that go beyond individual specificity. However, diversified citizenship does not treat everyone equally but focuses on recognizing individual identities and the particular worth each individual possesses based on their identity, connecting it to citizenship. In contrast, differentiated citizenship focuses on the acknowledgment of individual uniqueness based on personal identity, connecting citizenship to each person's particular worth and public acknowledgment of their unique values (Siim & Squires, 2007).

Denizenship

While citizenship is associated with the term citizen, denizenship serves as its counterpart concept linked with denizen. A denizen refers to an alien who was discretely granted by the monarch or ruler 'some'—but not all—rights that were automatically bestowed on natives or citizens (Standing, 2011). Historically, denizens in the Roman era were a group with the right to reside in a specific place (nation) but lacked the ability to exercise political rights. Thus, denizens were semi-citizens, residing as resident aliens, devoid of full civil rights, occupying an intermediate status between aliens without civil rights, and citizens enjoying full citizenship (Łucka, 2019). In essence, denizens possess legal and permanent residence status, enjoying complete social and civil rights, yet their denizenship does not confer citizenship with legal, social, and political rights (Hammar, 1990; cited in Lister, 1997, p. 48).

The emergence of denizenship and its background can be attributed to the prolonged stay of immigrant populations, which raises significant questions about the bestowal of their legal, socio-economic, and political status, as well as the extent

of recognition of their rights. While traditional citizenship guarantees all rights, including residency rights, equally to citizens and aliens, the equitable granting of citizenship to all immigrants posed challenges due to the political nature of citizenship. Consequently, denizenship emerged as a new conceptual framework to address the challenges posed by the evolving dynamics of immigration and the blurred boundaries between citizens and aliens.

Denizenship, characterized by the status of 'resident aliens', represents a form of semi-citizenship. While denizens are granted residency rights, they are prohibited from engaging in political activities such as voting, and their access to public services is only partially permitted in terms of social rights. The scope of denizenship, with its limited rights, varies depending on the identity and status of immigrants. For instance, refugees may receive legal protection during their stay but are unable to exercise social and political rights. Conversely, illegal immigrants typically face practical denial of legal, social, and political rights. In the European Union, some countries may grant local voting rights to resident foreigners, but political citizenship is often restricted or only partially extended. Denizens are a group that possesses legal rights but is excluded from *de facto* rights, leading to designations such as 'de-citenized', '*de facto* denizens', or barely tolerated guests (Gibney, 2009, p. 3). This distinction underscores the widening disparity between formal, legal entitlements, and actual social practices, thereby offering practical insights into defining the identity of immigrants as the 'new' precariat.

Another intriguing form of denizenship is cosmopolitan denizenship (Zolberg, 2000). It encompasses diverse forms, such as groups residing in a specific country but unable to engage in economic activities, and those allowed to engage in economic activities in a particular country but not employed or residing there. Also, there are individuals such as asylum seekers or undocumented migrants lacking legal rights for economic activities, yet practically employed and tolerated despite being undocumented.

In summary, denizenship involves the allocation of economic, social, and political rights to long-term resident groups, representing a partial grant of rights. This can be viewed as a flexible adaptation of new rights concepts that have diverged from traditional citizenship. While denizenship may appear to mitigate the exclusivity inherent in traditional citizenship by presenting itself as inclusive and not predicated on uncontrollable qualifications such as 'nationality', the politics of identity, and recognition concerning immigrants operate differentially, contingent upon their values and contributions.

Flexible Citizenship

Another distinctive form of citizenship is flexible citizenship, in contrast to traditional citizenship, which is grounded in membership within the nation-state. What makes flexible citizenship intriguing is that the criterion for citizenship is based on economic factors, driven by individual interests (Appiah, 1998; Ong, 1998). The globalization of migration and large-scale immigration, along with widespread transnational mobility, diminish the explanatory power of national membership.

Furthermore, as individuals seek employment beyond national borders for economic reasons or pursue education for better opportunities, citizenship based solely on nation-state membership proves insufficient. In response to these trends, flexible citizenship has emerged not as a status granted by the state but as a flexible and optional form of citizenship based on individual needs. It fundamentally differs from traditional citizenship, where the selection criterion is economic, driven by personal gain.

Ong (1999) initially proposed flexible citizenship, shifting focus from the challenges of past global capitalism and oppressive political regimes to thriving amid conditions of political insecurity and the volatility of global trade (Ong, 1999, p. 1; cited in Waters, 2009, p. 637). Ong directed attention to affluent and influential immigrants, often referred to as the 'transnational capitalist class' (Sklair, 2001) or 'hypermobile super-migrants' (Waters, 2009). For these social elites, citizenship no longer serves as a means for recognition and integration into the host country; instead, it becomes a flexible resource that can be utilized as needed.

Unlike previous immigrants, for the 'transnational capitalist class' or 'hypermobile super-migrants', mobility serves as a form of capital accumulation and privilege. Immigration presents enhanced opportunities for them, enabling unrestricted movement without being tied to a specific geographic region (Ong, 1999, p. 2). For these individuals, flexibility entails possessing multiple passports, and flexible citizenship is not rooted in sentiments of belonging, pride, or responsibility associated with traditional citizenship. Instead, it serves as a pragmatic tool that can be deployed according to their needs.

Examining the choices made by Korean immigrants in Australia, through the lens of flexible citizenship, adds another layer to Ong's discourse. Research (Hundt, 2019) suggests that Korean immigrants in Australia have a comparatively lower rate of acquiring traditional citizenship compared to immigrants from the United Kingdom, Hong Kong, or Vietnam. This is attributed not only to the relatively brief history of Korean immigration in Australian society but also to the conscious choice made by Korean immigrants to retain the option of returning to Korea while enjoying the rights of temporary or permanent residents.

In essence, for Korean immigrants in Australia who opt to maintain Korean citizenship, the concept of citizenship represents a distinctive form of flexible citizenship, diverging significantly from past norms. The multifaceted discussions surrounding flexible citizenship highlight the inevitability of differentiating from the traditional conception of citizenship.

Multicultural Citizenship

As immigration becomes increasingly globalized, another form of diversified citizenship emerges known as multicultural citizenship. While traditional citizenship primarily revolves around the relationship between individuals and the state, multicultural citizenship introduces an additional layer, emphasizing the connection between individuals and group identities. Unlike traditional citizenship, which focuses on the state-individual (abstracted individual) relationship, multicultural

citizenship positions individuals as 'group members' with cultural identities. In a word, multicultural citizenship focuses on the interplay among 'individuals, identity groups, and the state' in a triangular relationship (Shachar, 1999; Soutphommasane, 2005).

Multicultural citizenship, in response to the various dimensions of traditional citizenship, is multidimensional (Bloemraad et al., 2008; Hundt, 2019; Somers, 2006; Yuval-Davis, 1991). Within the civil dimension of traditional citizenship, multicultural citizenship navigates multiple directions. It addresses questions such as whether citizenship eligibility criteria should be based on *Jus soli* (place of birth), *jus sanguinis* (parental origins), or even *jus domicile* (residence), as observed in countries like Sweden, adding complexity to the civil dimension. The acceptance of immigrants is influenced by the criteria used for conferring civil rights, whether rooted in lineage, birthplace, or residence, thereby impacting the precarity experienced by immigrants (Sainsbury, 2006). The criteria for granting citizenship, including conditions or the scope of naturalization, vary based on the specific criteria of multicultural citizenship. This differential application results in varying degrees of inclusion and exclusion among immigrant groups. A typical example of this disparity is the difference in the rights granted to marriage migrant women and men, despite having the same immigration purpose of marriage.

In the legal dimension of multicultural citizenship, another significant issue arises concerning how to define the rights and obligations of immigrants. Citizenship, often defined as 'a status bestowed on those who are full members of a community', encompasses a range of rights and obligations. Hence, multicultural citizenship not only delineates the rights of immigrants but also specifies their corresponding obligations. For instance, the imposition or exemption of tax obligations on immigrants can spark societal conflicts regarding the extent to which welfare benefits should be extended to immigrants.

Particularly in Korea, unlike in other countries, citizens are obligated to fulfill military service, presenting a sensitive issue regarding whether to impose this duty on the children of immigrants. While immigrant children were historically exempt from military service, the 2010 amendment to the Military Service Act mandated military service obligations for immigrant children (commonly referred to as multicultural family children) born after January 1, 1992, resulting in approximately 5,000 individuals currently serving in the military as of 2022 (Ministry of Defence, 2023). Ongoing debates surround the military service of immigrant children, and with the increasing trends in international migration and marriage immigration, there is an anticipated expansion of the obligations tied to national defense for these children. Consequently, the legal dimensions of multicultural citizenship are intricately linked to the rights and obligations of both citizens and immigrants, shaping the acknowledgment of both mechanical and substantive equality in their respective rights and duties.

