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Digital Object Identifier: <https://doi.org/10.13023/etd.2024.322>

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STATE GOVERNANCE AND LESS-SKILLED MIGRANT WORKERS IN SOUTH
KOREA

DISSERTATION

A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Philosophy in the
College of Arts and Sciences
at the University of Kentucky

By
Weejun Park
Lexington, Kentucky
Director: Dr. Michael Samers, Professor of Geography
Lexington, Kentucky
2024

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ABSTRACT OF DISSERTATION

STATE GOVERNANCE AND LESS-SKILLED MIGRANT WORKERS IN SOUTH KOREA

This dissertation examines the migration governance of South Korea with a focus on the immigration of less-skilled migrant workers. While geographers and broader social scientists have explored this topic, previous studies have two main foci: 1) individual immigrants and their activities; and 2) migration policy development. Despite these studies' contribution to the scholarship, there seems to be a relative lack of interest in the South Korean state as a potentially crucial actor in governing less-skilled migrant workers. To address this gap, this dissertation draws upon (political) geography, related social sciences, and interdisciplinary fields such as border studies, migration studies, and critical social theory. This theoretical focus is supported by various archive sources, mainly state archive documents from South Korea's National Archive and Information Disclosure System. Through such efforts, this dissertation provides a deeper understanding of the actors, institutions, policies, practices, and strategies, including the spatial reach of the state across international borders, that are involved in the governance of less-skilled migrant workers in South Korea. It also contributes to diversifying away from the theoretical and substantive dominance of Western-oriented scholarship on migration governance scholarship. Particularly, it addresses the following three issues:

Firstly, Paper 1 examines who enables less-skilled migrant workers to cross the border and enter South Korea. Studies on the (Asian) migration industry has typically centered on private agents, including migration brokers, and contact and logistic agents, that mediate and facilitate the cross-border migration process. These studies often assert that the migration industry is a universal mode of migration in/beyond the Asian region, particularly for less-skilled migrants. However, I contend that the significance of the migration industry cannot be universally applied across different places or cases. Instead, it should be positioned as one type within the diverse spectrum of migration governance. This argument is supported by examining the dominant role played by the South Korean state through the Employment Permit System (EPS). Furthermore, I conceptualize the EPS as state-led multilevel governance (sMLG) by combining the idea of state transformation and multilevel governance (MLG). The EPS functions as a governance system operating at various locations within South Korea and EPS-participating Asian countries. The South Korean state changes legal rules and administrative institutions and manages the transnational procedures for organizing and operating the EPS, from the recruitment of (potential) migrants to their actual entry into South Korea at Incheon International Airport. The findings of this study effectively challenge existing assertions in the (Asian) migration industry literature and contribute to migration governance research by introducing the idea of sMLG.

Secondly, Paper 2 investigates how the South Korean state manages less-skilled migrant workers, with a particular focus on examining the relationship between the state and migrants through the administrative documents and practices. Over the last two decades, studies on migration governance from diverse disciplines, including political geography, border studies, and anthropology, have all underscored the significance of

administrative documents and practices. These studies draw from broader social science perspectives advocating for a disaggregated view of the state, emphasizing mundane practices and materiality. They aim to capture a more proactive role for administrative documents and practices, rather than viewing them as passive and dependent in the exercise of state power. By doing so, they have effectively highlighted the entanglement of the state and migrants, drawing inspiration from assemblage-like ideas. However, I argue that these studies may inadvertently resummon a monolithic and Hobbesian state model by emphasizing the oppressive and violent aspects of the state. To address this, I propose a theoretical framework that conceptualizes the state as a disaggregated entity that both exerts influence mutually with migrants (and other social actors) and governs migrants unilaterally. I therefore introduce the concept of an assemblage-apparatus complex (AAC), based on the similarities and differences between assemblage and apparatus. The analysis focuses on two cases, including the Foreigner Registration Number/Card (FRN/C) and the employment and insurance management system for migrant workers in South Korea. These policies enable the state to ‘read’ the migrant workers and regulate them (and their South Korean employers), positioning them as passive subjects of governance. Simultaneously, these policies grant migrants legal and administrative status and rights in South Korean society. Even though the balance between these two processes of apparatus and assemblage may not be fully equal, this analysis contributes to reducing the conceptual tension in examining the relationship between the state and migrants.

Finally, Paper 3 addresses the question of why the South Korean state has accepted migrants. In this section, I analyze how important political, social, and economic ideologies shaping South Korean society have influenced the immigration of less-skilled workers. Previous studies have generally focused on how (neoliberal) developmentalism and nationalism have impacted the migration of less-skilled workers into South Korea. However, I argue that understanding South Korea as a migration state necessitates considering liberalism as well as neoliberal developmentalism and nationalism. The interplay of these three socioeconomic and political ideas has continuously driven the South Korean government to accept more migrants, impacting on quota sizes, permissible sectors for migrant workers, and visa status. These three axes of ideas – liberalism, neoliberal developmentalism, and nationalism – shed light on the previously unquestioned motivations for the South Korean government to accept migrants.

KEYWORDS: Migration Governance, state-led Multilevel Governance (sMLG),
Assemblage-Apparatus Complex (AAC), Liberalism, Nationalism,
Neoliberal Developmentalism, South Korea

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05/03/2024

Date

STATE GOVERNANCE AND LESS-SKILLED MIGRANT WORKERS IN
SOUTH KOREA

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CHAPTER 1. INTRODUCTION AND METHODOLOGY

1.1 Introduction and Justification for the Research

This dissertation project explores South Korea's migration governance regarding less-skilled migrant workers. South Korea has not been conventionally considered a primary destination for less-skilled international migrant workers and other 'categories' of migrants, especially compared to wealthier countries. While there are no direct statistics on less-skilled migrant workers, it can be useful to examine the figures for long-term foreign residents as proxy data to compare with other countries, because less-skilled migrant workers often make up a significant proportion of the entirety of long-term foreign residents. As of 2022, the number of 'foreign nationals' residing in South Korea stood at 2,245,912, with 1,688,855 immigrants residing for longer periods (more than 90 days), constituting 3.29% of the total population (Korean Statistical Information Service (KOSIS), 2022). This figure notably contrasts with that of other major richer countries (see Figure 1.1).¹ Furthermore, South Korea does not have a long history of large-scale immigration, unlike Western countries with their histories of 'settler societies' or colonialism, which have driven massive immigration during the 20th and the early 21st centuries. Consequently, as a destination for smaller numbers of less-skilled migrant workers, South Korean immigration issues have received relatively less attention outside of South Korean scholarly circles.

¹ Australia: 29.2%, Canada: 21.3%, France: 13.3%, Germany: 16.2%, Italy: 10.4%, Spain: 15.4%, United Kingdom: 14.0%, United States: 13.5%. Only Japan (2.3%) has a lower proportion of long-term foreign residents than South Korea among the major richer OECD countries.

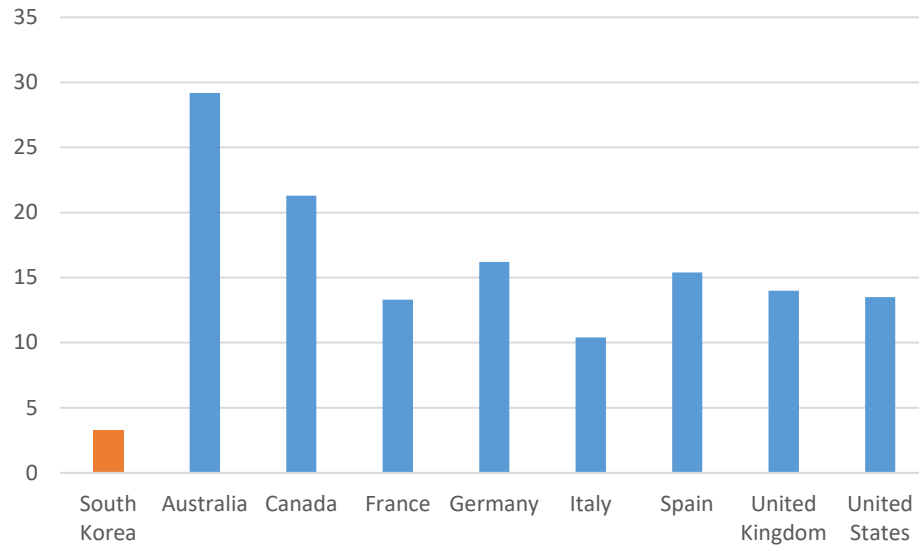


Figure 1.1 Comparison of the proportion of long-term foreign residents in the total population among the major richer OECD countries in 2021 (Source: reproduced from OECD/European Commission 2023, p. 51)

Nonetheless, the South Korean government has accepted a growing number of less-skilled migrant workers in order to address the persistent challenge of potential shortages and regional labor imbalances. South Korean society has grappled with the lowest birth rates in the world for several years (0.778 in 2022², KOSIS), combined with a population concentration in the Seoul Metropolitan Area (SMA, or *Sudo-Gwon* in Korean) (which encompasses 11.8% of the total national territory yet houses 50.71% of the population). In response, the South Korean government has identified the immigration of less-skilled workers as a primary policy remedy, chiefly through the Employment Permit System (EPS) (see Figure 1.2 and Paper 1). This system, formally introduced in 2004, stands as the principal avenue for less-skilled migrant workers in South Korea, granting E-9 visas for a period of 4 years and 10 months, which are

² In addition, 0.977 in 2018, 0.918 in 2019, 0.837 in 2020, and 0.808 in 2021 (KOSIS)

restricted to industries facing acute labor shortages, such as manufacturing, construction, agriculture, fisheries, and selected service sectors. Since the full-scale implementation of the EPS in 2007³, which has served as a significant source of less-skilled migrant workers, an annual influx of between 200,000 to 400,000 workers has been observed (see Figure 1.3). Furthermore, the South Korean government has persistently expanded the range of industrial sectors accessible to migrant workers, with recent announcements outlining plans for a substantial increase in the number of less-skilled migrant workers in the ‘immediate future’.



Figure 1.2 The first entrance of EPS migrant workers from the Philippines in 2004 (Left), EPS migrant workers entered South Korea after COVID-19 in 2022 (Right) (Source: *Yeonhap* News, <https://www.yna.co.kr/view/AKR20111012132300372> (Left), <https://www.yna.co.kr/view/PYH20220707110200013> (Right))

³ Another program for ethnic Korean migrant workers, with less-restrictive protocols regarding diversity of industries allowed for migrant workers to work in and bigger quotas, has been implemented since 2007. Even many academic studies refer to this as the Visiting Employment System (VES), describing it as a separate program from the EPS. However, VES’s official names of the Special Visiting Employment System (SVES) and is operated as part of the EPS framework.

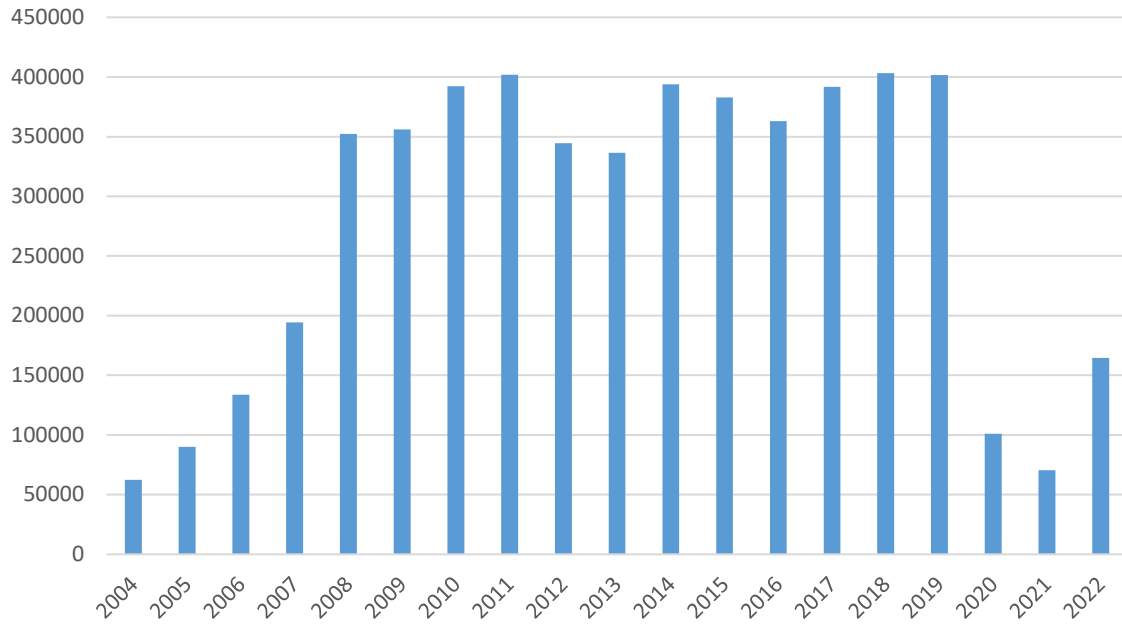


Figure 1.3 The Number of EPS migrants who entered South Korea (2004 – 2022) (Source: Statistics Yearbook of Korea Immigration Service, Ministry of Justice(MoJ))

The increasing number of immigrants has aroused social concern among many citizens in South Korea, drawing attention from scholars across diverse disciplines, and notably Korean scholars. Nonetheless, existing research has predominantly focused on two specific areas, thereby creating a gap that this dissertation aims to fill. Firstly, many studies on immigration in South Korea have primarily centered on individual immigrants and their activities, constituting a foundational field within traditional South Korean immigration scholarship since the onset of labor migration in the 1990s. Broadly, these studies can be categorized into two sub-groups: firstly, a collection of studies that empirically trace immigrants' experiences, including their migration trajectories, transnational networks, post-migration adjustments within South Korea, experiences of discrimination, and integration into Korean society, especially among critical geographers and other social scientists (*e.g.*, Choi 2009; Hong 2003; Jung 2007; Kim Y. 2008; Kim K.

2014a; Kim *et al.* 2006; Ko 2019; Ko and Kwak 2023; Lee 2005; Lee 2014; Noh 2006). Another subset of studies examines the individual immigrant experience while also exploring the socio-spatial impacts they generate within South Korean society, such as the emergence of ethnic entrepreneurs, shifts in urban landscapes, and the establishment of ethnic enclaves (*e.g.*, Ahn 2022; Choi 2009, 2012; Jung 2020; Kim K. 2014b; Kim and Heo 2023; Ko 2019; Ko and Paik 2019; Lee and Jung 2022; Park 2015).

Secondly, a cluster of studies tends to focus on policy analysis and proposals, particularly emphasizing how to encourage immigrants' 'adaptation' (or often 'assimilation') and 'multiculturalism' (in Korean '*damunhwa*' or 'multi-culture', terms frequently used interchangeably with immigration, immigrants, and even foreigners in South Korea). These studies can also be broadly categorized into two groups. One group focuses on deriving policy implications, offering recommendations ranging from immigration policies themselves to amendments in immigration laws and governmental structures (Eom 2008; Gil 2011; Kim H. 2014; Lee C. 2010, 2016; Lee H.-K. 2007, 2014; Seol 2017). Given the significant emergence of rapid population aging and decline issues in South Korea over the past decade, discussions have also linked immigration to broader population policies (*e.g.*, Seol 2015). The other group, similar to the first, delves into the analysis of policies in different countries with the aim of policy development. They focus on so-called 'developed countries' regarding immigration, such as Canada (Moon 2005), France (Park S. 2010), Germany (Kim K. 2016, Park M. 2007), the Netherlands (Seol and Lee 2013), the UK (Ohn 2010), the USA (Lee K. 2009; Nam and Park 2023, Yoo 2009), and their policy implications for South Korea. Other studies are not necessarily policy-

oriented but maintain a comparative approach nonetheless (Surak 2018; Asis *et al.* 2019; Seol and Skrentny 2009b).

These studies have made significant contributions to understanding less-skilled migrant workers in South Korean society. As migration policies are an important component of migration governance, this dissertation project builds upon these previous studies. However, I identify an important gap in these studies. There seems to be a relatively lack of interest in the South Korean state as a potentially crucial actor in governing less-skilled migrant workers. The first group, as their main focus is on individual immigrants and their activities, often overlooks the state. The second group is somewhat more complex; while they may position their research as studies on the state due to their examination of immigration policies, they often narrowly focus on specific policy frameworks (*e.g.*, the EPS) and their impacts on immigration policies. Consequently, they often fail to address how state practices as much as formal state policies matter to migration governance. Migration governance includes different components beyond ‘migration policies’, such as changes of institutions and legal frameworks, spatial and organizational shifts of agencies and personnel, discursive elements, prosaic administrative practices and paperwork, non-governmental state institutions (*e.g.*, courts and the Parliament), and interactions with non-state actors and other countries’ agencies and institutions. By overlooking these broader components, established studies risk oversimplifying the state and reduce it to mere formal and higher-level policy implementations. As Mitchell (1991) correctly warned, such an approach describes the state as something isolated from society and fails to recognize the state’s interconnectedness with society and other non-state actors and domains.

The absence of the state in migration studies in South Korea is noteworthy as it suggests an important gap given the pervasive emphasis on the power and responsibility of the state (or often the central government) in addressing immigration issues. This perception is particularly important in the historical context of South Korea in which local governments have possessed limited authority while the central government has traditionally played a dominant role in planning and implementing key policies. Given that immigration has been regarded as a solution to socioeconomic concerns that are prioritized by the government, that is, population aging and decline, as mentioned above, the imperative for state intervention in immigration issues has been repeatedly emphasized. For instance, one of the key foci related to admitting immigrants has long been whether South Korea should become an ‘immigration state’ and, if so, what kind of ‘immigration state’ South Korea should be (for example, *Chosun Ilbo* 2023). More recently an argument has been circulating that has advocated for the consolidation of various government departments responsible for immigration-related tasks into a single entity, which is commonly but unofficially called the “Immigration Agency”, to bolster the central government’s oversight and management capabilities (see, for example, *Hanguk Kyungje Shinmun* 2023; *Maeil Gyeongje* 2023). It is exemplified by the argument of the Minister of Justice, Han Dong-Hoon, who became the representative of the ruling party now, that the government should unify various departments “to strengthen the ‘grip’ of the [central] government over immigration issues”, especially regarding the issue of less-skilled migrant workers (KBS 2023). In short, while the South Korean state is considered important in migration issues, it has not been carefully discussed as an academic research subject, and much about the state remains unknown.

To address this gap, this dissertation project endeavors to answer the main research question: how has the South Korean state governed less-skilled migrant workers through the dynamics of various policy apparatuses over time. In this analysis, I view the state as relational, disaggregated, and often involving mundane or prosaic practices at ‘lower levels’ of the state, drawing inspiration from geography and broader social theories, such as Foucauldian studies and feminist and political geographies. Rather than viewing the state as a single, totalized structure of power (Mitchell 1991: 90), this approach considers the state as an accumulation of network-like effects of specific practices, discourses, materials, institutions, laws, and organizations, which are often intermingled with society and non-state actors (Lemke 2007; Mitchell 1991; Sawyer 2015). Thus, the state is not a political entity that wields power exclusively ‘above’ society (Ferguson and Gupta 2002) but one of nexuses of power and social interactions, intricately interwoven with various actors and networks across the boundaries of state and society (Jessop 2008; Lemke 2007; Passoth and Rowland 2010; Sawyer 2015). This conceptualization of the state also aligns with many critical perspectives that emphasize “less dramatic, multiple, mundane domains” (Ferguson and Gupta 2002: 984) or the ‘prosaicness’ of the state (Painter 2006). They assert that state (power) is constituted from the bottom-up or from less illuminated parts of the state, such as practices, performances, materiality, ideas, and even emotion/affect (Billo and Mountz 2016; Gökarıksel and Secor 2020; Painter 2006; Pain 2009; Squire 2015; Thelen *et al.* 2018; Williams and Boyce 2013). This might include “patrolling public places, printing passports, discussing how to regulate immigration, writing reports on strengths and weaknesses of other states” (Passoth and Rowland 2010: 824).

This approach can be extended to other research topics that are pertinent to this project. Firstly, there is a discussion surrounding the spatial-organizational changes in the operation of state power. Due to an ongoing process of globalization (notwithstanding the emergence of so-called ‘state capitalism’ over the last decade), states are increasingly ‘compelled’ to address tasks across various territories, for instance, encompassing not only economic and political globalization, but also regionalization, transnational environmental issues, military security, pandemics (*e.g.*, Alcantara and Nelles 2014; Borzel 2020; Brenner 2004; Chien and Hong 2018; Hameiri and Jones 2015; Hooghe and Marks 2020; Leitner and Miller 2007; Mansfield 2005; Westman, Castan Broto, Huang 2019), and migration/border governance, topics examined by geographers and broader social scientists (*e.g.*, Axelsson and Petterson 2021; Caponio and Jones-Correa 2018; Collyer 2016; Emilsson 2015; Panebianco 2022; Panizzon and van Riemsdijk 2019; Zincone and Caponio 2006). According to these discussions, the state no longer fits neatly into the Weberian concept of a clearly delineated entity with sovereign-territorial boundaries; instead, it demonstrates a dynamic form of operation, extending its power both within and beyond territories, to respond to supranational flows of people, goods, data, and other elements. For instance, many geographers have investigated how borders extend across territories and explored the extension of the state power’s beyond sovereign territorial boundaries (as seen in studies on border externalization and internalization, such as those by Bialasiewicz 2012; Burrell and Schweyher 2021; Casas-Cortes *et al.* 2016; Cobarrubias 2020; Coleman and Stuesse 2014; Mountz 2011; Parsons and Lawreniuk 2018; Samers 2004). It aligns more closely with the disaggregated model of the state discussed previously than with the monolithic idea of the state.

Secondly, this approach to the state can also be extended to a discussion about state-society boundaries. This discussion has examined interaction, entanglement, and mutual constitution of the state and society, influenced by Foucault's emphasis on power operation as capillary (Foucault 2004, 2007) and relatedly, Mitchell's (1991) discussion on the state as effects. For example, as will be explored further in the literature review of Paper 3, studies examining encounters between the state and migrants (and other non-state actors) at various borders reveal situations where the discretion of lower-level officials, migrants' actions (including negotiation, lobbying, or even bribery), and administrative documents and practices intertwine, demonstrating that the boundaries between the state, migrants, and the private sector are fluid (*e.g.*, Andretta 2019; Bierschenk 2019; Cabot 2012; Das and Poole 2004; Eule 2018; Eule *et al.* 2018; Ferreri 2022; Hull 2012a, b; Tuckett 2015). This mingling illustrates that the operation of power in migration governance is not unilaterally executed by the state but is jointly constituted by migrants and various private actors at different locations across the border. Similarly, research on 'the migration industry', primarily discussed in Paper 1, also indicates that the state collaborates with migration mediators, agencies, and entrepreneurs to govern migration and even outsource the governance to those private actors, indicating that the state is not a solid holder of power but rather a part of a power network (Goh *et al.* 2017; Lindquist 2010, 2012; Lindquist, Xiang, Yeoh 2012; Surak 2011; Xiang 2012).