The political dimension of multicultural citizenship underscores political participation as a fundamental aspect of citizenship (citizenship as political participation). Political participation rights, often the focal point of inter-group conflict and exclusion, entail clashes between majority groups aiming to uphold existing power

dynamics and minority groups striving for change. Even within traditional citizenship frameworks, exclusion mechanisms based on gender, religion, and class were prevalent. However, with the escalating levels of immigration, race/ethnicity has emerged as another exclusionary mechanism in political participation.

This reality is evident in the varying voting rights granted to foreign nationals by different countries. The United States does not afford federal voting rights to foreigners and provides limited rights for local elections at the discretion of state governments(cf. Ministry of Justice, 2020). In Europe, while many countries extend voting rights to European citizens for local elections, participation in national elections is typically restricted. In Korea, non-citizens, including permanent residents, are generally deprived of voting rights, with the exception of foreign residents aged 19 or older who have obtained permanent residency after a 3-year waiting period following the 2005 amendment to the Public Official Election Act. Although there are variations across countries, the absence of political participation rights for immigrants without citizenship illustrates that multicultural citizenship, akin to traditional citizenship, is differentially granted based on the identity and status of immigrant groups.

A New Model for Stratification of Citizenship by Immigrant Groups

As previously mentioned, the Janus-faced nature of citizenship within immigrant communities results in a stratification of citizenship rights (Lockwood, 1996; Morris, 2003), leading to disparities in precarity experienced by different immigrant groups. Using the case of immigrant groups in Korea, this study provides empirical evidence of the stratification of rights and the corresponding variations in precarity based on the identity of immigrant groups and societal assessments, particularly regarding their perceived deserveness.

One useful framework for examining the discriminatory allocation of citizenship based on immigrant groups is Lockwood's concept of civic stratification. Civic stratification reveals the institutional inequalities in democratic societies and the selective allocation of citizenship rights. Lockwood argues that through civic stratification, opportunities in life and social identities are differentially structured, as depicted in the model presented (Lockwood, 1996, p. 536).

As shown in Figure 3.1, Lockwood categorizes citizenship rights into civic gain (existing rights shared by all citizens), civic expansion (aspired but not yet achieved new rights), civic deficit (lack of resources hindering the exercise of formally

Moral and Material Resources

		+	-
Citizenship Rights	+	CIVIC GAIN	CIVIC DEFICIT
	-	CIVIC EXPANSION	CIVIC EXCLUSION

Figure 3.1 Civic Stratification

Source: Lockwood (1996, p. 536)

enjoyed rights), and civic exclusion (lack of existing rights). In this context, 'moral resources' refer to advantages conferred by social standing, social networks, command of information, and general know-how, including the ability to attain goals through the activation of shared moral sentiments (Lockwood, 1996, p. 537).

Civic stratification, which structures inequality, has become more pronounced with the globalization of immigration. Morris, in linking Lockwood's civic stratification to immigration, argues that citizenship serves as both a tool for delineating boundaries and a target for immigration (Morris, 2003; Morriss, 2002). Moreover, nations establish various forms of partial membership through policies aimed at addressing international migration, thereby constructing a multidimensional stratification of immigrant rights (Morriss, 2002). Morris adapts Lockwood's civic gain, civic expansion, civic deficit, and civic exclusion, proposing civic inclusion as a counterpart to civic exclusion and civic contraction as a counterpart to civic expansion.

Building upon Lockwood and Morris's discussions on civic stratification, this book extends the discourse by incorporating immigrant identity and the instrumental efficiency of immigrants. To achieve this, the study constructs a civic stratification model, as illustrated in Figure 3.2, by integrating recognition of immigrant identity and societal evaluations of immigrant groups' perceived worthiness. Immigrant rights, which are closely tied to immigrant identity, vary in their granting or withholding based on the extent to which immigrant identity is acknowledged. Additionally, the scope and types of rights granted to immigrants depend on their contributions to addressing the challenges faced by the host country and their eligibility to qualify for such rights. In this context, drawing on Lockwood and Morris's arguments, immigrant civic stratification types are derived based on the degree of identity recognition and societal evaluations of deserveness.

First, regarding the recognition of identity, inclusion from the majority group is more likely when the immigrant group's identity is clearly defined and acknowledged by the majority. Theoretically, immigrant groups with strong internal cohesion and active engagement in the politics of recognition tend to gain influence. However, in practice, it is challenging for minority immigrant groups to assert their identity strongly, as demanding a robust identity may be perceived as a threat by the majority. Therefore, even without a firm internal identity, if immigrants
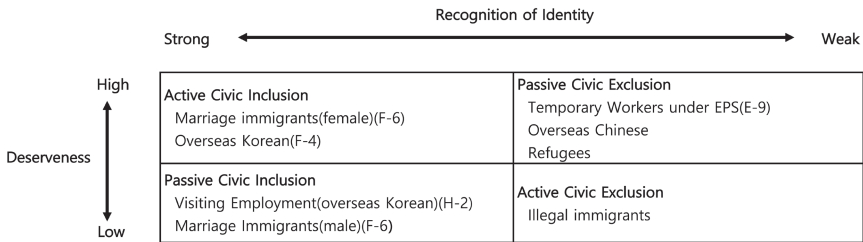

Figure 3.2 Stratification of Citizenship by Immigrant Groups

Source: The author of this book.

receive recognition from the external majority group, their acknowledgment of identity can become stronger. A notable example in Korea is the external recognition of identity for marriage migrant women, as will be elaborated later. Korean marriage migrant women have been actively included by being firmly bestowed with the identity of producers for Korea's future generations, addressing issues such as marriage aversion and the decline of the aging population (Won, 2008; Won & Jeong, 2014).

Second, deserveness refers to the majority group's evaluation of the immigrant group's worth or instrumental utility. The deserveness of immigrants, based on their instrumental utility, is determined by various factors. First, the positive or negative image and reputation of a specific immigrant group play a significant role (Ingram et al., 2007). Although reputations may vary, one constant factor is the extent to which the existence of the immigrant group is perceived as a 'threat' to the majority group. If a particular immigrant group is seen as a threat to the existing social order and privileges, their deserveness decreases. The second factor is the contribution to the host society (Ingram et al., 2007). The deserveness of immigrants is considered passive if they do not threaten the majority group's privileges. Conversely, 'contribution', which involves tangible and beneficial actions for the mainstream society, constitutes an active component of deserveness. The relatively positive reception of Korean marriage migrant women and investment immigrants in the United States and Canada is attributed to their contributions to the hosting society.

The discussed concepts of recognition of identity and deserveness coexist along a continuum, with their interplay determining the extent of inclusion or exclusion experienced by immigrant groups. At certain points on this spectrum, immigrants may find themselves subject to different forms of civic inclusion or exclusion. In cases where immigrants contribute significantly to addressing social issues faced by Korea and are highly recognized in terms of identity while also possessing high deserveness, they become subjects of active civic inclusion, resulting in the granting of extensive rights (*Active Civic Inclusion*). This is exemplified by female marriage immigrants and their children, as well as overseas compatriots in Korea, whose inclusion emphasizes blood ties. Conversely, when immigrants have high instrumental utility but weak identity recognition, they may experience some degree of inclusion due to their instrumental value, albeit with relatively passive involvement

(*Passive Civic Inclusion*). Examples include skilled labor immigrants, individuals with temporary employment as overseas Koreans, and male marriage immigrants. On the other hand, when instrumental utility is high but identity recognition is relatively weak, immigrants tend to experience passive civic exclusion (*Passive Civic Exclusion*). Finally, when both instrumental utility and identity recognition are either unclear or low, immigrants become subjects of active exclusion (*Active Civic Exclusion*). This category may include undocumented foreign residents, among others.

The differing levels of precarity experienced by each immigrant group are largely determined by the discriminatory granting or withholding of citizenship

rights based on civic stratification. Just as traditional citizenship influences the dynamics of inclusion and exclusion among nationals, the emergence of post-national citizenship through cross-national immigration leads to stratification within immigrant groups. This book empirically investigates how civic stratification within immigrant groups is manifested in Korea

To accomplish this study examines the discriminatory allocation of legal rights, social rights, and political rights pertaining to the residency and naturalization of Korean immigrants, with a specific focus on each type of civic stratification.

Visa Status and Stratification of Rights

Active Civic Inclusion

In Korea, active civic inclusion pertains to a category of immigrants whose identity is clear and whose deservingness is recognized at a level akin to that of nationals, resulting in the allocation of rights. Notably, female marriage immigrants (F-6) and overseas Koreans (F-4) fall under this category. While both groups are subject to active inclusion, the underlying mechanisms for their inclusion differ.