Thirdly, this approach to the state resonates with the concept of the migration state that emphasizes different interests of actors, interactions, and conflicts within the state. Hollifield (2004) and several other scholars have examined the operation of various forces, both domestic and international, surrounding migration in liberal democracies. As

Hampshire (2013) aptly points out, we should ‘return’ to the state in migration studies, but that should not lead to the conceptualization of the state as an abstract and monolithic entity. The construction of a liberal democratic state is diverse, comprising elements such as representative democracy, constitutionalism, capitalism, and nationhood (Hampshire 2013), and these backgrounds engender complexities involving various actors (*e.g.*, private companies, NGOs, politicians, civil society, international organizations), diverse state institutions (*e.g.*, courts, legislatures, governmental agencies, legal rules), discourses (*e.g.*, public perceptions of immigrants), and ideologies (*e.g.*, economic liberalism, political liberalism/civic nationalism, humanitarianism, transnationalism) (for example, Boswell 2007; Consterdine 2017; Freeman 1995; Hampshire 2013; Hollifield 2004; Joppke 1998; Triandafilopoulos and Zaslove 2006). According to the concept of the migration state, these entities negotiate and conflict with each other, having different interests, ideological orientations, political accountabilities, and socio-economic bonds (in other words, the ‘liberal paradox’ as Hollifield 2004 put it), and their combined effect ultimately propels modern liberal democratic states towards accepting more immigrants. Moreover, in the case of non-western liberal democracies, if they exist, the complexity of the politics of immigration could be greater (Adamson and Tsourapas 2020; Chung 2022; Sadiq and Tsourapas 2021).

Drawing on these understandings of the state in governing migration above, and building upon the main research question discussed earlier, this project aims to address three more specific research questions corresponding with each of the three papers in this dissertation project.

1.1.1 Who brings less-skilled migrant workers to South Korea? Beyond ‘(Asian) migration industry’: State-led Multilevel Migration Governance and the South Korean Employment Permit System

In this first paper, I challenge the thesis of the ‘(Asian) migration industry’ by raising questions about ‘who’ or ‘what’ actually makes the movement of less-skilled migrant workers to South Korea possible. A number of geographers and anthropologists have argued that the task of moving migrants transnationally has been ‘outsourced’ by states to the private sphere. They contend that as state borders become increasingly complex in terms of their location and composition, the state seeks to reduce costs and enhance efficiency, while various private actors perceive a lack of state capacity, and participate in what was conventionally regarded as the exclusive task of the state to move migrants (Dijstelbloem and Broeders 2015; Gammeltoft-Hansen and Sørensen 2013; Hernandez-Leon 2005; Lopez-Sala and Godenau 2022; Pacciardi and Berndtsson 2022; Salt and Stein 1997; see also Guiraudon and Lahav 2000). In particular, many scholars argue that the migration of less-skilled migrant workers across Asia is facilitated by (net)works of private agents, intermediaries, transporters, and liaisons, arguing that this ‘migration industry’ has been a predominant form of governance in Asian migration (Asis *et al.* 2019; Belanger and Wang 2013; Goh *et al.* 2017; Kern and Muller-Boker 2015; Lindquist 2010, 2012; Robertson and Rogers 2017; Shrestha and Yeoh 2018; Surak 2018).

However, I consider the above points as somewhat hasty and myopic, as this view of the privatization of migration underestimates the state’s continued dominance and significance in South Korean migration governance. To address this, I propose combining the concepts of multilevel governance (MLG) and state transformation. MLG serves as an analytical framework for a 21st century form of governance with the complex participation

of actors at various levels, such as cities, states, regional communities (*e.g.*, the EU), and even private actors, in migration governance (Caponio 2018; Panebianco 2022; Panizzon and Riemsdijk 2019; Piattoni 2010; Zapata-Barrero *et al.* 2017). State transformation analyzes how the state adapts its arrangements of institutions, organizations, instruments, and actors to tackle transnational issues (Benz 2019; Hameiri 2009; Hameiri and Jones 2015, 2016). By combining these two concepts, I introduce the notion of state-led MLG (sMLG), as a variant of MLG (see Tortola 2017), that allows us to comprehend governance spanning multiple levels of actors beyond the state's territorial boundaries, while maintaining the state as the focal point. Through sMLG, I elucidate how the South Korean state establishes and manages EPS governance by internally instituting new agencies, altering administrative and legal regulations, and externally forging diplomatic agreements with 16 EPS participating countries, establishing EPS agencies in those countries to facilitate the movement of migrant workers from each country to Incheon Airport. While this conclusion underscores the enduring importance of the state in transnational migration governance, unlike the migration industry thesis, I emphasize we must not simply disregard private actors. Instead, we should recognize a spectrum of migration governance that includes both the state and private sector, indicating a diverse landscape of migration governance without a dominant form.

1.1.2 How the state governs less-skilled migrant workers within the national territory?
The 'Assemblage-Apparatus Complex' and the conceptualization of the
governance of labor migration in South Korea

Many studies investigating the encounter between the state and migrants have often highlighted the blurring of the boundaries of the state. Particularly significant within this

‘liminal zone’ is the state’s engagement with migrants at its periphery (*i.e.*, in everyday realms) through administrative practices and documentation. Influenced by Foucault’s ideas (Das and Poole 2004; Gupta 1995; Kalpagam 2010; Mitchell 1991; Painter 2006; Thelen *et al.* 2018), many studies highlight how the mundane aspects of the state constitute state power. In the realm of migration governance, various studies similarly emphasize the importance of everyday practices and materials in governing migrants. Furthermore, these studies focus on the interaction between the state and migrants, highlighting the diverse ways in which they interact, including the discretion of officials, administrative errors, and the agency of migrants. Instead of viewing the state as exercising power unilaterally from above as a well-bounded political entity, these studies perceive the state as co-constituted with migrants through these interactions (Borrelli and Lindberg 2018; Cabot 2012; Eule 2019; Eule *et al.* 2018; Hull 2008; Pfirter 2018; Veters 2019). In this regard, these studies also seek to explain the intertwining of the state and migrants through ideas that accentuate the blurring of traditional boundaries, mixing, and the importance of materiality, such as assemblage and association (Deleuze and Guattari 1987; Latour 2005).

However, despite these studies’ emphasis on a disaggregated state, I argue that by empirically focusing on so-called unwanted or irregular migrants, the state in these studies is often depicted as a holder of violence over them, (unwittingly) emphasizing a model of the state as an essentialized political entity that oppressively wields power (see Thelen *et al.* 2018). This potentially conflicts with their theoretical emphasis on the disaggregated qualities of the state. Therefore, as a means to alleviate this conceptual tension, I examine the complex relationship between the state and migrants, particularly those (partly) ‘wanted’ by the state, less-skilled migrant workers. In doing so, I assume that the state is

disaggregated; that it is mutually constituted by migrants, but that the state also governs migrants unilaterally and violently. To capture this complexity, I argue that it is necessary to combine ‘apparatus’, which shares the fundamental features of ‘assemblage’ that is, the blurs boundaries between the state and migrants but with a greater emphasis on governing, making hierarchy, and building circuits, which I call ‘assemblage-apparatus complex (AAC)’. I demonstrate this idea’s relevance by analyzing administrative documents and practices in the Foreigner Registration Number/Card (FRN/C) system and management of employment contracts and mandatory insurance for less-skilled migrant workers in the EPS. This case shows how everyday administrative documents and practices enable the South Korean state to govern less-skilled migrant workers, while also allowing them to exert an influence on the state legally and administratively entering South Korean society. Thus, this paper contributes to reducing the conceptual tension in examining this relationship through the idea of AAC.

1.1.3 Why the South Korean state accepts migrants? Revising the concept of the ‘Migration State’: Liberalism, nationalism, and neoliberal developmentalism in the making of South Korea’s immigration policies for less-skilled workers

Thirdly, I examined why South Korea has accepted less-skilled migrant workers as a migration state, contrary to the conventional belief that South Korea has closed borders. In particular, I analyze how important political, social, and economic ideologies shaping South Korean society have influenced the immigration of less-skilled migrant workers. Previous studies have generally focused on how (neoliberal) developmentalism and ethnic nationalism have impacted the migration of less-skilled workers into South Korea (Chung 2022a; Lee *et al.* 2014; Seol and Skrentny 2009a, b; Skrentny *et al.* 2007; Tsuda 2010;

Tsuda and Song 2019). However, with few exceptions (Lee 2010), existing studies have shown limited interest in studying the joint effect of these ideologies. Furthermore, they tend to overlook recent changes in South Korean society, such as the decline of state-centric authoritarianism, the development of liberal democracy, and the growth of civic nationalism and the decline of ethnic nationalism, as they excessively focus on traditional and stereotypical depictions of developmentalism and ethnic nationalism. Considering that the immigration of less-skilled migrant workers began from the early 2000s, these changes should be considered even more crucially.

To address these issues and contribute to a more comprehensive understanding of South Korea as a migration state, I draw on an *expanded* idea of the migration state (Adamson *et al.* 2024; Adamson and Tsourapas 2020; Sadiq and Tsourapas 2022). This idea allows for an analysis of the impact of liberalism on immigration, as provided by the original idea of the liberal migration state (Hampshire 2013; Hollifield 2004; Joppke 1998) while also offering a nuanced approach to analyzing the migration state in non-Western contexts. I argue that South Korea as a migration state has gradually accepted less-skilled migrant workers while being influenced by liberalism, nationalism, and neoliberal developmentalism in a complex manner. The (state) archival documents from different government agencies, courts, and public discourses reveal that this process has not been fully smooth; rather, it has been filled with continuous conflicts between a politics of openness and closure as witnessed in policy change towards more openness in terms of quota sizes, permissible sectors for migrant workers, and visa status. In sum, this paper contributes to the expansion of the concept of migration state within a non-Western context, by indicating three ideational forces that shape the South Korean migration state.

1.2 Methodology

The disaggregated, less-essentialized, and prosaic view of the state, as discussed above, also offers some methodological guidance for this study. Given this view's emphasis on specific "institutions, ... regulatory decisions, laws, administrative measures" (Foucault 1980: 194) in constituting state power, this project concentrates on state archive documents that show specific and prosaic practices of the state. State archive documents in South Korea contain records of everyday administrative practices of different levels of state agencies and officials, especially lower-level practices, such as documents exchanges, notifications, the development of 'smaller' or 'micro' policies and their implementation, approvals, guidelines, meetings, information updates and corrections, etc. Many geographers have indeed relied on state documents as important resources for understanding the exercise of state power, in addition to employing other qualitative methodologies such as interviews or ethnographies. For example, studies have exemplified this approach by using state documents to examine the geography of widespread violence against (im)migrants and non-citizens through deportation and incarceration in Western societies (*e.g.*, Boyce 2020; Hughes and Martin 2022; Kocher and Stuesse 2021).

When examining state power through its archive sources, it is crucial to view the state archive not as a neutral repository, but rather as the nexus of knowledge/power within the modern state (Foucault 2003) and/or 'situated knowledge' with a 'partial perspective' (Derrida 1996; Schwartz and Cook 2002; Stoler 2002). The close relationship between the state power and archives played a crucial role in the process of European modern state-building and subsequently spread worldwide through European colonialism (Dourish and Mainwaring 2012; Foucault 2003; Manoff 2004). Given that Japan followed a certain

‘European modernization model’ and colonized Korea, and the United States has significantly influenced South Korea’s sociopolitical landscape, it is reasonable to assume that the knowledge/power nexus of the state and archive has also been embedded in South Korea.⁴ As Derrida (1996) asserted that “there is no political power without control of the archive” (p. 4), this close relationship often creates a more favorable discursive landscape for the state by eliminating unwanted narratives of the state and marginalized subjects from the archives (Guha 1994; Stoler 2002), which Hamilton *et al.* (2002) called ‘documents of exclusion and monuments to particular configurations of power’. For instance, Spivak (1985) critically examined colonial state records that silenced certain subjects, particularly colonial women. Similarly, Guha (1994) argued that British state archives legitimized state violence by reclassifying and erasing specific records. Therefore, when analyzing state documents, it is imperative to bear these considerations and adopt an ‘against the grain’ approach (Guha 1999) to uncover (deliberately) hidden narratives of the state and unvoiced subjects. While the South Korean state is not a colonial state, the insights about the collusion between the state and archive must be carefully considered in this dissertation, given the potential of state power to emphasize favored narratives. As I have extensively used state archive documents then, I followed this critical approach to state archive documents and employed methodologies such as comparing diverse documents from different state sectors and cross-referencing state documents with media reports and those from non-state actors.

⁴ South Korea’s National Archive was established in 1962 with the name of bureau of records under the Cabinet Secretariat (National Archives of Korea, <https://www.archives.go.kr/next/neworgan/historyOfRecodeCenter.do>)

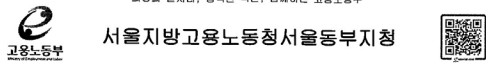
However, we should not simply dismiss the majority of archive documents as distorted and unreliable, because it risks exaggerating state capacity which assumes that the states have complete control over all documents or that state officials fully grasp the information each document may unintentionally disclose about the state. Particularly when the volume of documents is extensive and researchers concentrate on mundane and everyday records, efforts by the state to construct a certain narrative might not be (fully) reflected in those documents. This project aims to consider both of these aspects in acquiring and analyzing state documents, critically approaching the documents while actively utilizing the information they provide.

In South Korea, accessing documents produced by the state primarily involves two main channels. Firstly, individuals can use the Information Disclosure System (IDS) to directly request all types of documents and information from state agencies, typically spanning a period of 10 to 15 years. This system not only allows requests for listed and open information but also for unlisted information, where agencies are required to organize the provision of the documents to the requester. The second avenue is through the National Archives of Korea (NAK), where individuals can request copies of documents and other records. The NAK is required to manage and preserve all records from state agencies and institutions. These records encompass white papers, statistical books, reports, meeting minutes, research papers, pamphlets, speeches, and visual materials. I have utilized both the IDS and the NAK for two purposes.

Firstly, I accessed documents generated and circulated by lower-level and frontline state officials through the Information Disclosure System (for example, see Figure 1.4). In South Korea, administrative documents are produced and exchanged through an

intranet platform known as the e-Government System. Government officials address all types of administrative tasks, such as policy drafting and approval, inter-agency information exchange, notifications, fact verification, budget planning and execution, and more. All these actions are stored in the database of the e-Government System, and it is possible to request all the desired documents of state institutions see Figure 1.5).⁵ The theoretical framework employed in this study, which adopts a disaggregated perspective on the state, aligns well with archival research. The practices at the lower-level of the state are effectively captured in these archival documents, enabling an examination of those state activities.

⁵ Each institution reviews the request and makes decisions according to the Official Information Disclosure Act.



수신자 [redacted] 대표 (경유)
제목 외국인고용관리법 위반에 따른 의견진술안내 및 처분사전통지

- 1. 관련 : 행정절차법 제21조(처분의 사전통지), 제27조(의견제출)
2. 2014.1.14 구 사업장에 외국인 불법고용 정황을 실시한 결과 외국인고용관리법 위반사항이 확인되어 아래와 같이 행정 조치를 할 예정임을 알려드립니다.

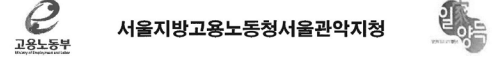
처분대상	위반법조항 및 처분근거법조항	위반 사실	조치내역
[redacted]	외국인근로자의 고용 등에 관한 법률 제29조1항5호 - 동법 제22조제3항(과태료) - 동법 제20조제1항(고용정합)	특례고용가능확인서 발급 없이 특례 외국인 [redacted] 부대 근로자가 [redacted] 고용제한	과태료 100만원 행정처분

3. 이에 대하여 의견이 있으신 경우 2014.1.27.(화)까지 중립자료를 작성하여 방문 진술하시거나 서면(전자문서포함) 또는 정부문 의견진술서를 작성하여 제출하여 주시기 바랍니다. 만약 상당한 사유 없이 지칭된 기일까지 의견 제출이 없는 경우에는 행정절차법 제27조제4항에 의거하여 이의가 없는 것으로 간주하여 관련법령에 따라 과태료 및 고용제한 조치를 할 예정입니다.

4. 의견제출 기일과지 과태료를 지진 납부하려는 경우 과태료 금액의 100분의 20을 관변회 금액(60만 원)을 가까운 한국은행 국고(수납)대리점인 은행 또는 우체국, 신용협동조합, 제1금융권, 상호저축 은행에 납부하여 주시기 바랍니다.

- 붙임 : 1. 처분사전통지서 1부.
2. 과태료부과에 대한 의견진술서 1부.
3. 납부서 및 영수증 1부, 끝.

서울지방고용노동청서울동부지청장
기업지원과 주무관 허혜영 과장 김동균 소장 권길 2014. 1. 16.
김조자
시행 기업지원과-1337 접수
우 138-050 서울특별시 송파구 중대로 135 (가락동, IT벤처타워) / www.moel.go.kr
전화 02-2142-0413 전송 02-6915-4051 / yeonj2@moel.go.kr / 비공개(6)
Me First, 녹색은 생활이다. 문서관리카드기업지원과-1337 5-1



수신 한국고용정보원장 (경유)
제목 특례외국인근로자 관련 EPS 데이터 복원 요청

우리센터에서는 특례고용가능확인서를 발급받은 [redacted] 에서 제출한 외국인근로자 [redacted] 의 근로개시신고서를 검토 후 기 처리(수리)한 바 있으나, 센터적으로 EPS시스템에 등록된 해당 외국인근로자의 근로개시신고서가 삭제된 사실이 확인되어 이를 복원 요청하오니 확인 후 처리하여 주시기 바랍니다.

사업장명	사업자번호	외국인성명	외국인등록번호	사유
[redacted]	[redacted]	[redacted]	[redacted]	현재 해당 사업장에서 정상적으로 근로개시신고 후 근무 중이나 센터적으로 근로개시신고서가 삭제됨

서울지방고용노동청서울관악지청장
주무관 손정대 기업지원과 팀장 신현경 과장 권길 2014. 12. 31.
김조자
시행 기업지원과-20750 (2014. 12. 31.) 접수
우 152-047 서울 구로구 디지털로 34길 27 대우테크타워 3차 2층 / http://seoulgwana.moel.go.kr/
전화번호 02-3282-0346 팩스번호 02-6915-4105 / son83@moel.go.kr / 비공개(6)
정보의 기밀과 공유로 일치되는 높고 생활은 편리해집니다

Figure 1.4 Examples of archival documents obtained from the Information Disclosure System

Secondly, considering that the National Archives preserve documents categorized by the government as important, I primarily utilized these archival records to gain insights into the overall context and framework of South Korea’s migration governance. Specifically, documents recording the (unofficial) comments of top-tier government officials, such as the president, prime minister, ministers, and directors and managers of each agency, were pivotal in evaluating policy design, implementation, and key decision-making processes (for example, see Figure 1.6). Along with these, I also analyzed (official) materials such as minutes of cabinet meetings, ministerial meetings, meetings of the Foreign Labor Policy Committee, and parliamentary proceedings (to examine comments of government’s personnel and Congressperson in their discussions). These

documents served as valuable sources of information on the decision-making process of key policymakers, and particularly on the areas of disagreement and contradiction among different state institutions and actors, also in line with a disaggregated approach to the state.

I collected these materials during my stay in South Korea from July 2021 to June 2023. During this period, I continuously but intermittently gathered documents because obtaining certain documents required a significant time investment, and some contained information that was totally different from my expectations based on their listed titles. Additionally, as I oscillated between developing theoretical frameworks and analyzing archival documents, I had to gather certain types of documents and then stop and re-start the process of collecting documents as new theoretical frameworks emerged. The documents primarily span the years 2000 to 2020, a period characterized by the planning, implementation, maturation, and adjustments of different policies, institutions, and governance associated with less-skilled migrant workers. Below are details of the documents and the process involved in obtaining them for each paper.

청구신청내역

홈 > 청구/소통 > 신청내역조회 > 청구신청내역

기관찾기

차리기관

처리상태

수수료

결정통지

공개자료

공개여부

접수일자

최근3개월

2022-01-01

2022-12-31

접수번호

청구제목

※ 동일한 청구 검색을 위해 기본 조회기간 설정이 1개월로 변경되었습니다.