Female Marriage Immigrants

The primary focus of active civic inclusion in Korea centers on female marriage immigrants, particularly those holding an F-6 visa. The population of marriage immigrants in Korea has steadily increased since the 1990s, reaching 168,611 individuals as of 2021, with females comprising 81% (136,668 individuals). These women primarily originate from countries such as Vietnam, China, the Philippines, among others. The instrumental utility of female marriage immigrants is closely intertwined with Korea's societal challenges, notably issues concerning the difficulties faced by rural bachelors in finding spouses and the country's low birth rates. Female marriage immigrants are viewed as a solution to the challenges faced by rural bachelors in marriage, thereby earning them high recognition for their deservingness. Furthermore, their identity is distinct and acknowledged, often being perceived as 'semi-Koreans' who contribute to producing future Koreans inheriting the blood of a Korean father. In a society that places considerable value on social worth based on lineage, marriage immigrant women stand out from other immigrant groups with distinct bloodlines, thus making them a focus of active inclusion.

Female marriage immigrants enjoy the most extensive and elevated level of rights compared to other immigrant groups. Unlike immigrant workers, they encounter no job restrictions, retain the freedom to change jobs, and qualify for permanent residency (F-5) and naturalization under more lenient conditions. Permanent residency can be obtained after residing in Korea for more than two years as the spouse of a Korean national, and after an additional two years of residence, they become eligible to apply for naturalization. The simplified naturalization

process under the Nationality Act allows marriage immigrants who have lived in Korea for more than two years while maintaining their marital relationship to acquire Korean nationality. Furthermore, specific provisions under the Immigration Control Act facilitate the issuance of an F-6 visa to marriage immigrants who have resided in Korea for at least two years but are unable to maintain a regular marital relationship due to circumstances such as the death of the Korean spouse, disappearance, or dissolution of the marriage (see the Enforcement Decree of the Immigration Control Act, Annex 1). This provision implies a degree of assurance regarding stable residency even in cases where the marital relationship is not sustained.

Despite their active inclusion, certain limitations persist. First, the stable residency granted to them is constrained. While simplified naturalization is attainable for marriage immigrants who have resided in Korea for over two years while maintaining their marriage, their residency status before naturalization necessitates their husband's identity guarantee. Moreover, even in cases of marriage breakdown due to circumstances such as the death of the spouse, the range of justifiable reasons is exceedingly narrow, rendering it less effective for female marriage immigrants. Although the ability to prove responsibility for the marriage breakdown using an official document from a women's organization has been available since 2006, the persistent reliance on their Korean spouse remains unaddressed. This reliance poses a risk of identity disclosure and deportation, making it challenging for them to report their husbands and seek protection, even in cases of domestic violence.

The active inclusion of marriage immigrants is indeed reflected in comprehensive government policies. Multicultural family policies targeting marriage immigrants and their children are more proactive and multidimensional than those for other immigrant groups. Various government agencies implement policies to address the diverse needs of marriage immigrants and their children at different stages of their life cycle, as illustrated in Table 3.1. These policies encompass strengthening the assessment of the authenticity of international marriages, providing personal information disclosure systems, and actively supporting services such as childcare for marriage immigrants and their children to prevent their marginalization by government support services. Additionally, relief measures for marriage immigrant women exposed to family violence are widely available.

The implementation of policies supporting multicultural families encompasses various aspects such as parent education, child life support, and Korean language education, targeting marriage immigrants and their children through multiple approaches. Parent education offers guidance and information on childcare tailored to the life stages of children up to 12 years old for marriage immigrants. Child life support provides diverse assistance for children from multicultural families aged 3–12. Korean language education supports marriage immigrants who have been in Korea for less than 5 years and children up to high school age by offering up to 10 months of Korean language education, especially for those who arrive in the middle of the academic year.

Table 3.1 Key Policies Related to Marriage Immigrant Women

Key Policies	Relevant Department
Enforcement of Illegal Practices by Marriage Brokers	Supreme Prosecutors' Office
Management for Human Trafficking (Sex Trafficking) Brokerage	
Enhanced Screening of International Marriage Visa to Ensure the Authenticity of Marriages before Entry and Establishment of Personal Information Provision System	Ministry of Justice
Enhanced Requirements for Spousal Identity Verification Cancellation Applications	
Relaxation of Proof Responsibility for Marital Breakdown	
Relaxation of Proof Requirements when Applying for Simplified Naturalization Due to Divorce	
Granting Citizenship or Permanent Residency to Children of Unmarried Parents or Foreign Mothers	
Standardization of Documents and Procedures for Issuing Marriage Visas	
Providing Information on International Marriage to Marriage Parties	Ministry of Gender Equality and Family
Establishment of Support Systems and Protection for Domestic Violence Victim	
Establishment of Information Provision Systems for Adaptation in Korea	
Identification and Improvement of Blind Spots in Government Support Services	
Support for Childcare Services	
Support for Adaptation and Settlement in Korea	
Operation of Multicultural Family Support Centers	
Building Infrastructure for Training Interpreters, Counselors, and Educators	
Gradual Expansion and Strengthening of Female Immigrants' Shelters	
Provision of Welfare and Counseling Services	Ministry of Health and Welfare
Support for Basic Living and Health Promotion	
Support for Childbirth and Parenting	
Management of International Marriage Brokerage Agencies	
Establishment of a Multicultural Education Promotion System	Ministry of Education
Support for Children of Multicultural Families in Schools	
Enhancement of Teachers' Multicultural Competence	
Prevention of Bullying among Multicultural Family Children	

Source: Revised from The Board of Audit and Inspection of Korea (2018) and Won (2019).

Of particular significance is the expansion of employment support policies aimed at marriage immigrants, predominantly women. As illustrated in Table 3.2, the identity of marriage immigrant women has evolved to include roles beyond traditional ones such as 'wife' and 'mother', now encompassing the additional identity of 'worker' following the formulation of various employment policies targeting them since 2010. The Korean government is actively collaborating across different ministries to provide diverse vocational training programs for marriage immigrants, thereby enhancing their employability.

Table 3.2 illustrates the array of training programs aimed at enhancing the employability and promoting sustainable career development for marriage immigrant women.

Table 3.2 Key Policies for Female Marriage Immigrants: Employment Support

Task	Specific Task	Relevant Department
Expansion of Job Opportunities for Marriage Immigrants	Expanding Job Opportunities Utilizing Marriage Immigrants' Skills	Ministry of Health and Welfare, Ministry of Employment and Labor
	Expansion of Participation of Marriage Immigrants in Local Government Employment Programs	Ministry of Employment and Labor, Ministry of Gender Equality and Family, Local Government
	Supports for Social Enterprises	Ministry of Employment and Labor
	Exploration of Social Service Employments and Provision of Part-time Job Placements	Ministry of Employment and Labor, Ministry of Gender Equality and Family
	Employment Support Programs for Marriage Immigrants	Ministry of Employment and Labor
	Professional Development for Multicultural Traders	KOTRA
Support for Vocational Education and Training	Expansion of Specialized Training Program	Ministry of Employment and Labor
	Implementation of Vocational Education and Training for Female Marriage Immigrant	Ministry of Gender Equality and Family
	Operation of Internship Programs for Female Marriage Immigrant	Ministry of Employment and Labor, Ministry of Gender Equality and Family
	Implementation of Basic and Specialized Farming Education	Ministry of Agriculture, Food, and Rural Affairs
	Enhanced Tailored Employment Support for Female Marriage Immigrant	Ministry of Gender Equality and Family, Ministry of Employment and Labor
	Provision of Specialized Employment Support Services at Employment Centers for Marriage Immigrant	Ministry of Employment and Labor
	Exploring Job Opportunities for Marital Immigrants in the Public Sector	Ministry of Employment and Labor

Source: Third Master Plan for Multicultural Family Policy.

These programs are tailored to the specific sectors where marriage immigrant women are predominantly employed, such as agriculture and the service industry. Additionally, the government and public institutions provide employment support to facilitate career advancement for marriage immigrant women. The overarching goal of these initiatives is to empower marriage immigrant women as valuable human resources, fostering their independence and contributing to the advancement of Korean society. This expansion of identity for marriage immigrant women is underscored by the diverse support measures aimed at facilitating their integration and success in the workforce.

In summary, the identity and instrumental value of female marriage immigrants as contributors to Korea's future population and workforce are actively recognized

through a comprehensive set of rights and support services. Despite some con-
straints, such as reliance on their Korean spouses and potential vulnerabilities,
female marriage immigrants are actively embraced through robust government
policies that encompass employment support, measures to address family violence,
and a range of other assistance programs.

Overseas Koreans (F-4)

A noteworthy target of active inclusion includes overseas Koreans classified as
ethnic return migrants (F-4 visa holders). This group enjoys rights akin to those
of domestic citizens concerning residency, employment, and economic engage-
ments. Ethnic return migration, which commenced in 1997, saw a substantial
surge in the mid-2000s, with the current resident population numbering 478,442
individuals as of 2021. These migrants benefit from a three-year visa renewal
cycle, leading to the attainment of permanent residency, thus ensuring significant
stability in their civic status (YTN, 2019; quoted from Jung, 2020). Despite the
absence of voting rights, the F-4 visa provides a status analogous to citizenship,
facilitating seamless transitions in employment, business undertakings, and re-
tirement plans without requiring additional declarations. Moreover, after three
years of residency, they become eligible for simplified naturalization, which,
upon acquisition, grants them indefinite residence and family reunion rights.
This favorable treatment of ethnic return migrants compared to other immigrant
cohorts reflects Korea's pronounced emphasis on 'bloodline' as a determinant
of belonging, mirroring its robust ethnic nationalism (Ahn, 2016; Won & Jeong,
2014).