다중기관청구 안쪽도청기 결정통지 열람완료 **1** **2** **3**

50페이지

접수일자순

입수번호	접수일자	제목	처리기관명	처리상태	처리일자	열람상태
<input type="checkbox"/>	9899677	2022.09.27	외국인 근로자 고장에 관한 특성 문서들의 상 부공개를 요청합니다 (2011.2012.9)	한국산업안전공단	통지완료 (부분공개)	2022.10.11 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695563	2022.08.11	"외국인 인권대상 송부요청" 문서를 정보공개 청구합니다.	서울특별시 관악구	통지완료 (공개)	2022.08.25 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695558	2022.08.11	"외국인 및 외국국적동포 인권대상 송부" 문서를 정보공개 청구합니다.	서울특별시 관악구	통지완료 (공개)	2022.08.23 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695553	2022.08.11	"외국인 인권대상 이송" 문서를 정보공개 청구합니다.	서울특별시 관악구	통지완료 (부분공개)	2022.08.23 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695546	2022.08.11	"외국인(외국국적동포) 인권대상 송부" 문서를 정보공개 청구합니다.	서울특별시 관악구	통지완료 (공개)	2022.08.24 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695544	2022.08.11	"외국인 인권대상 송부" 문서를 정보공개 청구합니다.	서울특별시 강대문구	통지완료 (공개)	2022.08.24 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695541	2022.08.11	"외국인 전송지 인권대상 송부(PWEN IRINA)" 문서를 정보공개 청구합니다.	서울특별시 용산구	통지완료 (부분공개)	2022.08.23 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695244	2022.08.11	(윤재3동-14937) "외국인(등록외국인) 전송지 인권대상 송부" 문서를 정보공개 청구합니다.	서울특별시 서대문구	통지완료 (중결사시)	2022.08.16 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695215	2022.08.11	(관곡동 3425) "외국인 체류지 변경 및 증명 발급 관련 신청" 문서를 정보공개 청구합니다.	경기도 연천시 단원구	통지완료 (부분공개)	2022.08.12 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695116	2022.08.11	(치양2동-11169) "외국인(귀네거소지) 체류지 변경신고 관련 관련 신청" 문서를 정보공개 청구합니다.	서울특별시 관악구	통지완료 (부분공개)	2022.08.22 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695107	2022.08.11	"외국인 인적사항 자료 요청" 문서를 정보공개 청구합니다.	서울특별시 구로구	통지완료 (공개)	2022.08.18 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695100	2022.08.11	"외국인 인권대상 송부" 문서를 정보공개 청구합니다.	서울특별시 구로구	통지완료 (공개)	2022.08.30 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695088	2022.08.11	(면학동-17124) "외국인 인권대상 송부" 문서를 정보공개 청구합니다.	서울특별시 서대문구	통지완료 (중결사시)	2022.08.18 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695078	2022.08.11	(만원아래과-16539) "영주권 및 신청 외국인 등록증(키스신고증 포함) 발급 열람" 문서를 정보공개 청구합니다.	서울특별시 서대문구	통지완료 (공개)	2022.08.12 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9695071	2022.08.11	(오수동 13305) "외국인 체류지 변경 및 증명 발급 관련 신청" 문서를 정보공개 청구합니다.	경기도 연천시 단원구	통지완료 (공개)	2022.08.16 <input checked="" type="checkbox"/>
<input type="checkbox"/>	9678449	2022.08.05	"외국인 체류지변경 신고사항 허산" 문서를 정보공개 청구합니다.	서울특별시 영등포구	통지완료 (중결사시)	2022.08.08 <input checked="" type="checkbox"/>

- ① Title of requested document
- ② Name of agency that has the requested document
- ③ Result of request

Figure 1.5 Information Disclosure System webpage (open.go.kr, added translated explanations)

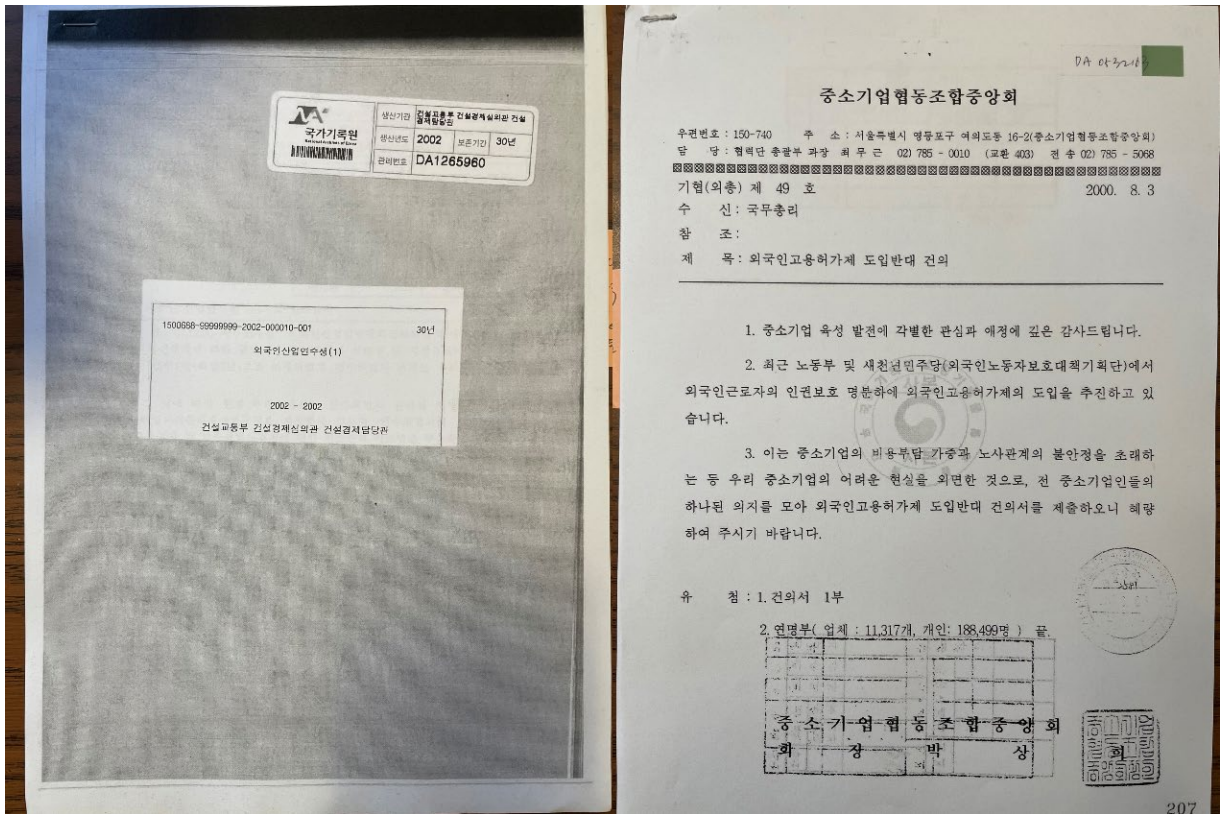


Figure 1.6 Examples of archival documents obtained from the National Archives

1.2.1 Paper 1: Documents from the National Archives and the Human Resources Development Service of Korea (HDRK)

In this paper, I particularly focused on data from two main sources. One source comprises documents related to the policy design phase before the implementation of the EPS, obtained through requests to the National Archives. These include joint meeting documents of various government departments, the internal exchange of opinions, resulting legislation, and guidelines. Through these documents, I concentrated on identifying the primary actors involved in the actual operation of the EPS and found that the responsibilities for the EPS-related tasks were allocated to the Human Resources Development Service of Korea (HDRK), which originally issued national technical

licenses and managed vocational education. Based on this knowledge, I then proceeded to obtain other data sources. The second source consists of internal documents from the HDRK through the Information Disclosure system. These documents provided insights into organizational changes within the HDRK for operating the EPS, workforce deployment, negotiations with EPS participating countries, establishment of offices and local networks in those countries, and practices, facilities, and personnel involved in procedures for recruiting and bringing migrant workers to South Korea.

The process of acquiring these documents was far from smooth. On average, it took about 2 weeks to 2 months to make requests to and obtain documents from the National Archives and the Information Disclosure system, which was not particularly difficult. However, the process of requesting documents from the HDRK was more challenging. I submitted requests for a total of 92 documents based on the information inventory provided by the HDRK. For example, the government official responsible for data management in the HDRK denied my request and decided to keep all documents confidential, except for a very small number. I could not understand these prohibitive decisions as the official claimed there was a potential infringement upon privacy issue, referring to the Personal Information Protection Act (Article 2 Clause 1) although I made it clear to exclude all personal information from the requested documents. Additionally, the official argued that he refused my request because it potentially infringes upon the interests of certain individuals and/or corporate bodies. However, I disagreed with his decision because the HDRK was a (quasi-)governmental agency, not a private company, and the EPS is public policy, not a program for generating profits. Thus, in response, I reviewed relevant laws, including the Information Disclosure Act, and confirmed that the refusal was not

appropriate, prompting me to file an appeal. I first compiled all the denied requested documents into a spreadsheet and argued against the official's incorrect application of the law (see Figure 1.7). Consequently, the HDRK convened a committee to review my appeal, and after approximately two months of review, the decision to withhold the documents was overturned, allowing me to obtain all the requested documents.

이의신청 상세화면

홈 > 워크스튜디오 > 이의신청 > 이의신청 상세화면

접수 대기
접수 완료
이의부서 처리자지정
결정일자 완료
결재 완료
통지 완료
공개완료

기본 및 접수내역

접수번호	9806777	정보공개청구 내용부서	접수일자	2022.10.13
결정일자	부공개	처리사항	이의공제신청	병두도시

이의신청내역

공개내역, 청구내역 내 세부사항은 문서사양에서 한도까지 권노티 비공개내역, 비공개 근거 유형, 해당 항목에 포함여부 있는 상태 - 우편접수인 등 개인정보 보호법, 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태

청구내역 내 세부사항은 문서사양에서 한도까지 권노티 비공개내역, 비공개 근거 유형, 해당 항목에 포함여부 있는 상태 - 우편접수인 등 개인정보 보호법, 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태

1. 이의신청 심판공정제 운영에 관한 사항은 2019년 12월 31일 현재, 비공개 근거 사유는 '개인정보 보호법 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태'로 되어 있습니다. 그러나, 2022년 10월 13일 현재, 개인정보 보호법 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태로 되어 있습니다. 따라서, 해당 정보공개 요청사항에 대한 이의신청은 기각합니다.

2. 이의신청 심판공정제 운영에 관한 사항은 2019년 12월 31일 현재, 비공개 근거 사유는 '개인정보 보호법 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태'로 되어 있습니다. 그러나, 2022년 10월 13일 현재, 개인정보 보호법 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태로 되어 있습니다. 따라서, 해당 정보공개 요청사항에 대한 이의신청은 기각합니다.

3. 공공기관의 정보공개에 관한 법률 제48조제2항에 관한 사항은 2019년 12월 31일 현재, 비공개 근거 사유는 '개인정보 보호법 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태'로 되어 있습니다. 그러나, 2022년 10월 13일 현재, 개인정보 보호법 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태로 되어 있습니다. 따라서, 해당 정보공개 요청사항에 대한 이의신청은 기각합니다.

4. 1. 이의신청 심판공정제 운영에 관한 사항은 2019년 12월 31일 현재, 비공개 근거 사유는 '개인정보 보호법 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태'로 되어 있습니다. 그러나, 2022년 10월 13일 현재, 개인정보 보호법 제2조제2항에 관한 개인정보법 개정 사유 사항에 포함 또는 지정을 정할 필요가 있다고 인정한 상태로 되어 있습니다. 따라서, 해당 정보공개 요청사항에 대한 이의신청은 기각합니다.

내역상세
이의신청내역
접수내역
결정내역
통지내역
공개내역

일련	접수번호	접수일자	접수번호	접수일자	처리내역	처리일자	처리내역	처리일자	처리내역	처리일자	처리내역	처리일자
1	9806777	2022.10.13	9806777	2022.10.13	접수완료	2022.10.13	접수완료	2022.10.13	접수완료	2022.10.13	접수완료	2022.10.13
2	9806777	2022.10.13	9806777	2022.10.13	이의부서 처리자지정	2022.10.13	이의부서 처리자지정	2022.10.13	결정일자 완료	2022.10.13	결정일자 완료	2022.10.13
3	9806777	2022.10.13	9806777	2022.10.13	결정일자 완료	2022.10.13	결정일자 완료	2022.10.13	통지 완료	2022.10.13	통지 완료	2022.10.13
4	9806777	2022.10.13	9806777	2022.10.13	통지 완료	2022.10.13	통지 완료	2022.10.13	공개 완료	2022.10.13	공개 완료	2022.10.13

문서공개청구내역 2021~2022년 행정문서 공개 현황(부서 별) 전체 목록

일련	접수번호	접수일자	접수번호	접수일자	처리내역	처리일자	처리내역	처리일자	처리내역	처리일자	처리내역	처리일자
1	9806777	2022.10.13	9806777	2022.10.13	접수완료	2022.10.13	접수완료	2022.10.13	접수완료	2022.10.13	접수완료	2022.10.13
2	9806777	2022.10.13	9806777	2022.10.13	이의부서 처리자지정	2022.10.13	이의부서 처리자지정	2022.10.13	결정일자 완료	2022.10.13	결정일자 완료	2022.10.13
3	9806777	2022.10.13	9806777	2022.10.13	결정일자 완료	2022.10.13	결정일자 완료	2022.10.13	통지 완료	2022.10.13	통지 완료	2022.10.13
4	9806777	2022.10.13	9806777	2022.10.13	통지 완료	2022.10.13	통지 완료	2022.10.13	공개 완료	2022.10.13	공개 완료	2022.10.13

Figure 1.7 An appeal against the decision I made (left) and the spreadsheet for the appeal (right)

1.2.2 Paper 2: Documents from the National Archives, the local Administrative Welfare Centers (AWC), and the Local Employment and Labor Offices (LELO)

For this paper, I employed a combination of documents from the National Archives and the Information Disclosure System. However, in this paper, I specifically focused on documents obtained directly through the Disclosure requests to local-level agencies. I concentrated on local offices in the Seoul Metropolitan Area (SMA) because it is one of the areas with the highest concentration of migrants, and obtaining documents was more feasible due to my stay in Seoul. Among these, I obtained documents focusing on two different groups of documents from the following government agencies:

The first group of documents utilized in this paper came from the Ministry of the Interior and Safety through the National Archives. I requested these documents to understand the origins and implementation of the Foreign Residence Number and Card systems (FRN/C) in the late 1990s and early 2000s. Another group of documents were obtained through Information Disclosure requests to two types of the lowest-level government offices. First, I aimed to confirm the importance of the FRN/C by obtaining documents which show that the FRN/C is registered in local offices' administrative database and that they exchange according to the movement and registration of each foreign population. In cities of South Korea, the lowest administrative unit is 'Dong', and the list of dong's documents are provided by 'Gu', which is the higher administrative units. Reviewing these lists, I made requests for information relevant to FRN/C and obtained them.

Second, to obtain documents related to the employment and insurance management of migrant workers, I reviewed the list of documents of each Local Employment and Labor office (LELO) in Seoul. Seoul has a total of six branches, and I obtained similar documents from all these branches to reduce potential biases arising from regional differences and directly cited important cases among them in the paper. Similar to the information disclosure requests in Paper 2, some documents were refused, and even for approved documents there were several situations that the officials from the dong and the LELO contacted me to question the purpose of the document request, leading to debates and persuasion processes. Through these processes, I ultimately secured 79 documents.

This process was not entirely smooth either. According to the Official Information Disclosure Act, if the information requested is not confidential, it must be disclosed

unconditionally. However, this was very rarely adhered to. For most information disclosure requests, the officials in charge almost invariably called me several times. Some of them showed a favorable attitude of trying to help me as much as possible, but others displayed a suspicious attitude, repeatedly confirming whether my request was for academic purposes and insisting that permission from higher authorities was required for disclosure, adding that the result will be uncertain. They exhibited uncooperative, and even coercive, attitudes. I was well aware that all of this was against the law, but because there was a need for obtaining data, I strategically decided to maintain an amicable relationship with the officials as much as possible and focused on obtaining the documents. This might be a telling methodological example that demonstrates the archive as a relational place and process between the state and researchers, and the need to understand the characteristics of the state as represented by the state's uncooperative attitude to the request of disclosure (Siener and Varsanyi 2022; Stoler 2002). However, it will not be further discussed here because it exceeds the scope of this study to examine how the state treats archives and the request for disclosure, and by doing so, to understand the 'state of archive' (Siener and Varsanyi 2022). Nevertheless, just as in other qualitative research methodologies such as interviews or ethnographies, I hope that by describing in detail the obstacles encountered in the process of data collection, it will serve as a reference for future researchers as a case study of the state archival research process, especially in South Korean case.

1.2.3 Paper 3: Documents from National Archives with comparison to the newspaper archive documents

In this paper, the sources of documents I utilized are different from the previous ones, with a primary reliance on materials sourced from the National Archives. Given the theme of this paper which involves examining the conflicting positions of different government agencies and non-governmental entities (such as courts and parliament) and their reconciliations, the prominently featured materials here encompass reports, meeting minutes, publications from inter-agency joint committees, external reports, presidential directives, pivotal court rulings, and parliamentary inquiries and deliberations on relevant legislation, spanning from the late 1990s to the early 2000s, the temporal scope during which the EPS system was being designed. Additionally, as I attempt to trace significant changes of the EPS during the mid-2000s to the 2020s, I obtained official pronouncements from the government, such as policy explanations and press releases, particularly from the Ministry of Employment and Labor. Furthermore, newspaper archives of some major media companies in South Korea, including *Dong-A Ilbo*, *Hankyoreh*, *Joseon Ilbo*, and KBS, were employed alongside to cross-check the contents of government's documents and its official statements and explanations. Documents utilized for this paper were obtained as hard copies via courier from the National Archives.

CHAPTER 2. BEYOND THE ‘MIGRATION INDUSTRY’: STATE-LED MULTILEVEL MIGRATION GOVERNANCE AND THE SOUTH KOREAN EMPLOYMENT PERMIT SYSTEM

2.1 Introduction

International migration to and within Asia has garnered significant academic attention. Many studies focus on how lower-skilled temporary labor migration, which is a widespread form of migration in the region (Hugo 2013), is organized and governed. These studies suggest that Asian migration governance can be characterized by the active involvement of private and non-state actors (such as employment brokers, recruiters, and agencies), which they refer to as the “migration industry” (Goh, Wee, and Yeoh 2017; Lindquist 2012; Lindquist, Xiang, and Yeoh 2012; Rodriguez 2010; Xiang 2012; and beyond the Asian case: Gammeltoft-Hansen and Sørensen 2013; Hernandez-Leon 2005; Jones and Sha 2020; Salt and Stein 1997) or “migration infrastructures” (Lin *et al.* 2017; Shrestha and Yeoh 2018; Xiang and Lindquist 2014). The same scholars argue that the governance of Asian migration differs from European guest worker programs in the 1950s and 1960s, since the “recruitment [of labor migrants in Asia] has been left to private recruitment agencies and an ecosystem of intermediaries ...” (Goh, Wee, and Yeoh 2017: 408; see also Hugo 2013; Kaur 2010).

In this chapter, I challenge this thesis by drawing on another group of studies that highlight the on-going and primary role of the state in governing migration in East Asia (Chung 2022a; Marti 2019; Surak 2018). Accordingly, by using the example of the governance of the Employment Permit System (EPS) in South Korea, I argue that Asian migration governance cannot be fully understood through the concept of the ‘migration

industry’. Instead, I propose that the existence and characteristics of the EPS can be viewed as the outcome of what I call ‘state-led multilevel governance (sMLG)’, which is a variant of multilevel governance (MLG) (on MLG, see especially Alcantara and Nelles 2014; Caponio and Jones-Correa 2018). At the same time, I also incorporate the ‘state transformation approach (STA)’ into the analysis to counterbalance the ‘local turn’ in MLG studies (*e.g.*, Caponio 2018; Panebianco 2022; Zapata-Barrero, Caponio, and Scholten 2017). The idea of state transformation (which involves both a mode and result of MLG) is particularly useful for analyzing the shifting configuration of EPS governance from the perspective of the state, rather than focusing on non-state actors. STA examines how the state’s different institutions and agencies have constructed, altered, and are weaved through various territorial ‘levels’ of governance. This counterbalance to the local turn in MLG studies highlights the fact that migration governance does not have a dominant form, such as ‘the migration industry’, but can take different forms in different spatio-temporal settings (Caponio and Jones-Correa 2018; Hampshire 2013; Tortola 2017). This is often overlooked in migration governance studies and broader migration research (Emilsson 2015; Hampshire 2013; O’Dowd 2010).

In this study, I conduct an analysis of South Korean governmental archives in order to understand the governance of the EPS and the processes involved in bringing in (and out) less-skilled labor migrants. The study explores documents from the Human Resources Development Service of Korea (HRDK) and the Ministry of Employment and Labor (MoEL), including internally circulated reports, plans, orders, notifications, and requests. It also analyzes governmental reports, press releases, official gazettes, media, websites,

legal documents, and guidebooks for public officers who work with labor migrants to triangulate those archival documents.

This paper is structured as follows. First, it critically reviews two groups of studies, one on the Asian migration industry and the other, on the state's primary role in governing regional migration (*i.e.*, migration within and to Asia). Second, it discusses studies of MLG in the context of migration as a potential alternative to the Asian migration industry literature. In doing so, it focuses especially on the STA in order to address the limitations of the 'local turn' in MLG scholarship. It then scrutinizes the case of EPS, analyzing how the participant states cooperate in the process of bringing labor migrants in and out of South Korea. The paper concludes with a summary and brief discussion of the implications for migration governance in the context of state transformation.

2.2 Private actors or the state? The mode of governing less-skilled labor migration in the region

A group of studies that I refer to as 'Asian migration industry scholarship' have explored the evolving role of private and other non-public actors in governing the international migration of less-skilled labor in and across Asia. According to these studies, migration can largely be attributed to the activities of private actors (Goh, Wee, and Yeoh 2017; Kern and Muller-Boker 2015; Lindquist 2010, 2012; Robertson and Rogers 2017; Shrestha and Yeoh 2018; Xiang 2012). That is, labor migration is facilitated and even enabled by the activities of brokers, agencies, recruiters, and other intermediaries as the state increasingly complicates bureaucratic procedures of migration in efforts to control migration and borders more tightly, or the state 'outsources' its authority and responsibility

for migration and border control to non-state actors (Bialasiewicz 2012; Gammeltoft-Hansen and Sørensen 2013; see also Guiraudon and Lahav 2000). Thus, these private actors handle the task of matching and liaising between (potential) employees and employers (both in sending and receiving countries), including visa issuances and additional documentation requirements for (im)migration, as well as transportation (*e.g.*, the purchase of flight tickets). Lindquist (2010, 2012), for instance, shows how informal brokers and recruiters streamline the complex bureaucratic process of migration for migrants, rather than relying on formal migration agencies. Similarly, private actors in the migration industry play a significant role in organizing the migration of Nepalese to Gulf countries, due to the limited access to migration information for potential migrants (Kern and Muller-Boker 2015). Other migration cases in the region, including the Philippines (Rodriguez 2010), Vietnam (Belanger and Wang 2013), China (Xiang 2012), the ‘Asian-Pacific’ (Robertson and Rogers, 2017), Indonesians in Singapore (Goh, Wee, and Yeoh 2017), and Taiwan (Asis *et al.* 2019; Surak 2018), also make claims to the primary role of brokers and private agents in the migration industry. Together, they point to the ‘migration industry’ as the dominant regional mode of migration governance. Despite the emphasis on private actors, the migration industry literature does not neglect the state. Instead, it often emphasizes a comprehensive understanding of migration governance that encompasses both the state and private actors, and blurs the boundaries between these actors (Goh, Wee, and Yeoh 2017). For example, Xiang (2012) shows that migration agencies in China intertwine with state bureaucracies, given that most of them are/were former state(-owned) organizations or companies. Similarly, labor migration agencies authorized by the Taiwanese government that collaborate with the state (Surak 2018; Tseng and Wang 2013),

the public/private partnership system in Hong Kong that regulates labor migration (Palmer 2013), and private migration agencies which broker and regulate domestic workers in Singapore (Goh, Wee, and Yeoh 2017) also illustrate how the boundaries are blurred by focusing on private actors in the ‘migration industry’. The emphasis on ‘blurred’ boundaries implies that these studies are consistent with the idea across the social sciences that the state is not a monolithic and well-bounded entity, but a loose configuration of different ‘arms’, branches, or institutions that intersect with various actors beyond the state (see Lindquist, Xiang, and Yeoh 2012; Xiang and Lindquist 2014).