   The active targeting of overseas Koreans (F-4 visa holders) for inclusion in
Korea is intriguing for several reasons. First, by affording them rights akin to those
of domestic citizens, the state underscores the shared ancestry between the diaspora
and native population, thereby accentuating the ethnic component of nationhood.
This approach finds resonance not only in Korea but also in countries like Germany
and Japan, where ethnicity assumes a pivotal role in inclusion criteria. For instance,
post-reunification Germany extended special social rights to East German residents
and overseas immigrants of German descent (Sainsbury, 2006), while Japan imple-
mented proactive accommodation policies for Nikkeijin, individuals of Japanese
descent residing in South America (Jung, 2020; Lee, 2011). This policy orienta-
tion is rooted in the common practice of prioritizing a long-standing single-ethnic
norm and maintaining restrictive immigration policies across Korea, Japan, and
Germany.

   A second intriguing facet pertains to the internal stratification within the over-
seas Koreans (F-4 visa holders) diaspora, despite being actively targeted for in-
clusion. While the eligibility criteria for overseas Koreans typically encompass
individuals who either (1) held Korean nationality and acquired foreign nationality
or (2) had at least one parent or grandparent with Korean nationality who later
acquired foreign nationality, a closer examination reveals nuances in the issuance
conditions for the F-4 visa (Ahn, 2016; Jung, 2020). Notably, individuals with

citizenship from 21 specific nationalities, including China and former Soviet Union nations, are precluded from automatic acquisition of Overseas Korean status, even if they fulfill condition 1.

For these individuals, additional requirements related to occupation, social status, and property ownership must be satisfied—a criterion often linked to a higher socio-economic standing. Consequently, the attainment of overseas Korean status predominantly occurs among those holding nationalities from Western OECD countries like the United States and Canada, owing to the stringency of these conditions (Ahn, 2016; Jung, 2020). Thus, within the overseas Korean community, a form of internal stratification based on factors such as foreign nationality, educational background, and wealth prevails. This suggests that, beyond the ethnic identity element, a certain level of socio-economic credentials is imperative, affirming the existence of sub-stratification within the overseas Korean cohort.

Passive Civic Inclusion

Temporary Employment for Overseas Koreans (H-2)

The visa category termed 'visiting employment' (H-2) is specifically designated for overseas Koreans who do not meet the qualifications for their F-4 visa status. Although individuals under this category experience certain limitations in rights compared to overseas Koreans and marriage immigrants, they are included as part of Passive Civic Inclusion due to the broader scope of rights granted compared to other immigrant groups. As of 2021, the number of H-2 visa holders stands at 125,493, with over 90% being Chinese nationals. Their inclusion, albeit somewhat passive, can be attributed to their shared 'ethnic' identity with Koreans.

While these individuals do not meet the criteria for Ethnic Return Migrants (F-4 visa holders), which require a combination of 'ethnic' identity and qualifications, such as education, skills, and current country, their inclusion is primarily due to their shared 'ethnic' identity. The Korean government explicitly stated the purpose of establishing the H-2 visa in 2007 through an amendment to the Immigration Control Act Enforcement Decree (Presidential Decree No. 19904) as 'fostering a sense of national community by actively embracing those compatriots who had historically faced relative discrimination' (Ahn, 2016, p. 110). The notion of 'ethnic identity' plays a crucial role in affording more extensive rights to H-2 visa holders compared to non-professional employment immigrants (E-9 visa holders). Whereas both H-2 and E-9 visas emphasize employment, H-2 holders face more lenient restrictions. H-2 visa holders are permitted to work across a wide range of service industries, including retail, unlike E-9 holders, who are confined to the service and construction waste disposal sectors. Furthermore, H-2 visa holders enjoy the freedom to switch industries within the permitted scope.

However, despite being categorized as passive civic inclusion, the H-2 visa entails numerous constraints unlike the overseas Koreans (F-4 visa holders). For example, individuals transitioning from an H-2 visa to a residence (F-2) visa must have worked for over four years and meet additional qualifications, such as skills,

certifications, a specific wage level, and asset criteria. Even after fulfilling all additional requirements for an F-2 visa, former H-2 visa holders encounter distinct limitations compared to overseas Koreans (F-4). While F-2 visa holders typically have the freedom to engage in employment activities across various fields, those transitioning from H-2 visas are confined to working in the specific industry covered by their H-2 status (Immigration Control Act Enforcement Decree Article 23, Paragraph 2, Item 2) (Ahn, 2016).

In a similar vein, while overseas Koreans (F-4) can obtain permanent residency (F-5) by simply meeting a two-year residence requirement, additional conditions imposed on H-2 visa holders curtail their prospects for settlement. Moreover, practically transitioning to overseas Korean status poses challenges. Legally, individuals who work for two years or more in a job covered by the H-2 visa, with the guarantee of the four major insurances, can switch to overseas Korean status (F-4). However, securing a job that fulfills the two-year working condition is not straightforward.

On the surface, the identity of being a 'compatriot' under the H-2 visa may seem to broaden the range of rights compared to non-compatriot immigrant groups. However, additional factors such as education, skills, assets, and national origin serve as new exclusionary conditions. In other words, even within the identity of 'compatriot', stratification based on rights exists. An intriguing aspect regarding passive civic inclusion is the intersection of 'compatriot' and 'gender'. As of 2021, among international marriage immigrants with basic job qualifications for non-professional employment (E-9), seafarer employment (E-10), temporary employment (H-2), totaling approximately 361,143 individuals, the H-2 visa category accounts for roughly 34.7%. Among them, female H-2 visa holders, predominantly consisting of Chinese nationals, make up about 19.5%. The majority of women with H-2 visas are Chinese nationals, and Chinese nationals also represent 9.4% of the total population of marriage migrant women.

From the perspective of the feminization of immigration (Beneri et al., 2012; Lutz, 2010; Piper, 2008), the primary avenues for female immigration in Korea are marriage immigrants (F-6) and temporary employment (H-2) (Ahn, 2016). Interestingly, non-compatriot marriage immigrants (F-6) enjoy broader rights than H-2 female compatriots, despite sharing the same female identity. This phenomenon can also be interpreted as the manifestation of sub-stratification in rights.

Male Marriage Immigrants (F-6)

As previously discussed, in contrast to marriage migrant women, who represent the most proactive targets of inclusion, male marriage immigrants wed to Korean women emerge as passive inclusion subjects. This differentiation is not only evident in the numbers but also extends beyond mere numerical representation. Current statistics indicate a significant disparity in marriage patterns, with approximately 28.0% (4,659 cases) of international marriages involving foreign men married to Korean women, contrasting sharply with the approximately 72% (12,007 cases) involving Korean men married to foreign women (National Statistics Office, 2022).

The passive inclusion of male marriage immigrants goes beyond numerical differences. Despite the ostensibly gender-neutral nature of marriage migration, the identity of male marriage immigrants remains less distinct. Unlike the comprehensive support extended to female marriage immigrants for successful adaptation to Korean culture and society through language and various programs, historical disparities in residency status have existed between male and female marriage immigrants (Ministry of Justice, 2008; Won, 2019). For example, prior to the abolition of the Hoju System (戶主制),[1] Korean women married to foreign men could obtain a visa through their status as the head of the household, facilitating the issuance of residency permits for their foreign husbands. Initially, Korean nationality law operated on a patrilineal basis, allowing children to acquire Korean nationality only if their father was a Korean citizen. However, in 1997, this provision was revised to align with the constitutional principle of gender equality in marriage and family life, adopting a parentage-based nationality system. This amendment, prompted by the recognition that the existing provision contradicted Article 36, Paragraph 1 of the Constitution, which upholds the principle of gender equality in marriage and family life, adopted a parentage-based system. It aimed to apply gender equality and acknowledge the legal rights of children from multicultural families concerning their social status, responsibilities, and obligations. At that time, children born to foreign men and Korean women were excluded from basic rights protection, such as education and health insurance, as stateless individuals (Won, 2019).

In a similar vein, the legal status of male marriage immigrants also diverged in visa issuance. Currently, marriage immigrants receive F-6 qualification regardless of gender. In the past, however, visas for female marriage immigrants married to Korean men were classified as F-1, whereas visas for male marriage immigrants married to Korean women were classified as C-3. The C-3 visa entailed a designation for visiting relatives, mandating departure from the country every three months for reentry to maintain validity. The integration of marriage migration visas into F-6 on December 15, 2011, aimed to eliminate gender-based disparities in inclusion. Despite some advancements in residency status through amendments to nationality laws, male marriage immigrants in Korea continue to be passive inclusion subjects compared to their female counterparts. This trend is also evident in the reluctance of organizations engaged in supporting immigrants, including multicultural centers, to actively develop programs specifically tailored for male marriage immigrants.