In this sense, some scholars refer to this intertwined relationship between private actors and the state (or governmental actors) as ‘migration infrastructure’, a concept widely discussed in contemporary Asian migration literature. Drawing on the notion of infrastructure, which broadly refers to “matter that enable the movement of other matter” (Larkin 2013: 329) or “socio-technical platforms for mobility” (Lin *et al.* 2017: 167), a group of scholars highlights an “infrastructural approach” (*Ibid.* p. 168) and emphasize the mediation that enables, facilitates, and even shapes Asian less-skilled migration (Lin *et al.* 2017; Shrestha and Yeoh 2018; Xiang and Lindquist 2014; see also Xiang 2016). Within the framework of migration infrastructure, private actors in the migration industry and the role of the state (and their collaborative relationship) constitute parts of migration infrastructure as ‘the commercial’ and ‘the regulatory,’ respectively, along with three other components – ‘the technological’, ‘the humanitarian’, and ‘the social’ (Xiang and Lindquist 2014). For example, Xiang and Lindquist (2014) define ‘the commercial’ as encompassing private actors’ roles and activities, ranging from simply selling the opportunities for migration abroad to potential migrant workers, to gathering documents,

organizing medical tests, and pre-departure training. And ‘the regulatory’ encompasses policy and diplomatic actors and institutions, including conventional governmental and state apparatus, as well as non-state actors involved in outsourcing migration control, and bilateral or international agreements and conventions governing and facilitating less-skilled migration.

While I acknowledge the importance of the migration infrastructure thesis, I choose not to adopt this framework here. The goal of this chapter is to specifically address the question of ‘who’ – whether private actors or the state – wield greater influence in organizing EPS migration. This narrower, yet more analytical question, diverges from the more encompassing nature of the migration infrastructure thesis. This thesis perceives society and spaces as “expressions of infrastructure”, as noted by Lin *et al.* (2017), citing Graham and Marvin (2001: 8). Similarly, they argue that “infrastructure is a reflection of our social and historical evolution”. This all-inclusive approach is evident in Xiang and Lindquist’s (2014) often-cited definition of the five different components of migration infrastructure, as seen above. However, I argue that this overarching definition and ambitiously broad analytical scope can render the idea of ‘migration infrastructures’ somewhat meaningless. I concur with Buier’s (2023) critique of the infrastructural approach, noting that “we find ourselves in a situation in which virtually everything can be classified as infrastructure” and “infrastructure has become a catch-all category” (p. 48). Consequently, the infrastructural approach often puts different social, economic, political, and cultural components and their relationship into a single big bucket, risking the loss of analytical precision, as aptly cautioned by Schweitzer *et al.* (2017: 60) that “infrastructure loses its analytical advantage if everything becomes infrastructure”. Returning to the

research question of this chapter above, it could be challenging to determine which actor predominates in organizing and managing EPS migration under the infrastructural approach, as private actors and the state jointly constitute migration infrastructures, facilitating and enabling EPS migration. Thus, rather than concur with the evolution from the migration industry to migration infrastructure and adopting a comprehensive perspective of the migration industry, I choose to focus on private actors in the migration industry and to discern which actors hold greater significance in the governance of EPS among private actors and the state. As such, I suggest that the role of the state in governing migration should be far more central than what the migration industry thesis suggests for two reasons.

Firstly, the state is still capable and willing to peripheralize and exclude private actors at different levels to regulate migration flows directly. For instance, Chung (2022a) argues that the South Korean state has a highly interventionist approach to immigration, especially for less-skilled migrants, because of the state's developmental (and strategic) practices. Similarly, Seol and Skrentny (2009) also show that South Korea and Japan are able to maintain low levels of migration, at least compared to their European and North American counterparts, because of the restrictive attitude of their elitist bureaucracies. Similarly, Surak (2018) argues that South Korea is the "counterexample of de-marketization [in governing (im)migration]" (p. 24) and described that "[in] contrast to Japan and Taiwan, South Korea stands at the opposite end of the spectrum in its reliance on [the] market mechanism and private actors" (p. 17). Secondly, the configuration of migration governance is diverse, and the relationship between private actors and the state is likely to be highly varied, particularly due to the substantial political and socioeconomic diversity

in Asia (see also Asis *et al.* 2019; Hollifield and Sharpe 2017; Marti 2019; Surak 2018). Thus, we should not discount the possibility that the role of private actors in migration governance might be overstated and therefore try to understand the diversity of governance more inductively (Hameiri and Jones 2015: 56-7, see also Bevir and Hall 2014: 26; Jessop 2022).

The EPS case, with its strong state intermediation can contribute to another perspective on current Asian migration governance studies. By analyzing this case, it may be possible to understand how the state effectively excludes private actors from migration governance, particularly in bringing labor migrants in (and out). However, this does not mean again that the state acts alone in this governance; rather, it works together with various actors across multiple political and territories to shape governance. To better comprehend this, I will draw on two interrelated concepts: MLG, as a common concept in migration governance studies, and state transformation, which is an important mode and source of MLG. I will conceptualize the EPS as sMLG by combining these two approaches in the next section.

2.3 Contouring state-led multilevel (migration) governance

This section brings together the concepts of ‘state transformation and (migration) MLG’ to introduce the concept of sMLG, highlighting the increasing political and territorial complexity of migration governance and the role of the state in leading the governance process. In this paper, MLG is seen as both a mode and an outcome of state

transformation, implying active changes in the state across multiple territories (Benz 2019; Bevir 2010; Hameiri and Jones 2016).

2.3.1 MLG and Migration: with or without the state?

MLG has been employed to comprehend the intricacies of contemporary migration governance. This approach is particularly valuable for exploring the evolving political and policy institutions and state practices, including international, national, and sub-national interactions (such as processes of fragmentation, cooperation, and integration) across/beyond traditional jurisdictions. This is because national governments alone have encountered difficulties in managing migration (Caponio and Jones-Correa 2018, Panizzon and Riemsdijk 2019; see also Guiraudon and Lahav 2000). For example, there has been extensive research on how European nation-states transfer their authority to the European Union or similar non-EU European regional institutions, how local actors (*e.g.*, cities and municipalities) de-synchronize from national governments, and how various political actors at multiple levels interact within, across, and beyond European space (for a review, see Stephenson 2013).

Over the last five years, there has been a noticeable ‘local turn’ in MLG research, which on one hand emphasizes the active role of local polities in organizing policy networks and transcending national political frameworks (Caponio 2018, 2021; Lacroix and Spencer 2022; Panebianco 2022; Triandafyllidou 2022; Zapata-Barrero, Caponio, and Scholten 2017; Zardo and Wolff 2022). On the other hand, some scholars have studied the role of local non-state actors in migration governance. Non-governmental organizations, labor unions, and even private businesses jointly constitute migration governance (Peters

and Pierre 2004: 77; Piattoni 2010; Riemsdijk, Marchand, and Heins 2021). This ‘governance turn’ in migration studies emphasizes the role of non-state actors at multiple levels over traditional nation-states and may be seen as debunking the traditional emphasis on the nation and the state in migration studies.

As with the emphasis on non-state actors, some studies, such as those associated with the ‘local turn’ (noted above) may overlook that the state still has the capacity to organize MLG or at least, remain an important institutional element of MLG. That is, they may over-emphasize the importance of non-state actors in their urgency to critique a Weberian-Westphalian perspective or state-centrism. However, it is important to note that the MLG and the state are not mutually exclusive, as some scholars argue (Benz 2019; Borzel 2020; Hameiri and Jones 2016), and MLG was not originally designed to exclude the state (Borzel 2020; Hooghe and Marks 2020).

Thus, there does not seem to be a singular model of the MLG with respect to migration. However, this does not mean that we should fall into the conceptual vagueness or ‘generalist’ tendency (Tortola 2017: 237) of the MLG literature (Alcantara and Nelles 2014; Caponio 2021). Instead, my aim is to focus on the central role of the state and its impact on the territorial restructuring of governance. To do this, I draw on the idea that views state transformation as the primary mode of MLG (Hameiri 2009; Hameiri and Jones 2015; see also Hooghe and Marks 2003). Moreover, this approach can help address the current bias towards European studies in migration related MLG research (Marti 2019; Tortola 2017).

2.3.2 State transformation as a mode of migration MLG

State transformation refers to a series of changes in the state's institutions, organization, instruments, actors, and rationalization, to address emerging (transnational) issues (Hameiri 2009; Hameiri and Jones 2015). It is often associated with the MLG and/or regarded as a mode of MLG, given that the changes inevitably occur at different political-territorial levels with various actors (Benz 2019; Hameiri and Jones 2016). However, it differs from the dominant approach to MLG which emphasizes non-state actors, by focusing more on the state itself and its changes.

The STA is influenced by different social sciences (especially anthropology, geography, and political science, *e.g.*, see Gupta 1995; Mitchell 1991; Painter 2006; Passoth and Rowland 2010), and in particular by Foucauldian ideas (*e.g.*, Foucault 2007; Lemke 2007). It views the state as an ensemble of evolving institutions, actors, practices, knowledges, and their dynamic interactions over time. The STA does not necessarily assume that the state, as a dominant holder of sovereignty, must hand over or devolve its power and authority to others, as is often assumed in the MLG approach. Instead, in the STA, the state sustains its power and authority but exercises this power and authority in a network-like manner. As with MLG, the STA involves what Rosenau (1997) called a 'framigration' of the state. That is, as an ensemble, the state can fragment itself and/or change its fragments and connect them for example with other states and non-state actors, or to redistribute power, authority, and resources (Hameiri and Jones 2015) across multiple territories (see also Brenner and Elden 2009: 368; Sassen 2014). Such a political rearrangement often takes the form of project-based (temporary) systems (see Hooghe and Marks 2003) that deal with, for example, border/migration management, transnational

environmental issues, and (regional) pandemics (e.g., Bulkeley *et al.* 2014; Casas-Cortes, Cobarrubias, and Pickles 2016; Hameiri and Jones 2015). In this sense, the STA offers a useful perspective for rethinking the state's ability to organize a particular form or configuration of MLG.

More specifically, state transformation can be described through two processes that lead to a multilevel political configuration (Benz 2019). The first process involves changes in political-territorial boundaries of the state (see Jessop 2013). Therefore, the state may co-work with other states and traverse different jurisdictions of nation-states, and it occurs in a relatively non-hierarchical manner to facilitate collaboration. For example, the state can make new collaborative relationships with other states (and private actors), establish task-specific branches in different sub-national territories, even overseas, and organize transnational policy cooperation systems, meaning the process of 'de-' and 're-statization' (*Ibid.*, p. 16). Thus, the state and MLG are complementary, not mutually exclusive, as the state is a source and a result of the MLG.

Second, and related to the first set of processes above, the state also rearranges the internal order of power, authority, institution, and apparatus (Hameiri and Jones 2016). The state must adjust its previous domestic political landscape to legitimize and consolidate newly established governance interaction and power arrangements, as to avoid critical legal and institutional conflicts (Huber *et al.* 2015). In the context of the EPS, these changes include especially resolving legal issues that arise from transferring authority to newly created and joined actors (including other states), creating necessary institutions and organizations, defining their relationships, and arranging and assigning government personnel to newly established sectors (see Alcantara and Nelles 2014; Hameiri and Jones

2015; Jessop 2022). By making these changes, the state can ensure that the novel configuration of governance will be consolidated and sustained.

However, it is important to note that these two processes are interrelated and work hand in hand. While internal state changes support the network-like extension of state power along with a diverse array of (non-state) actors at different territorial levels, this newly emerged multilevel state power drives internal state changes. This highlights the need to analyze these two aspects together, rather than individually, at an empirical level. In the next sections then, I analyze the EPS case by connecting these two processes.

2.4 State-led MLG (sMLG) and EPS

The EPS is a South Korean program for less-skilled labor migration. It was officially launched in 2004 to replace the previously used Industrial & Technical Training Program (ITTP⁶), which had been criticized by labor and religious organizations for its exploitive labor rights abuses, fraud by brokers, and forcing ‘trainees⁷’ to become undocumented migrants. These issues arose from the seriously unbalanced relationship between employers and trainees and the absence of social security to protect the trainees. Although there are still issues with the EPS, such as an ongoing lack of labor rights (*e.g.*, the right to change workplaces) and other rights for migrant workers (*e.g.*, family reunification), it has

⁶ The ITTP, implemented in 1994, was a small-scale migrant worker program (but they were recruited officially as ‘trainees’ [*sic*]) where migrant workers worked in various manufacturing industries.

⁷ Migrant workers who moved to South Korea under the ITTP are referred to as trainee because they went to South Korea to learn industrial skills, not to work, according to the official criteria of the ITTP.

solidified as the primary program for less-skilled labor migration in South Korea. EPS migrant workers now occupy one of the largest visa categories in South Korea (MoJ 2022).

In this section, I analyze the role and activities of the HRDK, its EPS centers in sending countries, and ‘sending agencies’ in relation to the state’s transformation to address the inflow of labor migrants. The HRDK is a para-governmental department under the MoEL.⁸ It has been responsible for ‘bringing⁹’ labor migrants to South Korea under the EPS since 2004 and has established EPS centers in every EPS sending country. ‘Sending agencies’ refer to (para-)governmental agencies of each sending country that collaborate with the EPS centers and/or directly correspond with the HRDK. I examine how these governmental bureaus play a role and interact with each other in enabling and facilitating labor migration, with two main foci: 1) how the EPS participant states (but mainly focusing on South Korea) have changed themselves and built the particular configuration of EPS governance by connecting multiple places and actors to support and sustain the EPS; and 2) whether and how these governmental agents virtually exclude private actors in moving labor migrants from sending countries to South Korea, which is a core task of the EPS.

⁸ Koh and Paek (2019), as well as even some governmental documents (e.g., “*Report on the Meeting of Relevant Ministries Regarding Foreign Worker Issues*”, National Archive Document, June 22, 2005), regard the HRDK as a private organization. However, I do not share this view and instead regard the HRDK as a governmental bureau for several reasons. Firstly, the HRDK is officially classified as a para-governmental institution under the MoEL according to the Act on the Management of Public institutions. Secondly, as a result, it is subject to laws that commonly apply to public governmental organization, such as the Act on the Management of Public Institutions, the Official Information Disclosure Act, the Public Records Management Act, and the Improper Solicitation and Graft Act. Thirdly, the government and the National Assembly decide and control its budget and audit.

⁹ I employ this term in lieu of ‘recruiting’ since it directly corresponds to the phrase utilized by the South Korean government and some media to describe the recruiting process.

2.4.1 Making and Sustaining EPS Governance through State Transformation

HRDK was initially established to enhance ‘human resources’ as a para-governmental agency under the MoEL (at that time Ministry of Labor) in 1982. As its first name (Vocational Training Management of Korea) implies, it has been in charge of training, tests, and issuing licenses for the manufacturing industry and related technical skills, with the intent of supporting national economic development. Meanwhile, two important issues arose when the South Korean government designed the EPS program during the late 1990s and the early 2000s (*Maeil Labor News* 2006)¹⁰: 1) establishing a more integrated governmental department to handle the program comprehensively by combining several parts/roles of different governmental agencies that addressed the ITTS¹¹; and 2) taking over the role of private actors, who participated in operating the ITTS previously (*i.e.*, semi-public agencies above, such as KBIZ and NACF¹²). In short, the EPS mainly aimed to establish a governance system that was mainly controlled by the state.¹³ The government decided that the HRDK should be the sole agency that addresses EPS after several joint meetings among different agencies by transferring the required organization, function, and personnel from the departments¹⁴ to HRDK. As a result, the HRDK has monopolized the task of employing foreign less-skilled workers under the EPS since 2004,

¹⁰ See also “*Report on the Meeting for Foreign Worker Issues among Relevant Departments*” (National Archive Document, June 22, 2005).

¹¹ It includes the Ministry of Labor, the Ministry of Justice, the Ministry of Agriculture, the Ministry of Oceans and Fisheries, the Ministry of Land, Infrastructure and Transport, and the Agency of Small Business. Because of the transfers, these departments were excluded from the recruitment of foreign workers under the EPS.

¹² Korean Federation of SME (KBIZ) and National Agricultural Cooperative Federation (NACF or NH)

¹³ This philosophy is already expressed by high-ranking public officials, such as the Minister of Employment and labor and by congresspersons (National Assembly’s Special Committee for Environmental and Labor issues minutes, June 23, 2000, p.13).

¹⁴ For example, “*Foreign Labor Policy Committee Decisions*” (National Archive Document, November 30, 2006).

while sustaining its traditional role of supporting and managing industrial human resources for the national economy.

This resulted in HRDK changing its own organizational arrangement, creating both new divisions such as the Center for International Human Resources and the Bureau of Foreign Workers around 2004, as well as the EPS centers from 2004 to 2008. While these newly established organizations belong to the HRDK (or the MoEL), they primarily work for the transnationally-operating EPS, as they mainly interact with different countries' offices. Yet, among these newly-born agencies, the center and bureau of migrant workers locate domestically, whereas other apparatuses of the state—EPS centers—work outside of South Korea, interacting with other countries' administrative counterparts (the 'sending agencies' of EPS-participant countries) which lends to a multiple territorial governance, or 'fragnegration' (Rosenau 1997).

Table 2.1 The location of EPS centers and each sending agency of the EPS-participant country (in chronological order of EPS MOU agreements)

Countries	Locations of EPS centers	Sending Agencies	Public/Private
The Philippines	Pasig City	Philippine Overseas Employment Administration (POEA) or Department of Migrant Workers (DMW)	Public
Thailand	Bangkok	Department of Employment, Ministry of Labour (DOE)	Public
Indonesia	Jakarta	Board of Protection for Indonesian Migrant Workers (BPIMW)	Public
Vietnam	Hanoi	Center of Overseas Labour (COLAB)	Public

(Table 2.1, continued)

Sri Lanka	Battaramulla	Sri Lanka Bureau of Foreign Employment (SLBFE)	Public
Mongolia	Ulaanbaatar	General Office for Labour and Welfare Service (GOLWS)	Public
Uzbekistan	Tashkent	Agency of External Labor Migration (AELM)	Public
Pakistan	Islamabad	Overseas Employment Corporation (OEC)	Public Public sector company (registered as a private limited company, but controlled by the Ministry of Overseas Pakistanis and Human Resource Development)
Cambodia	Phnom Penh	Manpower Training and Overseas Sending board (MTO SB)	Public (Newly established governmental agency in 2006, tasked EPS)
China	Beijing	Investment Promotion Agency of Ministry of Commerce of P.R China (CIPA)	Public
Bangladesh	Dhaka	Bangladesh Overseas Employment and Services Limited (BOESL)	Public
Kyrgyzstan	Bishkek	Center for Employment of Citizens Abroad (CECA) or Information and Consultation Centre (ICC)	Public
Nepal	Kathmandu	EPS Korea section	Public
Myanmar	Yangon	Public Overseas Employment Agency (POEA)	Public

(Table 2.1, continued)

Timor-Leste	Dili	National Directorate of Overseas Employment (NDOE)	Public (Under the Secretary of State for Training and Employment, SEFOPE)
Laos	Vientiane	Employment Service Center (ESC)	Public

* If there is no information on affiliation in brackets in the ‘public or private’ column, the agency belongs to the main department that addresses labor and employment (abroad) of each sending country.

These required legitimization through legal modifications, as exemplified by revising and enacting two (groups of) laws. First, the Act on Human Resources Development of Korea has been revised twice (2004 and 2011) to be more consonant with the newly assigned EPS-related tasks and organizational changes. The 2004 revision articulated that ‘bringing’ labor migrants to South Korea is an exclusive task of the HRDK chartered by the MoEL, whereas the 2011 revision foregrounds the establishment of EPS centers. Second, the Act on the Employment of Foreign Workers, the Enforcement Decree, and the Enforcement Rule of the Act, which were implemented in 2004 for the EPS, have articles that ‘delegate’ and/or ‘entrust’ authority to the HRDK in order to address bringing in labor migrants in and out of South Korea.¹⁵ This includes making administrative rules/changes of the EPS by the head of HRDK.

¹⁵ Article 28 of the Act, “*Delegation or Entrustment of Authority*”, especially regarding the boundaries of tasks, clause 1 of article 21, “*Projects Related to Foreign Workers*,” Article 31 of the Enforcement Decree, “*Delegation or Entrustment of Authority*”, clause 6.2 and 6.3, and Article 19 of the Enforcement Rule, “*Regulations on Treatment of Tasks*”.

Ensuring the smooth operation of EPS governance also requires a (para-)legal basis, which allows for the expansion of domestic institutions' authority and functions beyond South Korea, especially transnationally, as well as for interconnecting EPS-participant countries' governmental bureaus. EPS governance relies on memorandums of understanding (MOUs) to support its governance configuration, similar to other migration/border management systems (Casas-Cortes, Cobarrubias, and Pickles 2016; see Piper and Rother 2022). Sending countries have been in agreement with South Korea regarding EPS governance, starting from 2004 for the Philippines and 2008 for Timor-Leste. Despite localized differences, the MOUs include several common fundamental rules: 1) only public-governmental institutions are allowed to participate in EPS, and private actors (especially brokers) should be excluded (see Table 2.1)¹⁶; 2) EPS-TOPIK and related tests, which are conducted in sending countries, are the most important and required step for becoming EPS workers; 3) sending governments must only charge actual expenses to EPS workers (*e.g.*, taking tests and flight tickets); 4) participating institutions must cooperate with each other regarding general issues; and 5) the institutions must aim to reduce the number of undocumented migrants.¹⁷ These rules, while not enforceable, serve as a para-legal basis for the multilevel activities of associated institutions across different places in sending countries and South Korea.

I have argued that EPS centers play a crucial role in operating governance. They serve as a liaison among sending agencies, HRDK, and other relevant departments,

¹⁶ If private actors are active in a certain sending country, the country might be subject to 'penalties', such as a halt in testing and employment procedures, and the MOU can be temporarily suspended.

¹⁷ MoEL press release: "*Efforts to Reduce Undocumented Migrants, Collaborating with Sending Countries – South Korea and Thailand Agree on Fourth EPS MOU.*" (April 16, 2012)

functioning as a sort of labor recruitment embassy. Archival documents from EPS centers illustrate how they coordinate relevant governmental actors in different countries, handling practical and everyday tasks. The centers not only communicate with sending agencies to confirm plans for tests and movements to South Korea,¹⁸ but also report issues, complaints, and conflicts from sending agencies and governments to the HRDK. For example, a document shows that the EPS center in Mongolia conveys the Mongolian sending agency's request to raise fees for EPS test applicants due to rising processing costs for the HRDK.¹⁹ Working with local South Korean embassies/consulates and sending agencies, they also play a role in enhancing diplomatic relationships between sending countries and South Korea, further strengthening EPS governance for making connections with private actors.

Finally, EPS centers are responsible for additional tasks within the EPS. Although private actors have limited involvement in EPS as seen so far, they are not completely eliminated from the governance configuration. The EPS also aims to return workers whose contract have expired or will soon expire to their home countries to reduce the number of undocumented migrants in South Korea, which is called the "Happy return program." For this program, the centers attempt to build strong relationships with local South Korean businesses to encourage them to hire returned EPS workers to increase their job opportunities back home (Wickramasekara 2019: 20-22; some archival documents²⁰). Given that interactions with private actors are one of the most important features of MLG,

¹⁸ For example, see "*Monthly Report on the EPS Center*" by the head of the Philippines EPS centers (HRDK Archive Document, March 1, 2011).

¹⁹ According to the MOUs, HRDK and sending agencies (governments) jointly determine the actual cost of processing the EPS steps, considering socioeconomic changes such as inflation. This is also evidenced in other documents, such as "*Report from the EPS Center in Mongolia: Request of Sending Agency of Mongolia to Increase the Fee Paid by Each EPS Worker.*" (HRDK Archive Document, December 5, 2010).

²⁰ For example, "*Recommendation of Industries for Returned Mongolian EPS Migrant Workers*" (HRDK Archive Document, May 3, 2011).

these private business actors might suggest that EPS is exemplary of MLG. However, I do not elaborate on these private actors here because they are weakly connected with other central actors, and more importantly, they do not play a crucial role in making the EPS workers migrate, because hiring them is just optional, while their position in the EPS remains peripheral.

2.4.2 'Bringing' Labor Migrants to South Korea by the HRDK

As seen in the previous section, EPS participant states (particularly, South Korea) have built a specific governance configuration across different territories through state transformations, including changes in organizations, legal rules, and the physical locations of EPS centers. The question then is, how does the EPS actually facilitate the movement of migrant workers from their home countries to South Korea? In other words, how does the EPS address the tasks typically undertaken by private actors in other Asian labor migration cases? The process of employment and migration is bi-directional and unfolds in both sending countries and South Korea. First, in sending countries, potential workers who wish to work in South Korea must pass a Korean language test for the EPS (EPS-TOPIK), as well as medical and vocational tests. Sometimes these tests include job interviews in Korean. If an applicant passes the tests, the applicant is listed on the EPS job-seeker list, officially included in the job seeker's roster, which is valid for one year, and which is automatically shared by the HRDK through the Sending Public Agency System. Meanwhile, in South Korea, potential employers have two options for employing migrant workers: 1) visiting local branches of the MoEL to obtain recommendations from the list, or 2) directly choosing migrant workers based on the information on the list and interview

videos (via the EPS portal website).²¹ Once they decide, they ask employment permission from the MoEL for the selected workers, while an employment contract is made based on working conditions the employers suggest and the contract is then sent to the HRDK. HRDK confirms the contract and forwards it to sending agencies. Then, sending agencies propose the contract to the designated workers, and once they agree to the contract, the sending agencies send it back to the HRDK, which concludes the contracting process. After that, the employers ask for confirmation of the visa issuance from the Ministry of Justice (MoJ) and deliver it to HRDK. HRDK forwards it to the sending agencies for employees to receive an EPS working visa (E-9) from the South Korean Embassy or Consulate.²² Finally, the migrant workers move to South Korea and are trained at vocational training centers, where they meet the employers. This entire process is displayed in Figure 2.1.²³

²¹ Many employers actually often rely on four semi-public agencies in this process: the Korean Federation of SMEs (KBIZ), the National Agricultural Cooperative Federation (NACF or NH), the National Federation of Fisheries Cooperatives (NFFC or SH), and the Construction Association of Korea (CAK). However, these agencies differ from other private actors described in the migration industry literature. Firstly, their role is solely limited to recruiting and employment of migrant workers. Secondly, they have a monopoly in their clearly defined tasks, based on their professional fields. NACF, for instance, only serves agriculture and livestock industries. Thirdly, as nationally stretched organizations, they have various relationships with the state. The heads and chairpersons of these agencies are often former politicians or high-ranking public officials, making them closer to the state than ordinary private actors. Thus, while I acknowledge their role in the EPS, I do not regard these as significant or comparable to that of the state.

²² The gamut of processes associated with the EPS can be understood as the operation of externalized borders in a more geographical sense. As studies on border externalization have shown, contemporary borders are not necessarily conventional national territory borders (Balibar 2002: 1). Instead, they can encompass islands far from the mainland of national territory, international waters, and even the territories of other countries (e.g., international airports and other counties' territorial waters). And migrants are investigated and 'filtered' at these different 'remoted' borders (Zolberg 2003) before they reach the traditional national border lines and enter the national territory (Bialasiewicz 2012; Casas-Cortes *et al.* 2016; Cobarrubias 2020; Geiger and Pecoud 2010; Lemberg-Pederson 2012; Mountz 2011). Similarly, the EPS Korean test, job interviews, investigations, and paperwork for visa issuance all function as policy apparatuses of externalized borders because they enable the South Korean government to accept only so-called 'reliable' and 'eligible' migrants to enter South Korea. However, I do not engage further with border externalization because discussing it would dilute this chapter's theoretical focus – migration industry and sMLG.

²³ I trace this process by relying on several sources, including government archival documents, HRDK and EPS websites, interviews (Amnesty International Korea 2012, *Gwangju-Ilbo* 2008)

There seems to be no significant intervention of private actors in the EPS process; however, more scrutiny is required to confirm their absence because private actors might be involved in hidden activities, such as matching potential employers and employees, paperwork, and organizing flights, as in other Asian labor migration cases. Thus, I particularly analyze three important steps that likely involve private actors in other (Asian) migration governance cases, but are managed only by governmental agencies in the EPS.

First, I argue that the job-seeker list and the tests (EPS-TOPIK, interviews, and medical and vocational tests) are key methods for guaranteeing governmental control over the migration process, excluding private (business) actors. As mentioned, a potential migrant worker must pass the tests and be on the list to advance the process, as it is the only gateway to becoming an eligible EPS migrant worker. There is no other means for potential employers in South Korea to acquire information about future migrant workers, apart from the list. Thus, it effectively reduces the complexity in the labor supply-demand interface, and by doing so, it helps governmental agencies to address the dynamics of the labor market, without the hands of private brokers and mediators. Therefore, managing and controlling the tests are crucial tasks for the EPS. HRDK establishes and implements (localized) test plans for each sending country, including schedules, number of passers, and anti-cheating measures.²⁴ However, HRDK needs support from local branches in sending countries to administer these; hence, HRDK establishes EPS centers in each sending country, which act as a diplomatic office specialized in the EPS. These centers handle practical tasks for the tests, working with sending agencies. For example, they manage the

²⁴ These plans must be reported to the MoEL, according to the Act on the Employment of Foreign Workers and the Enforcement Decree of the Act on the Employment of Foreign Workers.

test schedules (see Figure 2.2) and handle local conditions (*e.g.*, test venues). HRDK also directly manages the test by dispatching staff. Another document shows that the staff inspects technical issues to ensure that the test system works without any problems, while collaborating with EPS centers (and sending agencies, if necessary) in Cambodia and Uzbekistan.²⁵ HRDK also co-works with other departments in the MoEL to develop tests and manage the job-seeker list database.

²⁵ “*Request to Sending Countries for Visa Issuance*” (HRDK Archive Document, January 6, 2011)

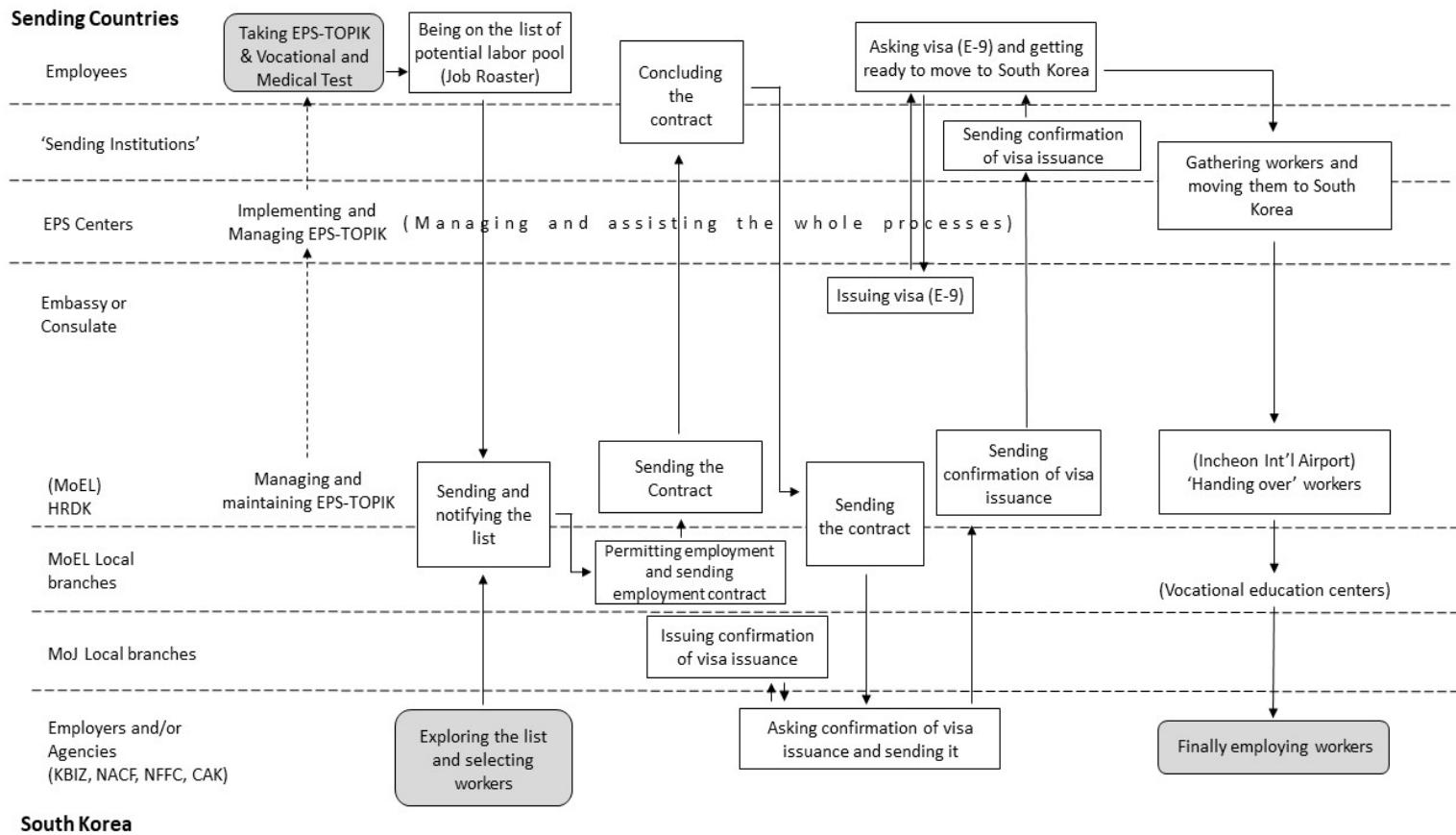


Figure 2.1 The process of EPS employment across (potential) employees and employer, and different governmental agencies of EPS-participant countries

Note: Gray boxes indicate the beginning and the end of a cycle of employing an EPS cohort.

필리핀 제4회 외국인력 선발포인트제(제조업) 최종 결과 Test Result of 4th Point System in Philippines(Manufacturing)									
연번 No.	한국어응시번호 Primary Key	성명 Name	성별 Gender	생년월일 Birthdate	업종 Industry	총점 Total Score	결시 Absent	색각이상 여부 Color Vision Defect	합격여부 Pass
1	0112020C500000		Female	1998	Manufacturing	97.5	N	N	Y
2	0112020C500000		Female	1995	Manufacturing	85	N	N	Y
3	0112020C500000		Male	1986	Manufacturing	57.5	N	N	Y
4	0112020C500000		Female	1993	Manufacturing	65	N	N	Y
5	0112020C500000		Male	1992	Manufacturing	50	N	N	Y
6	0112020C500000		Male	1997	Manufacturing	57.5	N	N	Y
7	0112020C500000		Male	1990	Manufacturing	70	N	N	Y
8	0112020C500000		Male	1991	Manufacturing	52.5	N	N	Y
9	0112020C500000		Female	1985	Manufacturing	57.5	N	N	Y
10	0112020C500000		Female	1988	Manufacturing	55	N	N	Y
11	0112020C500000		Male	1981	Manufacturing	60	N	N	Y
12	0112020C500000		Male	1993	Manufacturing	52.5	N	N	Y
13	0112020C500000		Male	1992	Manufacturing	85	N	N	Y
14	0112020C500000		Male	1985	Manufacturing	52.5	N	N	Y
15	0112020C500000		Male	1989	Manufacturing	60	N	N	Y
16	0112020C500001		Female	1989	Manufacturing	57.5	N	N	Y
17	0112020C500001		Female	1984	Manufacturing	57.5	N	N	Y
18	0112020C500001		Male	1992	Manufacturing	50	N	N	Y
19	0112020C500001		Male	1988	Manufacturing	52.5	N	N	Y
20	0112020C500001		Male	1988	Manufacturing	55	N	N	Y
21	0112020C500001		Female	1990	Manufacturing	62.5	N	N	Y
22	0112020C500001		Female	1988	Manufacturing	80	N	N	Y

Figure 2.2 Test results announcement of EPS-TOPIK and other tests by the EPS center in the Philippines

Source: EPS center in the Philippines (<https://www.facebook.com/epsphilippines>, Personal information and other information that would allow the identification of specific applicants are removed from the figure)

The governmental agencies also monopolize the management and the connections between potential employees and employers. They verify, correct, and exchange personal and work information of both parties, as well as updates on them. This is evident in several documents, such as a reply from HRDK to the Investment Promotion Agency of Ministry of Commerce of P.R China (CIPA), the sending agency of China, regarding the results of checking a list of 1,765 EPS-TOPIC test passers in China. In the letter, HRDK certifies the eligibility of only 1,032 test passers, and pauses further processing of the EPS for the rest

because their profiles did not meet HRDK's standards.²⁶ Similarly, other documents²⁷ show that Mongolian, Thai, Nepalese, and Bangladeshi sending agencies asked HRDK to correct their potential migrant workers' personal information (names and birth dates) and HRDK forwarded these to local branches and employers. In the case of Bangladeshi migrants especially, the HRDK ran into problems of managing personal information (see Figure 2.3). HRDK also handles requests for changes from potential employers and manages the list of potential employees. According to certain documents,²⁸ some business owners occasionally give up employing EPS workers due to changes in their situations (e.g., financial issues and late arrival of migrant workers), which are forwarded to sending agencies and potential workers. HRDK then requests to withdraw further steps for employment, including visa issuance.

²⁶ "Sending the Result of Checking the List of Job Seeker from China" (HRDK Archive Document, March 18, 2011).

²⁷ For example, "Reporting on the Correction of a Mongolian EPS Worker" (HRDK Archive Document, January 30, 2012).

²⁸ For example, "Cancellation of Employment Contract of Uzbekistan Migrant Workers by Employers" (HRDK Archive Document, January 4, 2011).



Figure 2.3 A Bangladeshi newspaper article criticizing mishandling personal data of potential EPS workers by the BOESL and urging communication with HRDK to protect the workers

Source: HRDK’s internal report (“*Movement Report*”, January 4, 2011)

Finally, these institutions also exclusively handle the task of actually moving labor migrants from their home countries to South Korea, including paperwork for visa issuance, guiding them to South Korea via pre-determined flights, and making them meet their employers. EPS centers work with sending agencies and South Korean Embassies/Consulates to issue EPS working visas for the migrants on time. Once visas are issued, the migrants are gathered and travel to South Korea together as a cohort via a pre-determined flight by the HRDK, wearing the same clothes or caps, guided by staff from the sending agencies.²⁹ A plan for the migration of EPS migrant workers, which the HRDK

²⁹ According to a document (“*Notification of plan for an EPS cohort immigration*”, HRDK Archive Document, February 18, 2011) HRDK send a letter requesting cooperation from the sending agencies in the

designs and shares with the MoEL, Incheon International Airport, and EPS centers,³⁰ contains an immigration plan for 273 EPS workers. According to this document, several staff of the HRDK meet the migrants at Incheon International Airport, the only port allowed for EPS migrant workers, with information about the flights in the plan. At the airport, the staff of the sending agency ‘hand over’ the migrants to the staff of the HRDK, in order to prevent their ‘escape’ from the cohort,³¹ and HRDK staff guide them to vocational training centers where the migrants meet their employers.

While the Asian migration industry literature involves different cases in which private actors and the state work together (Goh, Wee, and Yeoh 2017; Palmer 2013), these three phases of the EPS demonstrate how governmental institutions exclude private actors by showing the absence of the migration industry, especially profit-driven private actors. Therefore, the EPS shows a unique case of international labor migration where the intervention of private actors is blocked by the state(s) systematically. However, I would argue that it is too simplistic to interpret the EPS case as indicative of an omnipresent and omnipotent state that dominates the migration process without any gaps. Instead, it is another example of the blurred boundaries between the state and the private sector, as emphasized by the Asian migration industry and migration infrastructure literature, but from the opposite perspective.

migration process of a cohort of EPS workers. The letter asks the agencies to confirm that the workers are ready to migrate to South Korea at least before the day of arrival.

³⁰ “*EPS (E-9) Immigration Plan Report for the 2nd Cohort in 2011*” (HRDK Archive Document, January 7, 2011).

³¹ According to documents from the HRDK (“*A Filipino migrant worker escaped at the airport*”, January 27, 2011, “*A Mongolian migrant worker escaped at the airport*”, March 10, 2011, and “*A plan for the 2nd entrance of the EPS migrant workers*”, January 7, 2011), some EPS workers attempt to ‘escape’ from their cohort at the airport in order to become irregular migrants and gain more flexibility in the labor market. However, this is accompanied by risks, such as less legal and policy protection.

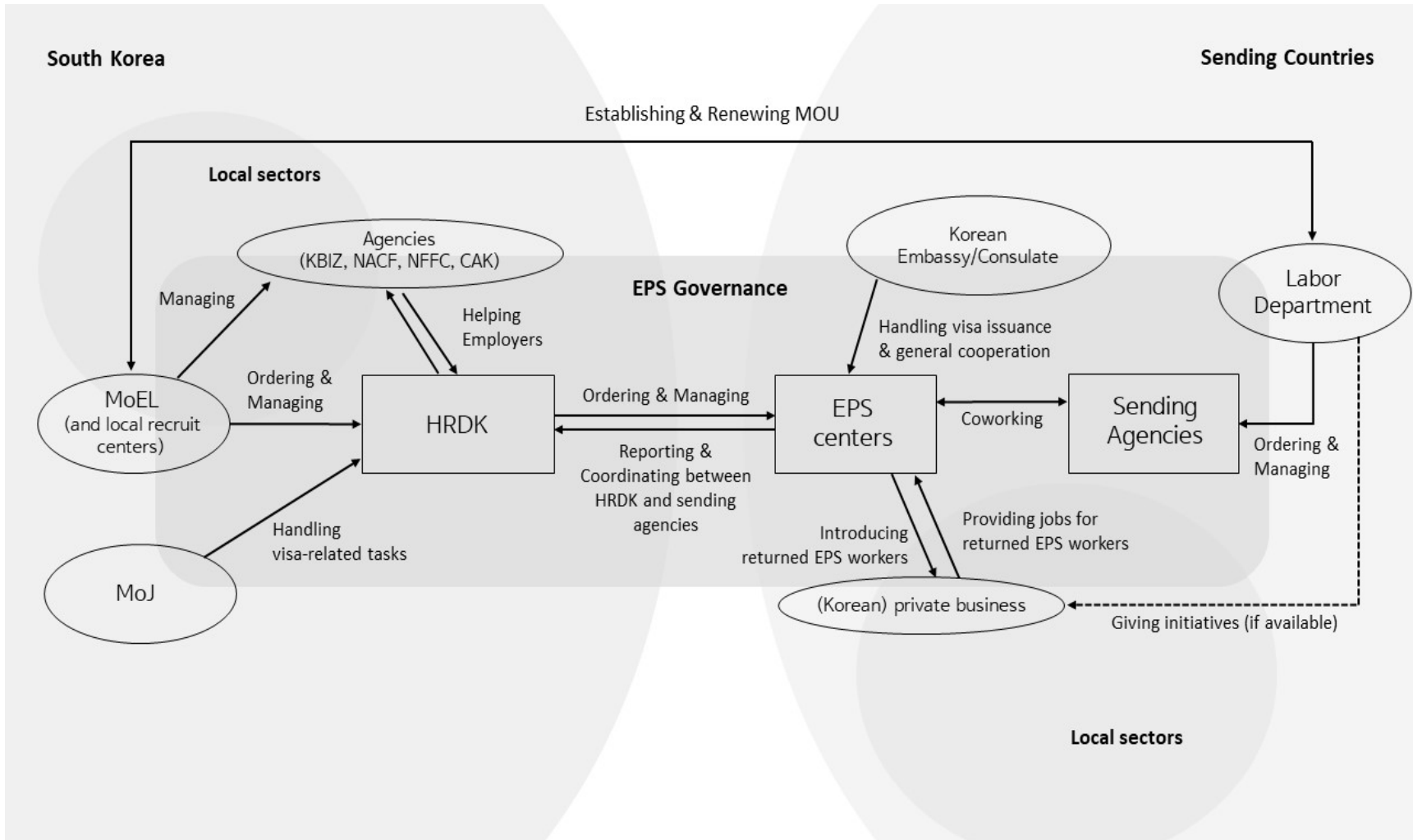


Figure 2.4 The arrangement and dynamics of sMLG of EPS

2.5 Concluding Remarks

The governance arrangement of the EPS provides a noteworthy counterexample to the migration industry thesis which posits that private actors driven by profit are crucial in facilitating regional migration to and within Asia. Despite the trend of outsourcing traditional nation-state functions and authority to private actors in the migration industry, no such tendency was observed in the EPS case. Instead, the EPS governance excludes private actors by connecting governmental and bureaucratic actors across multiple territories, similar to what is conceptualized by the MLG, as well as handling the entirety of recruitment tasks and the actual movement of migrant workers. Migration governance has been led in particular by the South Korean central state as well as by the central governments of participating countries.

I have characterized the EPS governance structure as a variation of the MLG, which I referred to as the sMLG. The sMLG employs the concept of state transformation to analyze the role and changes of the state in shaping the MLG. The South Korean state has addressed the influx of less-skilled migrant workers by altering governmental organization, personnel, legal rules, and operational methods, while the sending countries have also taken similar steps in the EPS governance. Through these changes, EPS-participant countries replace the role of private actors and monopolize the matching of employees and employers.

I will conclude by underlining two implications of this study for migration governance. Firstly, the decades-long critique of a reified, monolithic state, as well as of methodological nationalism, has (unintentionally) led some to downplay the central state's role in the governance of migration (see Hampshire, 2013). Yet the Korean government

maintains a pivotal role in governing migration through its various infrastructural practices (see Xiang 2012).