Passive Civic Exclusion

Temporary Workers under EPS (E-9)

The category of passive exclusion encompasses temporary workers under the EPS (E-9), a classification primarily comprising non-professional employment. These immigrant workers serve as a strategic response to Korea's labor shortages; yet, they encounter limited acknowledgment of their identity, resulting in passive exclusion. Originating in the 1990s, non-professional laborers (E-9/E-10) entered Korea

to fulfill roles for wages across diverse workplaces. As of 2021, their population exceeds 235,650 individuals, constituting approximately 12% of the total foreign residents in Korea. The majority, around 217,729, are engaged in non-professional employment (E-9), predominantly consisting of nationals from developing countries, such as Vietnam (12.7%), Cambodia (15.3%), Indonesia (9.6%), and the Philippines (8.9%) (Ministry of Justice, 2021).

The introduction of migrant workers in 1993 aimed to address labor shortages in labor-intensive industries through the Foreign Worker Industrial Training System. However, this system fostered labor exploitation and fueled illegal stay and work. To mitigate these challenges, South Korea implemented the Employment Permit System (EPS) in 2004, permitting companies to legally employ foreign workers (Choi, 2018; Ministry of Justice, 2018; Won, 2008). EPS serves as a labor permit framework, facilitating foreign workers' access to employment opportunities and integration into the workforce, aligning with the nation's manpower demands across various sectors of the economy.

The transition from the Industrial Trainee System to the EPS in 2004 marked a significant shift in acknowledging migrant workers' identity as 'employees', affording them labor-related rights. However, compared to other immigrant groups eligible for employment, those engaged in non-professional employment (E-9) encounter passive acceptance rather than active integration. Predominantly employed in 3D industries that local workers typically avoid, they serve as a temporary solution to Korea's labor shortage but are not actively integrated due to their perceived temporary utility. Support services for migrant workers are facilitated through organizations like Foreign Workers Support Centers and the Korea Industrial Training Corporation, offering assistance in various areas, such as workplace conflict resolution, early departure support, accident assistance, legal counseling, administrative support for residence management reporting, and interpreter support helplines.

Several legal and formal measures have been instituted to prevent unjust discrimination and exploitation against migrant workers, including enhanced pre- and post-arrival information provision, tailored support for preventing and addressing industrial accidents, and prohibitions on employing foreigners with criminal records for sexual offenses (Won, 2019). Despite these efforts, migrant workers, especially those under non-professional employment (E-9), face limitations on their rights compared to other immigrant groups. Notably, they lack the right to freedom of movement and residency, and the conversion to permanent residency (F-5) is unattainable without the employer's re-employment application approval. This requirement creates a situation where their freedom of movement hinges on employer consent. Additionally, despite obtaining residency (F-2) through non-professional employment (E-9), family reunion rights are not granted. This exclusionary practice aims to discourage permanent settlement and enforce a rotation principle for E-9 immigrant workers, confining them to the specific field corresponding to their initial residency status. A notable disparity emerges in the policy orientations and discriminatory practices of the Korean government toward lower-skilled immigrants compared to high-skilled labor immigrants. Lower-skilled

immigrants, primarily categorized as E-9 workers, encounter stringent barriers in obtaining permanent residency, unlike their high-skilled counterparts exempted from the mandatory five-year residence requirement for permanent residency since 2009 (Lee, 2011). Despite progressive policies, the representation of high-skilled workers remains disproportionately low, while lower-skilled workers continue to face hurdles in securing permanent residency, indicative of a stratification of rights within immigrant groups.

Interestingly, the Korean government has recently eased residence conditions for lower-skilled workers amid a backdrop of chronic labor shortages in the Korean labor market. While the fundamental principle remains short-term stays, the heightened demand for long-term residency of migrant workers has prompted adjustments in policies. Accordingly, the Immigration Control Act now permits migrant workers to stay for up to ten years. However, restrictive regulations persist, such as mandating a three-month return to the home country after four years and ten months of residency, effectively deterring permanent settlement. This response can be viewed as a compromise to address both the utilitarian necessity of migrant workers and Korea's inclination toward racial closure in society. Ultimately, those with non-professional employment qualifications, lacking special skills or qualifications and not belonging to any ethnic group, remain subjects of passive acceptance, aligning with the utilitarian purpose of filling Korea's labor shortage, without the fundamental rights of occupational choice, freedom of movement, and residency being granted, trapping them in a temporary resident identity.

Overseas Chinese

In Korea, passive exclusion pertains to the Chinese diaspora, known as Hwagyo (華僑). The term collectively encompasses ethnic Chinese individuals residing overseas. Within Korea, individuals of Chinese descent are categorized into two groups: Gwahwa (holding Taiwanese nationality) and Shinhwa (holding Chinese nationality). Additionally, a distinction is made between Hwagyo (maintaining Chinese nationality) and Hwain (華人) (not holding Chinese nationality due to ancestral acquisition of Korean or local nationality). However, due to the Korean government's tendency to restrict naturalization and the limited acquisition of nationality through marriage, these distinctions hold little practical significance, leading to the broad use of the term Hwagyo (Won, 2008, 2019).

The migration of Guhwagyo, which commenced in the 1880s, has resulted in a Chinese presence in Korea spanning over 130 years, making them the oldest foreign residents in the country. The Hwagyo population reached its peak from the 1940s to the mid-1970s but experienced a decline thereafter due to increased regulatory scrutiny. At its height, the Hwagyo community in Korea numbered nearly 100,000 individuals. However, by 2011, this figure had dwindled to 21,381.

The identity of Hwagyo, especially those maintaining Chinese nationality, has become increasingly ambiguous, particularly following the influx of Chosun-jok,

ethnic Koreans from China, subsequent to Korea establishing diplomatic relations with China in 1992 and severing ties with Taiwan (Monthly Chosun, 2013). The unique identity of Hwagyo residing in Korea is deeply rooted in their educational institutions, language, history, cultural traditions, and exclusive marriage practices, all of which contribute to the preservation of their distinct identity as Chinese nationals.

The Guhwagyo community in Korea demonstrates a strong internal cohesion, emphasizing historical continuity through education, particularly in Hwagyo schools. These educational institutions play a crucial role in imparting knowledge of their homeland's language, history, and cultural traditions, thereby serving as a cornerstone for the preservation of their collective identity as Chinese nationals (Jang, 2010). Despite residing in Korea for an extended period, they continue to be classified as foreigners under current Korean legislation. In contrast, in China or Taiwan, they experience a paradoxical dual identity, being treated as Koreans.

The distinctive identity of Hwagyo is intricately intertwined with the history of exclusion and discriminatory policies enacted by the Korean government over the years. Although their residence spanning more than a century, the implementation of stringent and exclusive naturalization policies has perpetuated their status as perpetual foreigners. The policy-driven exclusion of the Guhwagyo community manifests across various dimensions, evidencing systemic discrimination and marginalization. While fulfilling obligations such as local taxes, education fees, and property taxes, Hwagyo are legally categorized as foreigners, subjecting them to discrimination and exclusion under current laws (Won, 2008, 2019). Furthermore, the academic credentials of Hwagyo schools remain unrecognized by the Korean government, relegating them to informal status and depriving individuals of Hwagyo descent of equal opportunities in employment and education. Consequently, they face barriers to accessing public services and welfare provisions, exacerbating their socio-economic disadvantages. Unlike marriage migrant women who benefit from various welfare schemes, the Hwagyo community does not receive comparable support. Similarly, Hwagyo individuals encounter limitations in accessing welfare benefits due to the eligibility criteria stipulated by the National Basic Livelihood Security Act, which is contingent upon Korean citizenship conditions (Won, 2019). This systemic exclusion underscores the persistent challenges faced by the Hwagyo community in Korea.

Relatively recently, there has been a modest improvement in mitigating discrimination against Hwagyo individuals. Notably, the Hwagyo are now eligible for naturalization as long-term residents even without property ownership. Additionally, those with permanent residency are granted the right to participate in local elections. However, it is crucial to note that their voting privileges are limited solely to local elections, barring them from presidential or parliamentary elections and precluding them from seeking public office (Won, 2008, 2019). Despite their long-standing residency in Korea and their significant contributions as integral members of society, the Guhwagyo, like other migrant workers, continue to face

passive exclusion. This persistent marginalization reveals the ongoing challenges experienced by the Hwagyo community in Korea.

Refugees

In accordance with the 'Convention Relating to the Status of Refugees', South Korea ensures that refugees receive equal or preferential treatment compared to citizens, or at least the most favorable treatment among foreign nationals. This commitment is reflected in the provision of various entitlements such as welfare provisions (Article 20), public relief (Article 23), and labor and social security benefits (Article 24, Paragraph 1a) on par with those provided to citizens. Additionally, regulations concerning occupational choice, self-employment, and related matters are designed to afford the most favorable treatment available to foreigners.