Second, it also strengthens the previous idea that the study of migration governance can benefit from a more fine-grained empirical assessment, given its heterogeneous dimensions (*e.g.*, Jessop 2022; Tortola 2017). Indeed, I suggest that the conceptualization of migration governance involves a spectrum that, for instance, ranges from private actors on one end to state actors on the other, which in turn questions the search for a universally applicable model.

CHAPTER 3. THE ‘ASSEMBLAGE-APPARATUS COMPLEX’ AND THE CONCEPTUALIZATION OF THE GOVERNANCE OF LABOR MIGRATION IN SOUTH KOREA

3.1 Introduction

Within the domain of migration governance, researchers have examined the roles of administrative documents and practices since the 2010s. Based on the idea of the “disaggregated” or less-essentialized state (*e.g.*, Ferguson and Gupta 2002; Lipsky 1980[2010]; Mitchell 1991; Painter 2006), they have highlighted the importance of mundane practices in regulating the mobility of migrants (*e.g.*, Borrelli and Andretta 2019; Borrelli and Lindberg 2018; Burrell and Schweyher 2021; Cabot 2012; Eule 2018). According to these contributions, state’s administrative procedures (paperwork, identification processes, *etc.*) and biometric technologies are actively utilized by the state as tools for surveilling, controlling, and excluding migrants around the world. These studies also contribute to a deeper understanding of the interwoven ‘association’ (Hull 2012b) between the state and migrants, as they demonstrate the increasing complexity and ‘blurred boundaries’ (Gupta 1995) in terms of quotidian state practices. However, I argue that the contributions of this scholarship are potentially weakened by inherent conceptual tensions. On the one hand, these studies have their roots in the idea of the state as a peripherally constituted, disaggregated, and de-essentialized entity, whereas, on the other, they often (unwittingly) resummon an absolute, monolithic, and essentialized Hobbesian idea of the state as a singular and persistent executor of oppression and violence over ‘unwanted’ migrants, such as asylum seekers and refugees (Bierschenk 2019; Cabot 2019).

To address this issue, I propose a theoretical framework that encompasses these dual dimensions of the state, and empirically investigate how the duality is reflected in immigration policy and practice in South Korea. More specifically, I suggest the idea of an assemblage-apparatus complex, inspired by studies on the productive relationship between assemblage and apparatus (*e.g.*, Deleuze 1992; Foucault 1980; Legg 2011; Nail 2017) as well as policy assemblage studies (Li 2007; Savage 2020; Ureta 2015). With this framework, I investigate the case of the Foreigner Registration Number/Card (FRN/C)³² and the (mandatory) employment and national insurance system for migrants in South Korea. These policy complexes show the entanglements of the state's surveillance and control over non-state actors, such as migrant workers and their employers, as well as how policies support migrants' (partial) membership, the exercise of their rights, and social participation. I also emphasize the important role of these administrative documents and practices as they weave these complexes by connecting and arranging agencies, their personnel, regulations, micro-policy practices, as well as migrant workers and their employers.

This paper is structured as follows. First, it reviews anthropological and geographical studies on administrative documents and practices concerning migration and emphasizes their interest in blurred lines between often 'unwanted' migrants and the state. Second, it examines the assemblage-apparatus combination as an alternative theoretical framework. Third, it analyzes the cases of administrative documents and practices concerning the management of FRN/C, as well as employment and insurance contracts, as examples of

³² The official names of this number and card are 'Population Number' and 'Residence Card'. However, in this paper, I instead use Foreigner Registration Number/Card to avoid confusion with 'Resident Registration Number/Card' for South Korean citizens.

the complex relationship between the state and migrant workers in South Korea. In the conclusion, it briefly discusses important considerations regarding the concepts of apparatus and assemblages, as well as the challenges this research imposes on the emphasis on the ‘vertical’ and ‘exclusionary’ relationships between migrants and the state in certain studies of migration and borders.

3.2 Tensions in the conceptualization of migration governance

Two closely related fields, anthropology and geography, have focused on paperwork and administrative practices in the context of migration governance. While they have emphasized the social and territorial boundaries between the state and non-state actors respectively, they both adopt a relational, mundane (focusing on quotidian and prosaic practices), and disaggregated approach to understanding the state. Inspired by Foucauldian, Bourdieusian and other ideas (*e.g.*, Das and Poole 2004; Ferguson and Gupta 2002; Lemke 2007; Lipsky 1980[2010]; Mitchell 1991, 1999; Painter 2006; Passoth and Rowland 2010), this body of work collectively explores how the everyday artefacts and practices of the state, including legal documents at different levels of state institutions, administrative processes, such as (digital) ‘paperwork’, data construction, and technological tools influence migrants’ lives and mobility. In addition, by doing so, it sheds light on how these aspects (re)characterize the exercise of state power and the very concept of the state itself.

More specifically, scholars in political and legal anthropology, political geography, and border studies who focus on so-called ‘unwanted’ migrants, examine how administrative documents and practices control migrants as integral to the ‘material

practices of state governance' (Hull 2008: 501). They argue that administrative documents and practices are not merely passive state tools but actively constitute the operation of state power, particularly in activities such as "controlling, incarcerating, and deporting" (Borrelli and Lindberg 2018: 51; Burrell and Schweyher 2021; Ellermann 2009; Pfirter 2019; Tervonen *et al.* 2018; Yuval-Davis *et al.* 2018). For example, concerning this chapter's focus on governance within national territories, scholars, particularly in political geography and border studies, have examined how a range of identification documents and practices, legal status, and public officers' practices are important parts of 'internal' (Passi 1996; or 'interiorized', Gorman 2017) and everyday border(ing). These practices regulate migrants' lives and mobility on an everyday level, often within national territories (Borrelli and Lindberg 2019; Burrell and Schweyher 2021; Yuval-Davis *et al.* 2018), encompassing everyday situations and places like "health care ... bank reception counters, homeless shelters, workplaces, schools, local police stations ..." (Tervonen *et al.* 2018: 139). In this process, some scholars emphasize how technologies, such as artificial intelligence, cloud computing, big data, and individual-tagged datafication processes are often combined with paperwork and administrative practices in bordering practices under the framework of digital governmentality. These technologies offer more nuanced tools for categorizing and 'governing' various groups of migrants compared to conventional paper-based administrative tools and practices. They actively facilitate the regulation of complex contemporary mobility and settlement of migrants in more detailed and purportedly 'efficient' manners (Amoore 2006; Amoore and Hall 2009; Aradau and Blanke 2017; Dijstelbloem and Broeders 2015; Leese, Noori, and Scheel 2022; Pollozek and Passoth 2019; Tazzioli 2020).

Some studies further develop this idea by highlighting discretionary, inconsistent, and dynamic characteristics in the process of administrative documents and practices, and argue that these features result in a blurring of boundaries and entanglements between the state and migrants (Andreetta 2019; Burrell and Schweyher 2021; Cabot 2012; Eule 2018; Eule *et al.* 2018; Tuckett 2015; Vettters 2019). For these authors, paperwork and administrative practices are governance apparatuses that control migrants' mobility, but they are also the pathways through which migrants (strategically) seek advantages and rights. Consequently, documents and administrative practices reveal how they become "regulatory tools that reinforce and [at the same time] undermine attempts to make people governable" as "governmentality ... and subjectivity coexist and mutually shape each other dialogically" (Cabot 2012: 11-13). With this emphasis on hybridity, these studies challenge the Weberian perspective that the state can effectively and unilaterally govern populations and societies (see Hull 2012a; Pinker 2015; Tuckett 2015).

While I concur with the key insights presented in these studies, the active role of administrative documents and practices and blurred boundaries between the state and migrants, I also intend to critically address a conceptual tension that is often apparent in this literature. As previously mentioned, these studies are grounded in the notion of the state as a disaggregated and less-essentialized entity, as revealed by their focus on the role of administrative documents and practices. However, they also often (empirically) portray the state as a political entity that inherently and consistently disrupts, surveils, and controls migrants' mobility, deemphasizing the state's multifaceted aspects beyond leviathan violence and oppression. This I suggest, potentially creates a conflict with these studies' relational and disaggregated conceptual understanding of the state. For example, some

studies tend to characterize the state as a “tyranny of paper regimes set up to control movement” (Dhupelia-Mestherie 2014: 11) or a ‘penal state’ (Peck 2003) that essentially disrupts and controls migrants’ lives (Burrell and Schweyher 2021). Thus, administrative documents and practices are “coercive, discriminatory, and essentially punitive practices” (Borrelli and Lindberg 2019: 51), functioning as “paraphernalia” (p. 52) of the state violence and deportation regime. Similarly, Pfirter (2019) contends that everyday paperwork practices function as a showcase of state technology that excludes and deports migrants.

As mentioned above, I believe this conceptual tension arises from two interrelated sources. Firstly, on a more empirical level, these studies primarily address so-called ‘unwanted’ or ‘undocumented’ migrants (Bierschenk 2019, Cabot 2019). While this emphasis is undoubtedly much-needed, its specific focus has (inevitably) resulted in a less-diversified portrayal of the state as fundamentally and inherently violent, which risks reverting to a framework that incorrectly conceives the state as ‘above’ and migrants as ‘below’ (Ferguson and Gupta 2002; Li 2007). On the other hand, the tension also comes from an inability to theorize the state as a constellation of (more) mundane practices and blurred boundaries of governance, while at the same time theorizing it as an entity that is (more) monolithic and entwined with structural and violent forces, drawing and consolidating boundaries of governance. To alleviate this tension and (re)diversify the image of the state in the migration governance literature, I propose a conceptual framework that characterizes the operation of state power as involving these dual dimensions of the state, based on the concept of assemblage and its productive connection with apparatus.

3.3 The (Policy) ‘assemblage-apparatus complex’

The concept of assemblage has garnered widespread attention among scholars, including in the context of migration governance studies (*e.g.*, Allen and Vollmer 2018; Fisher 2017; Hull 2012a; Sohn 2016; Wiertz 2020). These discussions are commonly inspired by the ability of ‘assemblage’ to move beyond the conventional dichotomy of structure and agency, and by doing so, allowing for heterogeneous elements (*e.g.*, materiality, discourses, subjects, and practices) to temporarily assemble while continually creating arrangements that generate specific effects (Allen and Cochrane 2011; Anderson and McFarlane 2011; DeLanda 2006; Savage 2020). Thus, they emphasize the intentional assembling and connecting of various potential elements of governance, such as “law, subjects, organizations, governance techniques, accountability processes, etc.” of/beyond the state into a “new arrangement” (Savage 2020: 323). Furthermore, the concept of assemblage draws attention to the spatial arrangement and relational dynamics between these constituent elements, implying practical applications to specific empirical cases (Anderson and McFarlane 2011; Nail 2017). Therefore, it is useful for scholars whose interests are in examining the variegated blending of boundaries between states, migrants, and different indigenous peoples and the effects of various documents and administrative practices (Hull 2012a; Wiertz 2020), despite the potential risks of “thin” (Allen 2011: 156) and “endless description” (p. 154) or of being/describing “literally anything” (Anderson and McFarlane 2011: 125).

Nonetheless, this usage is often overlooked in another aspect of assemblage, leading to a significant challenge. If we interpret the concept of assemblage as having only the characteristics of complexity, multiplicity, blurred lines, and the absence of hierarchy, then

we may fail to completely understand assemblage, since assemblage also includes the ordered alignment and hierarchical relationships among constituent elements in the operation of power (Buchanan 2017; McCann and Ward 2012; Nail 2017; Savage 2020). Therefore, we should not eliminate a (pre-determining) stratification structure and (singular) organizational principle in order to critically examine categories and asymmetrical power relations in using the concept of assemblage, as feminist studies have highlighted (Grosz 1994; Kinkaid 2020).

In understanding migration governance then, I focus on a specific type of assemblage that can illuminate the blending of diverse actors, materials, and practices, while simultaneously attending to structural forces and the lines or geometries of power. According to Nail (2017), Deleuze and Guattari's assemblage have four types. One of them – the more boundary-drawing concept of 'state assemblage' - aligns well with this study's conceptual orientation. For Deleuze and Guattari, the state assemblage is featured by a somewhat uneven arrangement of conditions, elements, and agents, where conditions seek to unify or totalize the elements and agents (*Ibid.*). Thus, the state assemblage "operates by stratification. ... [I]t forms a vertical, hierarchized aggregate, ... necessarily cuts off their relations with other elements, ... [and] inhibits, slows down, or controls those relations" (Deleuze and Guattari 2008: 433). Through this process, the state assemblage exercises more control, centralization, and order, forming "its vertical and redundant center ... , scanning all the radii" (Nail 2017: 31). In this sense, the state assemblage takes a form of hierarchy, establishing a (relatively) ordered concentric structure and functioning through unified segments (*Ibid.*). Accordingly, Deleuze and Guattari have seen assemblages as "leading to order, striation, re-territorialisation, long-term effects and scaling *as much as*

to dis-order, smoothing, de-territorialisation, short-term effects and de-scaling” (Legg 2011: 129, emphasis added).

This aspect of assemblages, I suggest, not only aligns well with but also can be clarified by Foucault’s idea of apparatus. Foucault (1980) views apparatus as a “sort of ... formation which has as its major ... [and] dominant strategic function ... at a given historical moment that of responding to an urgent need,” (pp. 194-5) and it emphasizes the “ability to capture, orient, determine, intercept, model, control, or secure” (Agamben 2009: 14). However, as Deleuze (1992) pointed out, apparatus, like assemblage, is easily transformed and altered, consisting of a mixture of heterogeneous elements within it, which means that apparatus inherently rejects universality. Furthermore, Foucault also himself defined it as an ensemble “consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures ... “ and described it as “thoroughly heterogeneous” with a “system of relations” and “a sort of interplay of shifts of positions and modification of function” (Foucault 1980: 194-5). Therefore, my argument in this paper assumes that apparatus can be regarded as having the fundamental features of assemblage, such as relationality, multiplicity, and fluidity, but with a greater emphasis on governing, making hierarchy, and building circuits. In this regard, several scholars, including Deleuze, closely relate assemblage and apparatus (or the ideas underlying these two concepts about power, such as governmentality) (Legg 2011; Li 2007; McGowran and Donovan 2021; Pløger 2008).

Legg (2011) views apparatus as a kind of assemblage and sees its relationship with assemblage as mutually complementary or dialectical. He considers apparatus to be a type of assemblage, but one that tends to be more re-territorializing, drawing lines, scaling, and

governing. As mentioned earlier, for Deleuze and Guattari, assemblage both dismantles boundaries and creates them simultaneously and continuously. Therefore, apparatus is both a type of assemblage and one of its operating modes, and assemblage is the same as apparatus or constituting a part of apparatus, which means they should be understood as mutually constitutive. I argue that the coexistence of these two, what I call an “assemblage-apparatus complex”, could contribute to diversifying the conceptualization of the relationship between the state and migrants in the context of paperwork and administrative practices. As seen above, previous studies often unwittingly generate conceptual conflicts by assuming more fluid and blurred boundaries of the state while simultaneously depicting them as functioning coercively and as surveillance-oriented. I do not regard this analysis as incorrect; rather, I think it is central to migration governance or the relationship between the state and migrants. Therefore, conceptualizing the assemblage-apparatus as two different forces that coexist can help smooth out any conceptual conflicts. Through this idea, I will analyze these dual aspects and their interdependent relationship in the context of migration governance in South Korea in the next section.

3.4 The ‘assemblage-apparatus complex’: migration governance through administrative documents and practices

In this section, I analyze two (state) assemblage-apparatus complexes of migration governance, emphasizing their dual aspects. On the one hand, they surveil and control migrants through numerical, material, and bureaucratic means, while maintaining the boundaries between the state, migrants, and citizens. On the other hand, they blur these boundaries by recognizing migrants’ (partial) membership and access/participation (in)to

South Korean society. In this sense, these complexes represent the arenas where state violence and welfare (or ‘benevolence’) coexist, which effectively demonstrate the diversity in the way state power operates (Thelen *et al.* 2018). I also focus on the role of bureaucratic paperwork and administrative practices as agents in creating and operating this complex by dis/connecting different actors and making boundaries among them. Specifically, I analyze two important cases—FRN/C and the management of employment contracts and insurance for migrant workers.

3.4.1 The Foreigner Registration Number and Card (FRN/C): Between administrative surveillance and a legal pathway for social lives

It is necessary to first grasp the Resident Registration Number/Card (RRN/C) system to understand the FRN/C, because the latter stems from the former. This ‘card and code’ system (Noiriel 1996) of the RRN/C was invented to detect North Korean spies and agents after the Blue House raid.³³ However, it has simultaneously served to ‘read’ (Scott 1998) population to enhance citizens’ administrative ‘convenience’ and ‘efficiency’, according to the language of the government (Lee H. 2010; Resident Registration Act; Seong J. 2016). This is increasingly emphasized as North Korea’s attempts to infiltrate South Korea have diminished. As every South Korean citizen is paired with the RRN at birth, I suggest that this system indicates two distinct legal and administrative relationships between the state and citizens: 1) the collection of personal information and surveillance, and 2) the provision and protection of membership and fundamental rights. Given that the

³³ The Blue House raid was an attempt by the North Korean government to assassinate President of South Korea, Park Chung-Hee on January 21, 1968.

FRN/C is a variation or a part of the RRN/C system, I argue that the FRN/C shares RRN/C's dual relationships between the state and its subjects. However, in the case of the FRN/C, which governs non-citizen migrant populations, it involves a different combination of institutions, administrative practices, procedures, and paperwork compared to the RRN/C association, or assemblage.

Migrants residing in South Korea for more than 90 days are required to report their stay within 90 days of their arrival by visiting the Immigration Office (IO) (Immigration Act, Art. 31, 32).³⁴ Following the registration process, migrants are assigned FRNs, a 13-digit unique identifier number³⁵, which closely resembles the RRN, and receive FRCs containing several basic/important personal details³⁶ (see Figure 3.1). I argue that the FRN (and FRC) represents an important assemblage-apparatus complex of migration governance, and along with the accompanying paperwork and bureaucratic practices, it acts as an agent (Nail 2017) in this complex by connecting diverse institutions, departments, laws, actors, and administrative procedures. I first illuminate three important points on how FRN/C functions as an apparatus of migration governance: 1) the distinctions between RRN and FRN; 2) the creation of information datasets by combining FRN with additional data regarding migrants' social activities and immigration; and 3) the tracking of migrants' spatial movements through bureaucratic processes and circuits. As Pollozek and Passoth (2019) aptly noted, "digitalization of registering migrants ... play a crucial role in [biopolitical migration governance] by *turning individuals into traceable*

³⁴ Or, if a migrant changes their visa, they are required to report again to the Immigration Office.

³⁵ This number represents holder's date of birth, sex, the location of the IO where the holder was registered, serial numbers, codes for different types of migrant groups, and verification number.

³⁶ FRN, name, nationality, visa status of the holder, immigration center where the holder reports their staying, duration of stay, address.

and *sortable objects* and *making the exchange of information between agencies possible*” (p. 608, emphasis added), and through this ‘datafication’ of migrants (Dijstelbloem and Broaders 2015; Tazzioli 2020), “all kinds of categorizing, profiling, and sorting practices are inscribed into bureaucratic and technological set-ups” (Pollozek and Passoth 2019: 608)

Figure 3.1 Foreigner Registration Card (Left: Front side, right: Back side, Source: Korea Immigration Service, Ministry of Justice)



First, despite sharing a similar structure with the RRN, the FRN features distinctive components that serve as crucial internal borders separating migrants from South Korean citizens. This differentiation arises from two reasons. Firstly, while the first six digits of the FRN mirror the RRN, the latter part of the 7-digit number diverges significantly. The initial digit of the RRN ranges from 1 to 4, whereas the FRN ranges from 5 to 8. Secondly, the RRN contains the code signifying the place of birth (designated administrative units where births were registered), while the FRN includes the code of the IO where migrants initially reported their presence in South Korea.

Consequently, these codes enable the state to automatically distinguish the migrant population from South Korean citizens and to identify them numerically, digitally, and administratively. By identifying and categorizing migrant population groups, the numbers and codes in the FRN/C allow the state to readily design and implement specifically targeted policies for migrants, such as managing migrant workers' employment and insurance, distinct from those for South Korean citizens. Additionally, as the numeric system uniquely matches individual migrants, the numbers and codes provide a basis for a system that renders individual migrants not only recognizable but also regulates and control their conduct in a way they have to/can do in South Korea. Therefore, this code system/(plastic) document and its relevant administrative practices represent basic/core policy apparatuses for (state) digital governmentality that governs migrants both individually and collectively, effectively establishing a clear line between the state and migrants (or between 'the governing' and 'the governed'), emphasizing the detached position of the state in observing and 'penetrating' individual subjects (Mann 1984).

Second, more specifically, when combined with additional information, the FRN generates a dataset that furnishes the state with knowledge and administrative surveillance capabilities over individual migrants' various social activities. Initially, the FRN is automatically incorporated into the Register of Aliens and stored in a database. This database is subsequently transformed into digitalized Registered Alien Records by merging it with information provided by migrants during their immigration and initial registration. This information encompasses details about their workplace and position, school enrollment and status, occupation, and annual income,³⁷ as well as personal and

³⁷ Only for migrant whose visa status is sojourning employee, investment, international trade/management.

biometric data, including fingerprints and facial recognition data (Immigration Act, Article 12, paragraph 2, Article 32). These records are then uploaded to the Immigration, Customer Relationship Management system in the form of a Registration Foreign People Record Table (Choi, Yoo, and Kim 2021; Immigration Act, Article 34; the Guidelines for Immigration Record Management and Digitalization, Article 17 and 28). Once uploaded, these records are shared and circulated across various government agencies, and during this circulation, they merge with additional databases containing information about migrants' social lives in South Korea. This includes data and records related to passports, customs, visa status, labor, criminal activities, insurance, taxation, welfare, education, address changes, family relationships, vehicle registration numbers, and more (Immigration Act, Article 78, Choi, Yoo, and Kim 2021: 8-9). While not all the information discussed here is entirely digitalized and this system is not yet fully developed (Choi, Yoo, and Kim 2021), individual migrants are effectively subject to the state's comprehensive surveillance and control system given the extensive and detailed information coverage. Additionally, the government has recently announced the construction of the 'Foreigners Information Platform (unofficial name)'. This platform aims to integrate different stages of information gathering, from immigration to staying in and leaving South Korea. It includes the previously gathered information mentioned above, but also encompasses broader information with a more automatic and integrated information exchange/sharing system across different government institutions (police, prosecutors, courts, MoE, MoHW, MoJ, MoIS, National Taxation Service) and even private businesses, such as banks and mobile service providers (Choi, Yoo, and Kim 2021).

Figure 3.2 Plan for the Foreigners Information Platform



Lastly, in pursuit of what might be called ‘the objectives’ of this apparatus, it ultimately requires a spatial tracking system that spans across the national territory. Since the primary aim of this apparatus is to monitor and maintain the visibility of the migrant population, it is crucial that it can effectively track migrants’ spatial movements. When a registered migrant changes their place of residence, they must report their new address either to the IO or the Administrative Welfare Center (AWC)³⁸ of the new location. This information must be exchanged between the IO and the AWC, ensuring that the Register of Aliens of the migrant is transferred to the AWC at the new address (Archival document³⁹; Immigration Act, Article 6, Presidential Decree of the same act, Article 45;

³⁸ Or Community Service Center in Seoul. It is an official agency that covers *eup*, *myeon*, and *dong*, which are the smallest administrative units in South Korea, and it offers civil services at the most frontline.

³⁹ “Intranet query response: Foreign Registration Number and co-ethnic foreign residence report system” (Jul. 21, 2000); Article 36 of the Immigration Act, Article 45 of the Enforcement Decree, Article 49-2 of the Enforcement Rule.

Enforcement Decree of the same act, Article 49-2). Several government documents illustrate this circulation of information, such as documents from *Guro* and *Daerim*,⁴⁰ which detail the transmission (and reception) of information regarding migrant residents who have relocated to other units (see Figure 3.3). The information shared typically includes the migrants' name, FRN, the updated address (blackened parts in Figure 3.2), and a document called the Certification of Seal Imprint (CSI) (this document is attached when documents in Figure 3.2 are exchanged between different institutions). Given that the jurisdiction of each IO or AWC is relatively small, and the CSI is permanently archived in the government database (Certification of Seal Imprint Act, Article 10), the spatial movements of migrants can be closely monitored, ensuring their continued status as subjects of governance. In summary, migrants, akin to the native population, are administratively and spatially managed by the state's migration governance, which "place[s] individuals in ... surveillance [and] situates them in a network of writing" through "a whole mass of documents that capture and fix them" (Foucault 1995: 189).

Figure 3.3 Information transmission between the AWCs (Source: Guro and Daerim AWCs)

⁴⁰ Sub-administrative units in Seoul.

소통·배려·융합으로 함께 하는 새 구로시대
구로제5동
 수신 수신자정보 (경유)
 지역 외국인(외국국적증포 국내거소지) 인감대장 송부

출입국관리법 제36조 및 동행시행령 제45조 및 인감증명서행령 제5조의3항 규정에 의거 하여 보유자가 변경된 아래 외국인(외국국적증포 국내거소지)의 인감대장을 붙임과 같이 송 부합니다.

구분	Registration Number	Name	Residence Changes (Old Address / New Address)		Date of Changes
			이전 주소	신 주소	
외국인	[Redacted]	[Redacted]	서울 구로5동	서울 구로2동	2018.08.21
	[Redacted]	[Redacted]	서울 구로5동	서울 구로2동	2018.08.22
	[Redacted]	[Redacted]	서울 구로5동	서울 구로2동	2018.08.24
	[Redacted]	[Redacted]	서울 구로5동	서울 구로4동	2018.08.24
	[Redacted]	[Redacted]	서울 구로5동	경기 소사면	2018.08.29
	[Redacted]	[Redacted]	서울 구로5동	서울 고척2동	2018.08.31
	[Redacted]	[Redacted]	서울 구로5동	경기 하곡면	2018.08.31
	[Redacted]	[Redacted]	서울 구로5동	경기 안성읍	2018.09.03
	[Redacted]	[Redacted]	서울 구로5동	서울 구로2동	2018.09.10
	[Redacted]	[Redacted]	서울 구로5동	서울 대림3동	2018.09.20

본 문서는 개인정보가 포함된 문서입니다.
 접수시 개인정보(이와) 보안 설정 등 취급에 주의해주시기 바랍니다.

발 행 : 1. 인감대장 각1부(별도송부), 끝.

구로제5동행정복지센터
 구로5동장, 오세환2동장, 대림2동장, 구로4동장, 구로5동장, 고척2동장, 신곡본동장, 연안 시민회구로구수2동장, 대림3동장

구로제5동 행정복지센터
 구로5동장, 오세환2동장, 대림2동장, 구로4동장, 구로5동장, 고척2동장, 신곡본동장, 연안 시민회구로구수2동장, 대림3동장

주소: 구로5동 11423 (2018.09.24) 접수 / http://www.guro.go.kr
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부패Zero 청렴Up
대림제3동
 E-FOI
 1등급포

수신자 수신자 정보 (경유)
 지역 외국인 인감대장 송부(진출)

출입국관리법 제36조 및 동행시행령 제45조, 인감증명서행령 제5조의3에 따라 구 동 관할부 처류지(거소지)를 변경 시, 비거주 외국인 및 외국국적증포의 인감대장을 송부합니다.
 Foreigner
 ① 체류지(거소지) 변경

Name	Registration Number	New Address	Date of Changes	Notes
[Redacted]	[Redacted]	[Redacted]	[Redacted]	출국
[Redacted]	[Redacted]	[Redacted]	[Redacted]	출국
[Redacted]	[Redacted]	[Redacted]	[Redacted]	외국국적
[Redacted]	[Redacted]	[Redacted]	[Redacted]	출국

발행: 인감대장 발송, 끝.
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구로제5동 행정복지센터
 구로5동장, 오세환2동장, 대림2동장, 구로4동장, 구로5동장, 고척2동장, 신곡본동장, 연안 시민회구로구수2동장, 대림3동장

주소: 구로5동 11423 (2018.12.18) 접수 / http://www.guro.go.kr
 우 08284 서울특별시 영등포구 대림로 197 (대림동) / http://www.guro.go.kr
 전화 02) / 전송 02) / 구로(거주)

However, this code/card system not only accentuates the one-sided and clearly demarcated nature of the state-migrant relationship as an apparatus, but also acts as an assemblage that blurs these boundaries. The FRN/C plays a central role in establishing, representing, and materializing the legal and administrative relationship between the state and migrants, underscoring its dual nature. Migrants possessing an FRN acquire legal and administrative authorization, securing a stable status by escaping from an unnumbered category, as RRN provides a legal and administrative status for South Korea citizens. Thus, the FRN incorporates migrants into the state’s surveillance system while simultaneously recognizing their legal presence and ensuring their legality. Furthermore, as FRC serves as an artifact representing and embodying this mutual relationship, migrants can routinely acknowledge this connection while the state can likewise confirm the migrants’ status, especially in everyday encounters. Therefore, the FRN/C is not merely a tool employed by the state for migrant surveillance but also a mechanism and strategy (Cabot 2012) that enables migrants to interact with the state. In this way, it

functions as an interface where the dynamic interplay between “the state, data, and the population” unfolds (Burrell and Schweyher 2021). It shapes a framework for both the state and migrants to exert influence over one another, although not necessarily on entirely equal terms (Anderson and McFarlane 2011: 125; Savage 2020, see also Foucault 2007).

Building upon a mutual recognition of the legal and the administrative, the FRN/C offers a pathway for migrants to become incorporated within both the public and private spheres of South Korean society as well as to assert their rights from the state. While collecting complete RRN numbers is restricted in some areas due to privacy concerns, such as for use in online services, the RRN remains a crucial identifier in both the public and private realm in South Korea. Thus, the FRN plays a similar and pivotal role in the daily lives of migrants, facilitating various activities, including school and kindergarten registration, job applications, administrative processes, bank transactions, utility payments, mobile phone usage, internet access, agency and rental services, and more. Furthermore, as discussed in detail in the next section, the FRN/C is central to identifying migrant workers when they seek legally guaranteed rights, including (national) insurance and medical service enrollment, ensuring stable employment contracts, accessing public services and welfare support, and earning wages above the minimum wage, as do South Korean citizen workers.

The challenges faced by irregular and undocumented migrants, who are ineligible for the FRN, in various everyday situations paradoxically highlight the FRN’s importance as a mechanism or enabler of social activities, such as education, medical service, and internet/cell phone services. For instance, because children of irregular migrants do not

have FRNs, they have had limited education opportunities. During the COVID-19 pandemic, a newspaper reported that many students, including the daughter of one Mongolian migrant mother struggled to sign up for online remote teaching programs. She could not help her daughter to take the classes because the website required the FRNs and/or cell phone number under their names to create an account. However, they do not have their own FRNs and cell phone numbers; instead they used one registered to a South Korean citizen (*Maeil Sinmun* 2022). Similarly, irregular migrants find themselves unable to register for national medical insurance with the absence of the FRNs. This leaves them, especially their children, exposed to gaps in medical services (KBS 2022), despite the existence of public medical support programs at the local government level. This situation aligns with the emphasis in studies on internal borders, highlighting how limitations on socio-political and legal life function as significant internal borders that control and exclude migrants from the wider society (Burrell and Schweyher 2021; Tervonen *et al.* 2018; Yuval-Davis *et al.* 2018). Therefore, the ability of migrants to access various social realms and assert their legal rights through the FRN/C, even in an incomplete manner, signifies the blurring of these internal borders and the participation of migrants in the sphere of migration governance.

In sum, the FRN/C, as an *apparatus*, consists of laws, institutions, administrative practices, and artifacts from various segments of the state, which initially establishes a distinct separation between migrants and the state (and even South Korean society) by categorizing migrants as non-national subjects in governance. However, simultaneously, as an *assemblage*, it blurs the boundaries and incorporates migrants as more active entities capable of and eligible for making legal, administrative, and social influence over

the state. In short, we can discern the coexistence of an apparatus and assemblage in migration governance in South Korea.

3.4.2 Employment and insurance management: Between one-way governing and the participation of non-state actors

In this section, I will demonstrate the assemblage-apparatus complex of employment contracts and insurance, an important daily task of the Ministry of Employment and Labor (MoEL). According to the Act on the Employment of Foreign Workers, employment contracts between migrant workers and employers must adhere to the Standard Labor Contract, which contains mutual responsibilities between employers, employees, and the state, as dictated by the Labor Standard Act. This mutual relationship generates interactions among the relevant actors, a part of which is handled by MoEL's local branches, employing various means in their day-to-day paperwork and administrative practices.

First, as an *apparatus* of employment contracts and insurance, MoEL local branches regularly monitor the legal status of migrant workers and the renewal and termination of their employment contracts and control them by enforcing necessary administrative actions. The local offices also perform general administrative tasks, such as rectifying errors in documents and furnishing pertinent information to migrant workers and employers. Archival documents that I have acquired offer insights into these practices. For instance, one document, issued by the Western branch of Seoul Local Employment and Labor Office (SLELO), identifies a case in which a company hired multiple migrant workers without proper employment permits, resulting in the imposition of a penalty, a 3-

year ban on employing migrant workers.⁴¹ Other documents likewise reveal monitoring and control practices conducted by these branches, which is exemplified by a document from the *Gwanak* branch of SLELO, indicating that the branch annulled a migrant worker's work permit due to erroneous information from the employer or the migrant.⁴²

These offices also routinely scrutinize reports submitted by migrant workers upon their employment to identify and communicate violations of employment contracts. A document from SLELO contains a detailed review of a migrant worker's report aimed at uncovering employment-related breaches and issuing notifications.⁴³ Beyond these obligatory and regulatory practices, each office regularly conducts workplace visits to "supervise" migrant workers and employers, investigating potential violations such as "presence of written contracts, overdue wages, adherence to minimum wage regulations, and compliance with migration-related laws".⁴⁴ Lastly, these offices provide information and offer administrative and legal advice on the status and employment-related queries of both migrant workers and employers.⁴⁵

Second, the monitoring and regulation of insurance-related issues represent another important daily task for state agencies, which illustrates another exercise of the apparatus. The demand for social protection for migrant workers has played a pivotal role in shaping contemporary migration governance in South Korea, as evidenced by Chung (2022a) and Surak (2018). This demand has resulted in the current mandatory safeguard for migrant

⁴¹ "Guidance on submission of opinions and notice of disposition for violation of the Act on the Employment of Foreign Workers" (Mar. 15, 2021)

⁴² "Working permit extension cancellation notice for a migrant worker" (Apr. 15, 2021)

⁴³ "Permission to report the start of work for special employment foreign workers" (Sep. 1, 2014)

⁴⁴ "Notification on joint investigation and self-investigation period for employers and migrant workers in the first half of 2022" (March 16, 2022)

⁴⁵ "Co-ethnic migrant worker employment process response (construction industry)" (July 7, 2022)

workers against exploitative working conditions, and thus, managing it is indispensable in the operation of migration governance. Various legal mandates dictate that both migrant workers and their employers must enroll in significant social insurance programs, such as industrial accident insurance and national health insurance. Additionally, they are required to obtain specialized insurances for the unique needs of migrant workers. These include departure guarantee insurance, return cost insurance, wage guarantee insurance, and accident insurance. These could only be achieved and sustained through administrative rules and practices.

Several government documents provide clear insights into this process. Firstly, each office routinely carries out the task of identifying employers who lack essential insurance and issuing notifications of impending legal action (accusing employers).⁴⁶ In addition to overseeing regular employment relationships, these offices also address and rectify administrative errors made by either migrant workers or employers. A document from the Western branch of SLELO, for instance, describes a case in which a company attempted to secure insurance coverage for migrant workers without obtaining their consent, prompting its subsequent cancellation and rejection. Furthermore, when a migrant worker or employer seeks information regarding the insurance enrollment procedure, these offices are readily available to provide guidance on the required documents and the necessary steps.⁴⁷

However, the governance of employment and insurance contracts is not solely carried out by the state's apparatus. Another critical aspect of this governance involves

⁴⁶ “*Insurance fee notification for departure guarantee insurance, and wage guarantee insurance for foreign migrant workers*” (February 7, 2022)

⁴⁷ “*Employment insurance application guide for foreign migrant workers*” (January 23, 2014)

collaborative and mutual relationships with non-state actors, including migrants, employers, and private companies, indicating an assemblage, which takes on various forms. For example, a local branch of SLELO sends a document to migrant workers and employers, addressing the expiration of the migrant worker's work permit. In this document, the local branch requests that both employers and migrant workers visit the office with the necessary documents and materials, such as forms, employment contracts, the employers' RRC and seal, the migrant workers' FRC, and passport,⁴⁸ if they wish to extend the work permit. Likewise, in other documents,⁴⁹ local branches advertise the importance of insurance enrollment as a component of the migrant worker employment governance. They request migrant workers and their employers to complete this process by providing the required documents and identification cards. This call for cooperation, and participation extends to the broader private sector. Migrant workers are mandated to enroll in departure guarantee insurance, an insurance exclusive to migrant workers who have worked for more than a year, which is managed by private companies. As a result, local branches must establish and rely on cooperative relationships with these companies to address issues related to this insurance, such as verifying enrollment or confirming insurance payouts.⁵⁰

Engagement of non-state actors into this migration governance can take more active forms. Not only participating in everyday administrative processes, but migrant workers

⁴⁸ "Guidance for reemployment procedures for migrant workers whose employment permit is expiring and request for departure assistance" (February 1, 2021), "Guidance on revised guidelines for extension of employment period for foreign workers (E-9, H-2)" (June 10, 2021)

⁴⁹ For example, "Guidance on payment of departure guarantee insurance and enrollment in wage guarantee insurance for migrant workers" (February 7, 2022), "Guidance to foreigners' Employment Insurance Enrollment for business A (anonymous name)" (January 1, 2014)

⁵⁰ "Request for assistance regarding receiving wage guarantee insurance and performance bond for migrant workers" (March 27, 2014)

can also exert power as partial members of South Korean society by demanding their rights for social protection from the state, which are guaranteed by the relationship made by the FRN/C as discussed above. Some archival documents from local branches illustrate how these branches handle cases where migrants raise complaints about employers' contract violations or unfair treatment. For example, one document showcases the response of the western branch of the MoEL to a migrant worker's complaint.⁵¹ According to this document, a migrant worker who had worked at an embassy reported issues regarding unpaid severance pay and overtime wages to the local office. In response, the local branch initiated an investigation, reviewed legal matters, demanded attendance from embassy officials, and even considered taking legal action against the embassy. Furthermore, as seen in several similar documents, migrant workers request local offices to investigate cases of unpaid wages, labor law violations, and more against their employers. In each of these cases, local offices are obligated to investigate such incidents.⁵²

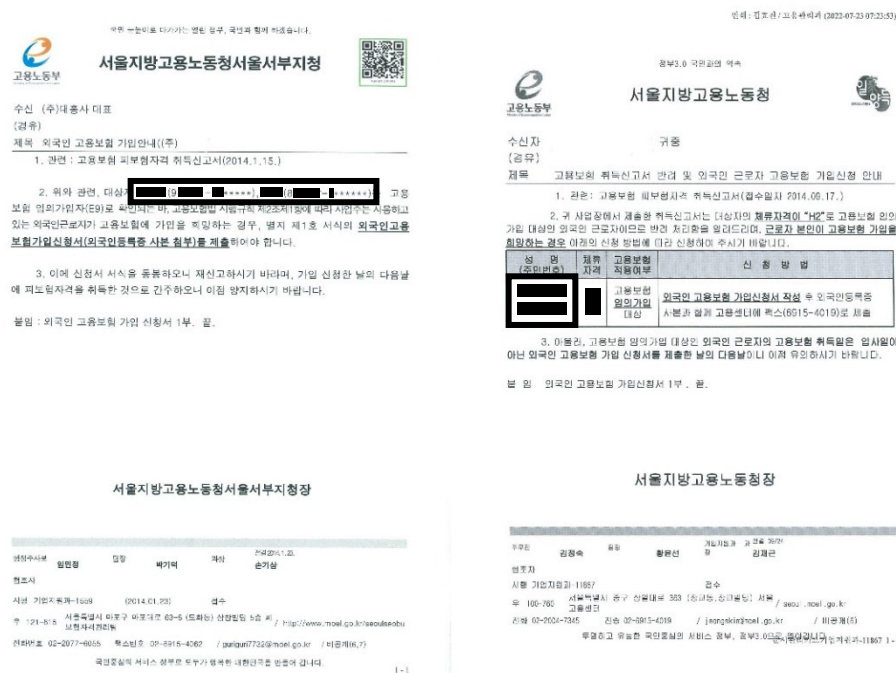
I propose that within this context, the FRN/C, another assemblage-apparatus, plays a pivotal role in connecting actors and facilitating smooth relationships. In doing so, it acts as a central agent in accomplishing the policy objective of the employment contract and insurance assemblage-apparatus, serving as a conduit among diverse actors. All the government documents on employment and insurance discussed above identify specific migrant workers by containing their FRNs, facilitating a direct linkage between state agencies and migrants. For instance, as Figure 3.4 shows, the local branch of MoEL employs these numbers to identify two migrant workers who are eligible for purchasing

⁵¹ *"Inquiries regarding disputes raised by migrant workers"* (September 26, 2016)

⁵² For example, *"Notification of the confirmation details related to the case of petition for migrant workers' wage arrears"* (March 8, 2017)

employment insurance (blackened parts in Figure 3.4). Similarly, local branches require migrant workers to provide their FRCs for matching with the FRN in their database, and conversely, migrant workers can use this card to verify themselves to the state when addressing administrative procedures.

Figure 3.4 FRN in documents for employment and insurance management (Source: Local branches of SLELO, MoEL)



3.5 Conclusions

This paper examines the complexity of migrant governance in South Korea, conceptualizing it as an assemblage-apparatus complex. I investigate two specific complexes, the FNR/C and employment and insurance management. These complexes not only highlight the state’s one-sided surveillance, control, and governance, but also how they empower migrants, enabling them to exert force over the state. Consequently, the

boundaries between the state and migrants (as generally ‘the governing’ and ‘the governed’) are delineated (*apparatus*) but at the same time blurred (*assemblage*). Here, paperwork and administrative practices regulate the relationships and arrangements of the components and actors of these complexes. These two facets of migration governance address the conceptual tension in some existing research between the emphasis on mundane state practices and the image of the state as essentially concerned with controlling and suppressing migrants. Focusing on state oppression cases can lead to an over-emphasis on the oppressive characteristics of the state, overlooking what Thelen *et al.* (2018: 9) call more ‘benevolent’ aspects (*e.g.*, social welfare and protection). The consequence is that such a focus potentially risks returning to an essentialized concept of the state. In this regard, this study (re)underscores the need for research on non- or at least less oppressive migration governance and the diversity of state functions, intentions, and orientations. Therefore, the idea of an assemblage-apparatus complex fits contemporary border/migration management across the world that goes beyond inclusion and exclusion binaries (Dijstelbloem and Broeders 2015; Leese, Noori, and Scheel 2022).

Lastly, I want to emphasize again that discussing the blurring of boundaries and mutual agency between the state and migrant workers does not imply that the state and migrants exercise equal power or that the rights of less-skilled migrant workers are fully guaranteed. Many less-skilled migrant workers in South Korea still find themselves in a human rights blind spot due to legal, social, and linguistic disadvantages, which adversely affect their agency. This requires more academic, political and policy attention in the context of South Korea. However, although power is obviously not equally distributed, this does not mean again that the state (or governance) always and inherently oppresses and excludes migrants

(see Savage 2020). As Ferguson and Gupta (2002) alerted earlier the interface between the state and citizens (or society) is often wrongly viewed as a battleground (see Li 2007) and this is shared by some migration governance literature. Power among actors within an assemblage-apparatus complex should be understood as involving a difference in relative power, like a continuum, rather than being regarded as a binary of those who exercise power and those who are the victims of power. Thus, examining the varieties of assemblage-apparatus complexes would be an important research topic in border/migration management literature.

CHAPTER 4. REVISING THE CONCEPT OF THE ‘MIGRATION STATE’:
LIBERALISM, NATIONALISM, AND NEOLIBERAL DEVELOPMENTALISM
IN THE MAKING OF SOUTH KOREA’S IMMIGRATION POLICIES FOR LESS-
SKILLED WORKERS

4.1 Introduction

The South Korean government has admitted a large number of temporary less-skilled labor migrants through expansive migrant worker programs, such as the Employment Permit System (EPS) and the Visiting Employment System (VES) (Asis *et al.* 2019; Surak 2018). Yet, the dynamics of a number of prevailing societal ideas that led to the particular immigration policies of the South Korean “migration state” (Hollifield 2004) have not been fully explored. Studies seeking to understand the impact of the ideational aspects of South Korea’s immigration policy have, so far, primarily considered South Korea as more of a ‘non-migration state’ (that is, a state that accepts very few migrants over time) (for an exception to this view, see Lee H.K. 2010). While these studies provide important insights for this research, in this paper, I aim to address two issues with the existing studies.