However, the treatment of individuals seeking refugee status in South Korea falls below international standards. During the refugee status determination period, employment opportunities are restricted for a year, with no provisions for sustenance. After this one-year period, although employment becomes permissible, refugee applicants face significant constraints under a three-month G-1 visa, which requires the submission of a labor contract and business registration certificate. The inability to secure contractual agreements without a work permit severely limits their employment prospects.

Recognized refugees are granted F-2 (residence) status, which is valid for three years and renewable. These recognized refugees are eligible for public assistance under the 'National Basic Livelihood Security Act'. The Refugee Act facilitates residence status for applicants, allowing for work permits and livelihood support. Additionally, the children of recognized refugees are entitled to elementary and middle school education under the Civil Law.

While South Korea may appear relatively accommodating to refugees in line with international norms, the refugee application process is stringent, and the granting of refugee status is infrequent. Consequently, although Korea does not actively exclude refugees, it maintains an ambiguous stance of not actively integrating them.

Active Civic Exclusion

Active civic exclusion significantly targets undocumented foreign workers among immigrant groups in Korea. Despite its policy intentions, the Korean government introduced the Foreign Worker Training Program in 1993, which inadvertently promoted illegal stay and employment. This led to increased human rights abuses and discrimination, prompting the establishment of the Foreign EPS in 2004.

The EPS was designed to provide a legal framework for the employment of low-skilled foreign laborers. However, its restrictive features, such as short employment periods, limitations on changing workplaces, and the absence of family reunification opportunities, inadvertently contributed to the reclassification of legally employed foreign workers as undocumented (essentially illegal) foreign

workers (Won, 2019). According to the Ministry of Justice (2021), approximately 23.4%, or 50,876, of registered foreign workers under the EPS were identified as illegal residents in 2021.

Notably, the majority of these undocumented residents emerged inadvertently due to the stringent and exclusive nature of the government's employment permit process. Despite humanitarian efforts to provide public welfare services to safeguard the rights of undocumented residents, Korea grapples with a divergence between policy and reality, exemplifying an active exclusion of undocumented foreign workers, at least in practice. The exploitation of the precarity and vulnerability of immigrant laborers, leveraging their undocumented status for inexpensive labor, coupled with a lack of legal protection and support, leads to the infringement of their human and labor rights. Essentially, a considerable segment of undocumented foreign workers in Korea either becomes targets for crackdowns and deportations or persists as subjects tacitly accepted in their deliberate illegal stay (Won, 2008, 2019).

Despite recent governmental endeavors to provide public welfare services for the protection of the rights of undocumented residents and initiatives such as the 'Foreign Worker Repatriation Support Program', which aims to help workers at risk of illegal residency return home voluntarily after their stay expires, undocumented foreign residents persist as subjects of active exclusion. This discourse accentuate the differentiated distribution of rights based on the identity and perceived deservingness of immigrants. The stratification of rights among immigrant groups reveals that the fundamental principles of such stratification intersect with factors such as nationality, country of origin, ability, qualification, and gender (Ahn, 2016; Jung, 2020; Won, 2019). The allocation of rights involves the distribution of scarce social resources, a socially sensitive process that varies in terms of distinct criteria and needs. This results in differing degrees of inclusion and exclusion, not only between immigrant groups and the majority group but also among various immigrant groups themselves.

Citizenship and Stratification of Rights

Differentiated Distribution of Citizenship

Previously, the examination of the stratification of rights among immigrant groups primarily centered on visa status, guided by considerations of immigrant group identity and perceived deservingness. Expanding the scope of discussion, this section empirically presents the stratification of rights within immigrant groups, specifically concentrating on social and political rights.

Welfare states ideally should operate equitably for both 'citizens' and 'noncitizens'. However, distinctions arise in the allocation of civil, social, and political rights between these two groups. Even within the realm of non-citizen immigrants, the distribution of legal rights, labor rights, social rights, and political rights varies based on immigration types and qualifications. Social rights may be granted before acquiring citizenship, but in most cases, citizenship acquisition becomes a

prerequisite for accessing certain rights. Immigrant workers may be eligible for social security based on contributions, even in the absence of permanent residency or nationality. Notably, public assistance rights, administered through public finances, are generally restricted to 'citizens'. The complex interplay of acquiring and losing citizenship, along with the bestowal of diverse rights associated with citizenship, results in a multitude of combinations.

The manner and scope of granting civil, social, and political rights to non-citizen immigrants vary depending on the socio-political-economic-cultural characteristics and relationships of host countries, giving rise to different citizenship regimes. The citizenship regime, as defined by Vink (2017), encompasses 'institutionalized systems of formal and informal norms that define access to legal status, along with associated rights and duties within a polity' (Džankić & Vink, 2022, p. 362). The simplest classification of citizenship regimes is into inclusive or restrictive categories.

One notable element illustrating the Korean citizenship regime is the method of nationality attribution. The vulnerability faced by immigrant groups depends on whether the attribution follows *jus sanguine* (the right of blood) or *Jus soli* (the right of the soil). Korea, emphasizing lineage, adheres to the principle of *jus sanguine* nationality attribution. Additionally, the policy on dual citizenship in Korea reflects its restrictive citizenship regime, contrasting with global trends where 91% of American countries, 93% of Oceania, 80% of Europe, 70% of Africa, and 85% of Asian countries permit dual citizenship (Vink et al., 2019). This trend, permitting individuals to hold multiple nationalities, indicates that, first, citizenship in one's country of origin may no longer ensure political participation and social rights. Second, from the perspective of host countries, the endorsement of dual nationality serves as a mechanism for fostering integration and cultural diversity. The advantages associated with integration and loyalty to the host country are deemed more significant than the drawbacks of allowing individuals to possess multiple nationalities. Embracing the concept of multiple nationalities signifies a departure from the traditional notion of citizenship as an exclusive relationship between individuals and states, toward an acknowledgment of plural allegiance (Aleinikoff & Klusmeyer, 2011; cited in Džankić & Vink, 2022, p. 367).

Despite prevailing international trends, Korea maintains a restrictive stance against dual nationality. Dual nationality policies generally adhere to two main categories: first, individuals can willingly relinquish their original citizenship upon acquiring a new one, but obtaining citizenship from another country does not automatically result in the forfeiture of the original citizenship. This represents the most widespread policy approach, adopted by approximately 60% of countries globally (Vink et al., 2019). Second, upon acquiring new citizenship, individuals automatically renounce their original citizenship. Korea, along with China, India, and Sri Lanka, aligns with this latter category (Hundt, 2019). The restrictive policy orientation toward multiple nationalities highlights the inherent nature of the Korean citizenship regime.

Legal rights, such as nationality attribution, are only one facet of a broader, more complex dynamic that encompasses political and social rights. According to

Camur (2017), while all rights are interlinked, their relative importance can vary depending on perspective. Some view political rights as fundamental, akin to freedom rights, but the exercise of political rights is often seen as difficult without the assurance of social rights. Granting social and political rights to non-citizens can heighten the perception of threat among citizens, as social rights entail visible costs (e.g., taxes), and political rights, such as voting, can influence the distribution of scarce social resources.

The negative perception toward granting political rights to immigrants is evident in Korea. The '2022 Human Rights Awareness Survey' conducted by the National Human Rights Commission reveals a dichotomy in public opinion (Figure 3.3). While there is relatively positive sentiment toward guaranteeing fundamental rights, such as fair wages and dignity for immigrants, there is a notable negative perception regarding their political activities and the expression of political opinions. In conclusion, the differential distribution of citizenship and rights within immigrant groups is influenced by a myriad of factors, including citizenship regimes, legal principles, and societal perceptions. Understanding these complexities is essential for crafting inclusive policies that promote the equitable treatment of all individuals, regardless of citizenship status.

The perception of granting rights to immigrants is indeed reflected in actual policy measures. Given that all policies entail costs, the attitudes of taxpayers toward immigrants who are the beneficiaries of these policies cannot be overlooked. To understand this dynamic better, an examination was conducted to assess how the types and scope of rights granted to immigrants in Korea align with public perceptions. For a comparative analysis, the study also considers Japan and Germany, both of which have historically implemented restrictive immigration policies influenced by *jus sanguine* principles.

The analysis, as summarized in Table 3.3, shows that even within the same immigrant group, the allocation of freedom rights, social rights, and political rights varies based on the criteria for nationality acquisition (Seol, 2013, 2014). Naturalized citizens, who acquire citizenship through legal processes, enjoy the full spectrum of rights granted to all citizens. However, distinctions are evident for immigrant workers and permanent residents. Immigrant workers, under the principle of short-term cyclical replacement, are considered 'guest workers', providing labor
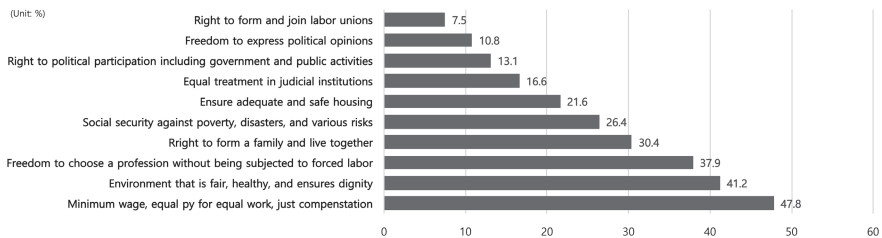
(Unit: %)

Right	Value
Right to form and join labor unions	7.5
Freedom to express political opinions	10.8
Right to political participation including government and public activities	13.1
Equal treatment in judicial institutions	16.6
Ensure adequate and safe housing	21.6
Social security against poverty, disasters, and various risks	26.4
Right to form a family and live together	30.4
Freedom to choose a profession without being subjected to forced labor	37.9
Environment that is fair, healthy, and ensures dignity	41.2
Minimum wage, equal py for equal work, just compenstation	47.8

Figure 3.3 Rights that the Government Must Ensure for Immigrants

Source: National Human Rights Commission(2022), A Survey of Human Rights Perception

Table 3.3 Differentiated Distribution of Rights: A Comparison

	Korea			Japan			Germany		
	Migrant Worker	Permanent Resident	Naturalized Citizen	Migrant Worker	Permanent Resident	Naturalized Citizen	Migrant Worker	Permanent Resident	Naturalized Citizen
Civil Rights									
Permanent residence	×	○	○	×	○	○	×	○	○
Invitation of family members	×	○	○	×	○	○	○	○	○
Freedom of expression, etc.	○	○	○	○	○	○	○	○	○
Property right	○	○	○	○	○	○	○	○	○
Equality before the law	○	○	○	○	○	○	○	○	○
Social Rights									
Freedom of occupational choice	×	○	○	×	○	○	×	○	○
Public assistance	×	×	○	×	○	○	×	○	○
Social insurance	○	○	○	○	○	○	○	○	○
Social welfare service	×	×	○	×	○	○	×	○	○
Political Rights									
Voting for local election	×	○	○	×	×	○	×	○	○
Voting for national election and stand for election	×	×	○	×	×	○	×	×	○
Work as a public servant	×	×	○	×	×	○	×	×	○
Military service	×	×	○	×	×	○	×	×	○
Activities in a political party	×	×	○	×	×	○	×	×	○
Social Integration									
Language education	×	○	○	×	○	○	×	○	○
Education for understanding society, culture, history, and law	×	○	○	×	○	○	×	○	○

Source: Revised based on Seol (2007, 2013).

only during their contractual periods. Their rights are typically limited to what is necessary for their work duration, with fewer social and political rights compared to citizens. On the other hand, permanent residents, although not holding citizenship, have the option of indefinite residence unless they engage in serious criminal activities. This status results in differences in the extent to which freedom, social, and political rights are guaranteed. In a word, the differential distribution of rights among immigrant groups in Korea, Japan, and Germany is shaped by a combination of public perceptions, nationality acquisition criteria, and the overarching citizenship regimes. This complex interplay brings attention to the need for nuanced policies that balance inclusivity with public sentiment, ensuring equitable treatment for all residents regardless of their citizenship status.

Examining the discriminatory distribution of rights across nations reveals distinct patterns. First, concerning freedom rights, Korea, Japan, and Germany universally guarantee these to immigrant workers and permanent residents. The fundamental nature of freedom rights likely contributes to their extensive assurance across these countries. However, in terms of residence rights, Germany grants family reunion rights to immigrant workers, which Korea and Japan do not guarantee for immigrant workers. This difference underscores a more inclusive approach by Germany compared to the more restrictive policies in Korea and Japan.

Regarding social rights, the freedom to choose an occupation is ensured for permanent residents in all three countries, whereas this right is not guaranteed for immigrant workers in South Korea. This discrepancy stems from the classification of immigrant workers as temporary residents, who provide labor under predetermined contractual conditions. In the domain of social welfare, contribution-based social insurance is accessible regardless of qualification criteria in Korea. However, public assistance and social welfare services funded by public finances are not extended to immigrant workers. South Korea's approach is notably more restrictive than that of Japan or Germany, as even permanent residents do not have access to social welfare services in Korea.

In the realm of political rights, the methods of assurance are similar across Korea, Japan, and Germany, with the exception of local voting rights in Japan. Immigrant workers are restricted from exercising both voting and non-voting rights, as well as from engaging in public office and political association activities. While permanent residents in Korea and Germany have the right to vote in local elections (Seol, 2007, 2013, 2014), Japan does not grant any political rights to permanent residents. This limited guarantee of political rights underscores the substantial influence that political rights exert on the power and accessibility of scarce resources for nationals, relative to freedom and social rights.

In spite of tangible changes in the political landscape, the perception of the majority toward guaranteeing political rights, including voting rights, to immigrants remains notably negative in South Korea. According to the 2022 Human Rights Awareness Survey conducted by the National Human Rights Commission (Figure 3.4), there is widespread negativity toward immigrants becoming political leaders, such as members of parliament or local government officials. Intriguingly, this negative perception varies based on immigrant groups. The survey indicates a more pessimistic view
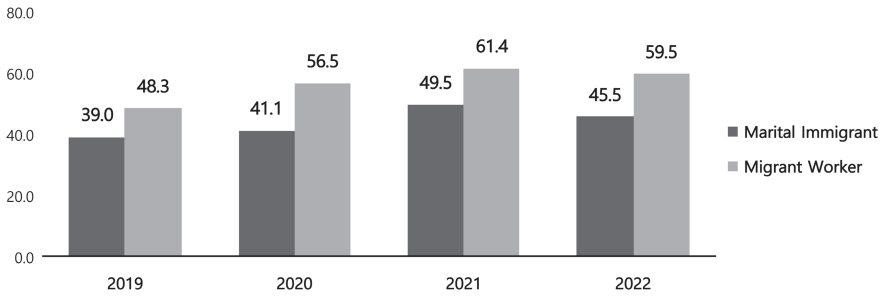
Figure 3.4 Accepting Immigrants as Political Representatives (2019–2022)

Source: National Human Rights Commission (2022), A Survey of Human Rights Perception

toward immigrant workers attaining political representation compared to marriage immigrants. This variation in perception likely reflects the collective societal views toward different categories of immigrants within South Korean society. Specifically, immigrant workers are perceived less favorably in terms of political inclusion, which aligns with broader societal attitudes that often marginalize this group. In conclusion, the intricate interplay between perceptions and realities surrounding the allocation of rights to immigrants demands nuanced policy considerations and broader societal discussions. Examining the complex dynamics across different nations sheds light on the multifaceted challenges and opportunities associated with immigration policies. This understanding is crucial for crafting effective and fair immigration policies that balance national interests with the rights and integration of immigrants.

Social Rights and Their Stratification

For immigrants with a new precariat identity, civil rights, social rights, and political rights are all crucial components of citizenship. However, the impact of granting these rights on the vulnerabilities experienced by immigrants varies significantly. As elucidated in the preceding section, civil rights, characterized by their fundamental nature, are comparatively more generously granted to immigrants, resulting in a relatively modest impact on vulnerabilities specific to immigrant groups. In contrast, political rights, given their inherent significance, wield substantial influence but are currently limited in application across all immigrant groups, necessitating a cautious evaluation of their impact on vulnerability.

Social rights, on the other hand, directly affect the well-being and quality of life of immigrants. Consequently, their differential provision has a profound impact on the vulnerabilities faced by distinct immigrant groups. Drawing from pertinent legal frameworks and scholarly discourse (Seol, 2007, 2013, 2014), this section examines the extent and scope of social rights provision to immigrant groups, thereby affirming the discernible precarity structured by these distinct groups. This analysis stresses the importance of social rights in mitigating the challenges faced by immigrants and highlights the need for inclusive policies that ensure equitable access to these rights.

Female Marriage Immigrants

As discussed earlier, female marriage immigrants in Korea are the most actively integrated among immigrant groups. They are envisioned as the prospective mothers and wives of the nation, inheriting the lineage of the Korean father to contribute to the future Korean populace. This unique identity augments the breadth and variety of rights accorded to them, including the potential acquisition of nationality under specific conditions, subsequently endowing them with the full range of legal entitlements as citizens.

As seen in Table 3.4, female marriage immigrants in Korea are ensured a wide range of social rights compared to other immigrant groups.

They are provided with various social security benefits (basic livelihood security, medical aid, emergency welfare, etc.) that are not extended to other actively included groups such as overseas Koreans (F-4 visa holders). In the realm of marital status, female marriage immigrants, similar to Korean nationals, are eligible for emergency welfare support. This eligibility persists even in instances of divorce or separation, provided they are caring for direct descendants with Korean nationality. Unemployment benefits provided by the Ministry of Employment are applied under the same support criteria as ordinary citizens. Furthermore, they are eligible for minimum livelihood support under the 'National Basic Livelihood Security Act'. Consequently, as long as female marriage immigrants maintain their marital status and assume responsibility for children born in Korea, they are assured an extensive spectrum of social rights.

The assurance of extensive social rights for female marriage immigrants is predicated on their designated role in the production of 'Koreans'. Legislative frameworks, such as the Medical Aid Act, Emergency Welfare Support Act, and Single Parent Family Support Act, inherently operate under the assumption that marriage immigrants function as instruments for reproductive purposes. The majority of prerequisites for securing social rights hinge on factors like pregnancy, the care of children holding Korean nationality, or assistance to direct descendants of Korean origin, distinguishing them from other immigrant cohorts (Won, 2008, 2019).

In essence, it is evident that female marriage immigrants experience a broader spectrum of rights compared to other immigrant groups, attributable to their identity as the 'mothers' and 'wives' of the nation. However, paradoxically, this identity imposes limitations on the manner and extent to which they can exercise their rights, given that many rights are contingent on a dependency relationship with their husbands. This duality underscores the complexity of their integration, where extensive rights are balanced against a backdrop of dependency and prescribed social roles.

Labor Immigrants

Korea's approach to immigrant workers is fundamentally rooted in the 'rotation principle', which imposes residency restrictions. Unlike marriage immigrant women, who secure residency by marrying Korean nationals with the aim of

Table 3.4 Social Rights of Female Marriage Immigrant: In Comparison with Nationals

	Department	Institution	Support Criteria for Marriage Immigrants	Support Criteria for Nation
Public Assistance	Ministry of Health and Welfare	National basic livelihood security system	Eligibility based on household type, including care for minor children	Eligibility based on family support obligation and income/assets
		Disability pension	Not eligible for assistance	Severe disabled individuals aged 18 and above, with income below the bottom 70%
		Emergency aid and support	Support for immigrants who are currently married to the Korean citizen. Support provided for caring for immediate family members who are Korean citizens in cases of divorce or bereavement	Based on income and assets
		Basic old-age pension system	Foreign national spouse who has not elapsed 2 years since marriage registration[2]	Aged 65 and over, with income below the bottom 70%
Social Insurance	Ministry of Health and Welfare	National health insurance	Employees and local residents: foreign residents, domestic residents reporting their residence	Citizens as insured members or dependents
		National pension	All foreigners are subject to mandatory enrollment in principle. Applying the principle of reciprocity if any case.	Aged 18 and above but under 60
		National long-term care insurance	Foreigners enrolled in the National Health Insurance	Those aged 65 and above or those unable to perform daily activities for more than 6 months, who have received long-term care ratings
	Ministry of Employment and Labor	Industrial disaster insurance	Equal support for foreigners injured in occupational accidents as for nationals. However, in the case of a survivor's pension, relatives residing abroad are excluded.	Workers who have experienced occupational accidents
		Employment insurance	F-6 (marriage immigration) are eligible the same as for citizens	Unemployment benefits: Involuntarily resigned with an insured period of 180 days or more

Source: Revised based on Board of Audit and Inspection (2018), Audit Report—Implementation status of multicultural family policies.

producing Korean offspring, labor immigrants are viewed as temporary 'guest workers' intended to address labor shortages temporarily and then return to their home countries. Consequently, the identity assigned to labor immigrants in Korea is that of temporary workers engaged in economic activities during a specified stay period, distinct from the status of a 'citizen'. The rights and benefits afforded to immigrant workers are formulated based on this identity and policy orientation.

While social rights for registered immigrant workers seem to be relatively well-acknowledged, undocumented immigrant workers, although covered by the Labor Standards Act and Industrial Accident Compensation Insurance Act, do not receive benefits such as medical insurance. Nonetheless, the 'Medical Service Support Project for Foreign Workers and Other Socially Vulnerable Groups' provides support for surgical and hospitalization expenses. Even in this instance, the procedures and prerequisites are stringent, leading to limited accessibility.

Registered immigrant workers enjoy a relatively comprehensive acknowledgment of social rights, including coverage under the four major social insurances: employment insurance, health insurance, national pension, and industrial accident compensation insurance. However, there is a significant gap between the legal guarantees and the practical implementation of social security, which becomes apparent upon closer examination (Kim, 2020).

First, within the major four insurances, the National Pension and National Health Insurance systems adopt a framework of 'special treatment for foreigners', reflecting Korea's social insurance system primarily tailored for citizens. This results in distinct qualification requirements, premium rates, and payment methods for foreigners enrolled through special treatment compared to citizens. Despite recent expansions to include all immigrant workers in the universal health insurance system, discriminatory factors persist in qualification acquisition timing, premium rates, and other aspects.

Second, while immigrant workers are included in employment insurance as 'workers', discriminatory provisions, such as the exclusion from unemployment benefits, exist. This exclusion operates on the assumption that unemployed immigrant workers will likely leave Korea, reflecting a perception that immigrant workers are primarily regarded as labor suppliers rather than individuals exercising social rights.

Third, challenges in industrial accident compensation insurance arise from concealed industrial accidents leading to diminished compensation rates and the exclusion of temporary and domestic workers. These issues particularly impact immigrant workers engaged in small and micro enterprises marked by regulatory oversights.

Additionally, the non-recognition of family reunification rights for immigrant workers reflects the prevailing assumption in Korean society that they will return to their home countries upon the completion of their employment period. However, permitting immigrant workers to stay in Korea for up to ten years without acknowledging their right to family reunification raises human rights concerns.

Children with Immigration Backgrounds

The rise in immigration corresponds to a rise in the number of children with immigration backgrounds. This term broadly encompasses individuals under the age of 18 within the context of international migration in Korea, including those born domestically, those arriving mid-way, foreign resident children, and undocumented children. Legally, in Korea, this category pertains to 'children and adolescents under 19 who have immigration records or have been registered as foreigners' (Shin, 2022). As of 2018, the estimated number of children with immigration backgrounds residing in Korea exceeds 200,000. The UN Convention on the Rights of the Child (Article 2, Paragraph 1) explicitly prohibits discrimination against children based on race, sex, social origin, and other factors, and Korea ratified this convention in 1991.

It is imperative to confer residence rights, health rights, and childcare and education rights to children born or immigrated to Korea, irrespective of their volition. Concerning residence rights, Korea's family relationship registration system is rooted in Korean nationals, allowing foreigners only to register as family members of Korean nationals. While foreigners can report births, registration is precluded. Unregistered children face difficulties in accessing essential services like education and medical care, rendering them susceptible to illegal activities, such as child labor, child marriage, illegal adoption, human trafficking, and sexual exploitation.

Children with immigration backgrounds represent a growing demographic group in Korea, encompassing individuals under 18 within the context of international migration. This includes those born domestically, those arriving mid-way, foreign resident children, and undocumented children. Legally, this category pertains to individuals under 19 with immigration records or registered as foreigners (Shin, 2022). Korea ratified the UN Convention on the Rights of the Child in 1991, which explicitly prohibits discrimination against children on various factors.

Ensuring residence rights, health rights, and access to childcare and education for children born or immigrated to Korea is crucial, regardless of their volition. However, the family relationship registration system in Korea primarily caters to Korean nationals, limiting foreigners to registering only as family members of Koreans. Unregistered children face challenges in accessing essential services like education and health care, making them vulnerable to illegal activities such as child labor and marriage, trafficking, and exploitation.

In terms of education rights, while elementary and middle school education is mandatory in Korea, it is restricted to citizens. Foreign children are exempt from compulsory education, and their admission to schools is discretionary, subject to school principals' discretion. This lack of legal obligation results in unstable access to education. For instance, in 2015, ten children admitted to a refugee support center were denied admission to schools due to concerns about potential conflicts with Korean students, forcing them to travel long distances to attend multicultural schools.

Undocumented residents and their children represent a significant subset within this demographic, facing exclusion from the National Health Insurance and childcare benefits. Children aged 0–5 without a valid resident registration number are

ineligible for childcare fees and parenting allowances. This population remains largely invisible in Korea, enduring extreme vulnerability without basic human rights protection (https://m.hankookilbo.com/News/Read/A2023051509490003762).

Notes

1 The 'Hojuje' (戶主制) was a concept related to the traditional family structure in Korea, serving as a household registration system that records changes in the status of family members, such as births, marriages, and deaths. In this system, men held a central position, and it was the men who could become the 'Hoju' (戶主), the head or representative of the family. Before marriage, women were part of their father's household, and after marriage, they moved to their husband's household. If the husband passed away, the son would then become the head of the household. This system reflected the traditional values and gender roles in Korean family structures. The Hoju system in Korea was abolished in 2005.

2 If an application for naturalization is not submitted within one month from the date when two years have passed since the marriage registration, the foreign national spouse's eligibility for benefits will be terminated. However, if an 'Application for Naturalization Receipt' is submitted and basic pension is reapplied, the couple will be treated as a two-person household until notification of naturalization approval is received.

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