Firstly, they often explain South Korean immigration to be the product of a traditional and stereotypical perspective on South Korean society, in other words, they tend to assume that South Korea is a non-migration state, comparing it unfavorably with the more ‘open’ and ‘inclusive’ Western or ‘European-style’ (Seol and Skrentny 2009a: 579) countries. Therefore, such studies naturally focus on ideas that are assumed to be unique to South Korean society, such as ethnic nationalism (Lee, Choi, and Seo 2014; Seol and Skrentny 2009b; Tsuda and Song 2019), and developmentalism (Chung 2022a; Chung, Draudt, and Tian 2024; Seol and Skrentny 2009a; Tsuda 2010; see also Kim, N.H.-J. 2015: 742). However, other research points out that (ethnic) nationalism (Campbell 2015;

Kaufman 2017, 2019; Lindstam, Mader, and Shoen 2021; Modood 2019; Tinsley 2019; Triandafyllidou 2020) and neoliberal developmentalism (Heo 2015; Ji 2016; Liow 2011; Park, Hill, and Saito 2012) are not immutable ideas, but are complex and dynamic.

Second, previous studies tend to overlook the *interaction* between the various prevailing ideas that have shaped South Korea's immigration (policies), and the joint effect of these ideas over time (but as an exception to the complex effect of those ideas, see Lim, Seol, and Sato 2019). For example, instead of assuming a pure ethnic nationalism, we should consider that it coexists with civic nationalism. Similarly, developmentalism also coexists with political liberalism and neoliberalism. Considering how South Korean society and South Korean immigration policy have changed over the past 20 years, it is necessary to update the dynamic interaction and evolution of these ideas and their impact on immigration policy and its direction.

In light of these two limitations or lacuna, I begin by assuming that South Korea *is* a 'migration state' (Hollifield 2004), a concept that I will explain subsequently. South Korea has consistently accepted migrants, although the numbers may be relatively modest in comparison to other countries, and as we observe below, this rate of acceptance of immigrants is steadily increasing.⁵³ Thus, I explore the South Korean case through the lens of the migration state concept, arguing that it offers two advantages for understanding South Korea's situation: (1) this concept does not simply assume that the state linearly

⁵³ South Korea has accepted around 380,000 less-skilled migrant workers per year since 2008 through the EPS. And as of 2022, the number of foreign nationals staying in South Korea for longer periods (more than 90 days) is 1,688,855, constituting 3.29% of the total population (KOSIS). Although this number has continuously increased for the last decade (for example, 1,120,599 in 2012, 1,467,873 in 2015, 1,687,733 in 2018), the proportion of foreign nationals in South Korea contrasts with that of other major richer countries (e.g., Australia: 29.2%, Canada: 21.3%, France: 13.3%, Germany: 16.2%, Italy: 10.4%, Spain 15.4%, United Kingdom: 14.0%, United States: 13.5%, OECD/European Commission 2023).

accepts immigrants, but provides a more systematic framework for explaining the various driving ideas or forces that have led the state to accept migrants while navigating potential conflicts with citizen discontent concerning the potential ‘dilution’ of an imagined South Korean culture; (2) it adds a perspective of political and economic liberalism and the idea of ‘liberal paradox’ (Boswell 2007; Freeman and Kessler 2008; Hampshire 2013; Hollifield 2004) to the South Korean case, an aspect somewhat overlooked in previous studies (but for some exceptions, see Kim N.H.-J. 2008; Kim and Koo 2016).

However, this paper also seeks to expand the concept of the migration state concept by introducing two additional dimensions that are relevant to the South Korean case.⁵⁴ That is, I argue that nationalism and developmentalism must also be considered as ideas or forces within the South Korean migration state, alongside the liberal dimension of the migration state as defined by Hollifield. I argue that these three axes (liberalism, nationalism, neoliberal developmentalism) have often clashed, overlapped, and have found compromises with each other. Furthermore, while this study examines the evolution of the ‘South Korean migration state’ as a result of this interplay of prevailing ideas, it illuminates not only the overall direction of major policy instruments such as the EPS and the VES, but also seemingly more minor policies, activities, and practices, that affect migrants more directly on a quotidian basis, such as visa categories, quotas, and industrial employment. This underscores the importance of examining more fine-grained and prosaic effects (Lipsky 1980[2010]; Painter 2006)

⁵⁴ These two dimensions are ironically inspired by the critique of the ‘migration state’ concept as based narrowly on the specific historical backgrounds of western societies (Adamson and Tsourapas 2020; Sadiq and Tsourapas 2022).

This paper is divided into the following sections. I will first critically review the literature on the migration state as a foundational framework for this paper, with a particular focus on the concept's relatively narrow empirical basis. The next section will be divided itself into two parts. In the first part, I will review the literature on the influence of (ethnic) nationalism and developmentalism on South Korean migration and broader cases. I will then discuss literature that emphasizes the dynamic and evolving nature of these two ideas. In the fourth section, I will analyze how these backgrounds shape policies for less-skilled migrant workers and the development of the South Korean migration state. Lastly, I will conclude with a summary of how these three dimensions (axes) have influenced the development of the South Korean migration state.

4.2 The Liberal Migration State and its Geographical Limits

Many scholars have attempted to elucidate the complex politics of immigration (*e.g.*, Bommes and Geddes 2000; Boswell 2007; Consterdine 2017; Ellermann 2021; Freeman 1995; Hampshire 2013; Hollifield 1992, 1998; Joppke 1998). Among these scholars, the concept of the migration state (Hollifield 2004) provides a systematic framework for comprehending the dilemma that liberal states inevitably face regarding immigration, as liberal economic forces push the state to accept more migrant workers, while certain civic nationalist forces prompt the state to close its national borders. This contradiction is known as the liberal paradox. While there are some differences among various versions of this concept (see Boswell 2007; Hampshire 2013; see also Joppke 2005), it could be broadly

described as follows: a liberal state confronts a dilemma because it requires additional labor to expand economic growth, whereas it encounters opposition from certain sections of the national citizenry who perceive migrants to be a potential threat that can destabilize social stability and the established ‘community’. Meanwhile, liberal states are also argued to adhere to domestic and international liberal standards (*e.g.*, human rights and anti-discrimination) that support more inclusive policies because if the state rejects such standards, the state will damage its own legitimacy as a liberal state. Thus, the paradox reveals the multi-faceted nature of liberal states and the conflicts in various domains, encompassing political economy, institutions, law, national identity, and (global) ethics (Boswell 2007; Consterdine 2017; Hampshire 2013). Following these previous studies on the liberal migration state, I define liberalism as a broad idea that encompasses both economic liberalism, which emphasizes the market mechanism, free trade, and the free movement of people (especially of migrant workers in this paper’s context), civic nationalism that underlines a national ‘community’ of citizens, (potentially) leading to the exclusion of migrants, and a political liberalism that highlights human rights and anti-discrimination.

While the idea of migration state as entailing a liberal paradox has primarily been employed to explain traditional Western migration states, more recent efforts have sought to extend its applicability to other regions of the world (*e.g.*, Chung 2022a, b; Chung, Draudt, and Tian 2024; Frowd 2020; Hollifield and Sharpe 2017; Sadiq and Tsourapas 2022). This expansion reflects the evolving landscape of global migration, or at least, the increasing complexity of global migration studies since the idea was first introduced. For example, while Hollifield (2004) once noted that “Japan, Taiwan and Korea ... have only

just begun to grapple with the problem of immigration, on a relatively small scale” (p. 905; see also Cornelius, Martin, and Hollifield 2004), these countries have since opened their borders to immigrants over the past two decades, albeit to varying degrees. As a result, they have emerged as the main destinations for migrants in East and Southeast Asia especially, and migration policies have become one of their top priorities (see Asis *et al.* 2019; Surak 2018).

Thus, we need to enhance the concept of the ‘migration state’ to accommodate its expansion while preserving its conceptual strength. In doing so, I emphasize that the free-market mechanism and civic nationalism, both pivotal components of the liberal paradox, may wield less influence in less- or non-liberal countries, as others have suggested by problematizing the “liberal bias” (Adamson and Tsourapas 2020; Chung 2022a; Sadiq and Tsourapas 2022). The liberal principle of free transnational movement across the national borders is often overshadowed, by for example, the logic of border control and migration management, led by national (political) interests and security (see Collins and Bayliss 2020; Geiger and Pecoud 2010). As noted above, there may also be illiberal countries that actively control or even severely limit the flow of migrants, such as less-liberal democracies (at least in terms of migration issues) and more-authoritative regimes (Adamson and Tsourapas 2020; Chung 2022a; Chung, Draudt, and Tian 2024).

Meanwhile, a civic-national community based on the social contract of citizens, a crucial basis for the logic of closure in the liberal paradox (Hampshire 2013; Hollifield 2004), may also be unstable in different contexts. While some western countries are often upheld as exemplars of civic-national communities, others may not have followed the same trajectories as their Western counterparts. These may differ in terms of the process of

nation-building and the formation of civic-national communities based on social contracts (Sadiq and Tsourapas 2022; Tinsley 2019), despite the influence of the global political economy. For instance, postcolonial countries have not followed the same path, and many of them experience discrepancies between their modern national territory and their membership, leading to conflicting histories of making liberal national communities. Additionally, there are many countries where ethnic-national communities play a primary role in shaping national membership (*e.g.*, Shin 2006). Studies on return migration, for instance, imply that a collective belief in an ethnic-national community could be also important for understanding the navigation of the migration state rather than the civic-national community (Seol and Skrentny 2009a; Tsuda 2010).

These limitations raise questions about its applicability to countries beyond the ‘traditional’ ‘western’ migration states. However, such questions do not *necessarily* diminish the strength of the liberal paradox in western or even Asian countries. Nonetheless, to gain a more comprehensive understanding of the evolution of South Korea’s migration policies, we need to consider developmentalism and nationalism alongside liberalism.

4.3 Nationalism and Neoliberal Developmentalism in Shaping the South Korean Migration State

Scholars have examined the impacts of nationalism(s) (*e.g.*, Samers and Rydgren, 2024) and developmentalism (*e.g.*, Chung 2022a; Chung, Draudt, and Tian 2024) on incoming migrants. In this paper, I define nationalism and developmentalism in the

following ways: (1) Nationalism refers to a set of prevailing ideas that prioritizes a sense of membership based on either (imagined) co-ethnicity (ethnic nationalism) or citizenship (civic nationalism) over other political and socioeconomic groups. Thus, in this paper, liberalism intersects with civic nationalism, but not with ethnic nationalism; (2) developmentalism refers to a form of national economic development that is mostly planned, implemented, and controlled by the state's elite bureaucracies. However, I will focus more on what Liow (2011) calls 'neoliberal developmentalism', drawing on discussions regarding the confluence of neoliberalism and developmentalism in East Asian countries (Heo 2015, Lai and Samers 2017; Liow 2011; Park, Hill, and Saito 2012). As a hybrid of two sets of ideas, neoliberal developmentalism aims to enhance economic growth by relying on (the globalized) market mechanism, which is shared by economic liberalism. Yet at the same time, it emphasizes the state's strong intervention and regulation to establish the more favorable institutional environment in pursuing this goal (Leitner and Miller 2007; Peck 2003). It is widely believed that each of these ideas has a negative impact on the acceptance of less-skilled migrants (Chung 2022a; Seol and Skrentny 2009 a, b; Skrentny *et al.* 2007) through more restrictive migration policies, but I suggest that a more nuanced integration of these concepts with the 'migration state' is warranted.

4.3.1 A mixture of ethnic and civic nationalism in the making of South Korean immigration policies

Nationalism is frequently seen as an obstacle for immigrants who are often viewed as a potential threat to societal cohesion and security (*e.g.*, Green *et al.* 2011; Ko and Choi 2022; Polynczuk-Alenius 2021). Within the South Korean immigration context, both Shin

(2006) and Brubaker and Kim (2011) note a more complex nationalism particularly due to the substantial share of co-ethnic immigrants, which they argue is based on the traditionally accepted idea that ethnic-based nationhood is a fundamental principle of the South Korean national community. Generally, the literature points out that entrenched ethnic nationalism in South Korea has led to exclusionary (Lee *et al.* 2014) and stratified policies regarding immigration and national belonging (Kim N.H.J. 2008). Other scholars, who have focused more on co-ethnic immigration, have argued that ethnic nationalism's role is (unexpectedly) minor in South Korea, especially when contrasted with other countries, such as Germany and Japan. The reason they provide is that South Koreans themselves are diversely classified (South Korean citizens, co-ethnic Koreans in richer countries, and *Joseonjok/Goryeoin*⁵⁵) (Seol and Skrentny 2009b; Skrentny *et al.* 2007; see Tsuda 2010).

While these studies could offer valuable insights to expand the liberal migration state concept, two important concerns emerge. Firstly, they often overlook the potential influence of civic nationalism because the pairing between ethnic nationalism and South Korean society is rarely questioned and because the two nationalisms are often perceived to be dichotomous (*e.g.*, Seol and Skrentny 2009b; Tsuda 2010, and on this dichotomy of nationalisms, see Tinsley 2019). Considering that civic nationalism can lead to exclusionary immigration policies, these analyses may be limited by a narrow analytical lens, which Kim (2016) describes as the binary of “instrumentalism and culturalism” (p. 173). That is, different exclusive immigration policies can only be explained in two ways; either that the South Korean state views migrant workers as a simple tool for the national

⁵⁵ Ethnic Koreans who have been living in or obtained citizenship in China and the former Soviet countries (*e.g.*, Uzbekistan, Kazakhstan, and Russia).

socioeconomic interests (instrumentalism), or that the state prefers co-ethnic immigrants over non-co-ethnic immigrants (culturalism) (e.g., Seol and Skrentny 2009a, b; Skrentny *et al.* 2007; Tsuda 2010). Moreover, based on the binary of instrumentalism and culturalism, some scholars have even concluded that the South Korean migration state exhibits a more goal-oriented and callous stance toward immigrants compared to Western counterparts' humanitarian and even "romantic" approach to immigrants (e.g., Skrentny *et al.* 2007: 817).

Yet many studies of nations and nationalism have underscored the complex challenge of distinctly categorizing ethnic and civic forms of nationalism (Brubaker 2004; Halikiopoulou and Vlandas 2019; Joppke 2005: 16-7; Tinsley 2019), and South Korea is also not exempt from this false dichotomy (Kalicki 2009). This is evidenced by demonstration against authoritarian regimes and the development of democracy, a refusal to grant automatic overseas suffrage (Kalicki 2009), dual citizenship to overseas South Koreans, and more recently, antagonism against *Joseonjok*⁵⁶ and increasing skepticism about the unification with North Korea and to the value of the agenda of 'transnationalism' (Campbell 2015). It is therefore quite surprising that there has been a lack of scholarly attention to the potential for negative perceptions and policy decisions regarding immigrants that aim at preserving the so-called 'integrity of the domestic citizen community' and maintaining social stability based on civic nationalism.

Moreover, previous studies have not linked (ethnic) nationalism with other processes, resulting in binary conclusion that nationalism's impact on immigration policy's

⁵⁶ A survey shows that the percentage of South Korean citizens who view *Joseonjok* as a co-ethnic group has been dwindling (Kang 2020).

direction is either existent or non-existent. Consequently, other potential ideologies' impact on immigration policy, such as the mixture of developmentalism and liberalism, tend to be overshadowed. However, recent studies that underscore the hybridity and multifaceted nature of nationalism (Halikiopoulou and Vlandas 2019; Modood 2019; Samers and Rydgren 2024; Tabachnik 2019; Triandafyllidou 2020) treat nationalism as an ever-changing idea that interacts with the changes in the contemporary world, as Triandafyllidou (2020) describes it as "interconnected, fluid, blurred, permeable, and liquid" (pp. 798-9). Particularly, in the context of immigration, Joppke (2024) argues that nationalism combined with neoliberalism (that is 'neoliberal nationalism') contributes to the acceptance of especially highly-skilled migrants, while emphasizing diversity and meritocracy. The concept of neoliberal nationalism suggests that South Korean nationalism is not static and confined to traditional ethnic roots but is rather dynamic. As Shin (2006) noted, what he simply calls South Korean nationalism is combined with developmentalism and globalization for the purposes of the nation's development and survival. Hence, an emphasis on the complexities of nationalism allows us to understand nationalism as dynamic in the production of South Korean immigration policies. Nationalism is another realm in which the South Korean migration state oscillates between the closure and openness to immigration, which should be examined alongside the effects of the liberal paradox, and this applies to developmentalism as well.

4.3.2 Neoliberal developmentalism in the making of South Korean immigration policies

A group of studies have investigated whether developmental states facilitate or hinder immigration. Researchers have frequently contrasted 'developmental' East Asian

states and ‘liberal democratic’ European and North American states (Bartram 2000; Chung 2022a; Lee 2019; Seol and Skrentny 2009a), with the argument that the former are more inclined to impose immigration restrictions than the latter. They propose that in East Asian developmental states, there exists an authoritarian state-led political system and decision-making process that controls (less-skilled) immigrants for economic growth and domestic order, and elite bureaucracies that stubbornly resist external changes, which serve as a major explanation for the lack of multicultural societies in East Asian countries. Chung (2022a), for instance, has also argued that East Asian countries, such as Taiwan, South Korea, and Japan, maintain strict immigration policies with only a small number of selectively accepted immigrants despite labor shortages. This is because the government wishes to pursue a skill-based migration system that boosts economic growth, while maintaining social stability and national security that is argued by the state to be achieved by restricting social rights. Nonetheless, other research indicates that developmental states may indeed be more open to accepting immigrants. Lee (2019) has shown that Singapore, as a developmental state, has been actively seeking less-skilled immigrant labor to tackle labor shortages, while possessing the strong autonomy to control and even ignore pressure from public and economic stakeholders to accommodate these workers (see also Yeoh and Lam 2024).

However, these studies have overlooked some critical aspects. First, by overly emphasizing the developmental state, these studies have underestimated the political influence of liberalism. They highlight the authoritarian developmental states that implement immigration policies only for the purpose of economic growth and the state’s (or bureaucrats’) autonomy and capacity which effectively ignore the claims of liberal and

more humanitarian immigration policies (*e.g.*, increasing the social rights for immigrants) (see Stubbs 2009; Weiss 2000). However, these studies fail to consider that many East Asian countries have transitioned to democracies and more diversified regimes in the last two decades.⁵⁷

For instance, the South Korean government can no longer forcibly intervene in the migration of people in an authoritarian manner as it did during the authoritative regimes of the 1970s and 1980s. The South Korean state is now constituted by more heterogeneous institutions, and thus, the government must consider the stances of various state actors (*e.g.*, the courts or judges) as I show in my archival work later in the paper, and conflicting positions even within the government, such as the voices of non-state actors. Moreover, while Chung (2022a) claims that East Asian countries prioritize economic growth above all else, this idea relies mostly on the authoritarian regimes of the 1970s and 1980s, as well as studies before the 2000s (pp. 131-3). Given the rapid sociopolitical changes with the consolidation of democracy and the highly diversified social groups of contemporary South Korean society, and the fact that policies for less-skilled migrants started after the 2000s, it is difficult to argue that the state still mobilizes the “population to pursue rapid economic growth while putting other priorities, most notably democracy, on hold” (*Ibid.*: 133, see also Woo-Cumings 1994: 413-4).

Furthermore, more recent studies on developmentalism, especially when it intersects with neoliberalism (see Heo 2015; Liow 2011; Park, Hill, and Saito 2012;

⁵⁷ Although Lee’s (2019) study of Singapore shows a positive correlation between developmentalism and the immigration of less-skilled migrant workers, it might be also problematic to directly apply this finding to South Korea, because of Singapore’s ongoing “(soft) authoritarian” (Chung 2022a: 131) political settings (see also Marti 2019).

Thurbon 2012), suggest that neglecting (economic) liberalism could pose potential problems in discussions about the South Korean migration state. Developmental states can/do not remain in the same exclusive and hermetic position as they did at the end of the 20th century due to global neoliberal forces. Instead, they now employ neoliberal policies or practices to achieve national (developmental) goals. This is particularly relevant when discussing the relationship between developmental states and immigration today. The logic of neoliberalism can easily be used as a potential facilitator or legitimatization for accepting migrants, especially in situations where domestic labor shortages become apparent and appear to impact economic growth. This could also be important given that the launch of less-skilled immigration programs in South Korea followed the country's neoliberal turn during/after the financial crisis in the late 1990s.

Second, previous studies on the effects of developmentalism have often overlooked the continuous expansion of co-ethnic immigration since they are seen as simply 'co-ethnics' rather than as migrant workers. For instance, while Seol and Skrentny (2009a) argued that migrants' settlement is rare in South Korea due to restrictive settlement policies they did not consider numerous cases of immigration and settlement of co-ethnic returned migrants. Similarly, Chung (2022a) assumes that South Korea has less liberal migration policies that are generally reluctant to accept migrants because the country sustains an exclusive and hierarchical "developmental citizenship" (p. 131) instead of liberal principles. However, it is difficult to deny that co-ethnic immigrants represent the largest portion of less-skilled migrant workers, and since the 2000s, the opportunities for them to have fuller membership have significantly expanded as I will discuss below. Moreover, South Korean-born citizens hold negative attitudes towards co-ethnic immigrants, which

indicates that co-ethnic immigration was not smoothly accepted. Thus, we need to explore the unexplored potential ideas and dynamics that have facilitated co-ethnic immigration.

In sum, nationalism and developmentalism are important prevailing ideas that have influenced South Korea's immigration policies, but they should not be considered in isolation. Instead, I argue that these, along with liberalism, constitute three ideational axes of South Korea's immigration policies. In the next chapter, I will analyze how liberalism, nationalism, and developmentalism have intertwined to carve out the South Korean migration state.

4.4 The Three Axes and the Expansion of Immigration: An Empirical Demonstration

In this section, I will examine the process of South Korea becoming a migration state as it gradually expands the inflow of immigrants, especially less-skilled workers, by examining several important policies. To begin with, two policies overlapped in 2004, the creation of the EPS system as well as the revision of the Act on Overseas Koreans and the expansion of the (visa) category of overseas Koreans and VES. As a result, the number of less-skilled migrant workers entering South Korea through the EPS (including VES) has risen significantly from 99,920 in 2003 to around 380,000 per year since 2008, and the number of co-ethnic Korean immigrants living in South Korea through overseas Korean visas or permanent residency visas grew from around 25,000 in 2003 to approximately 500,000 in 2022 (Korea Immigration Service), except naturalized (so-called 'nationality recovery') overseas Koreans. I will focus on the increase of non-co-ethnic and co-ethnic

immigrants, respectively, and the interaction and contestation between the different ideas that have led the increase within the ‘three axes framework.’ This included the implementation and (gradual) expansion of the EPS through the changes in the annual quota of all immigrants allowed into South Korea, changes in the industrial sectors that were allowed to employ immigrants, and changes in the legal status of co-ethnic migrant workers.

4.4.1 Political oscillation, but gradual expansion of accepting non-Korean migration workers

The EPS [and its earlier incarnation, the Industrial & Technical Training Program (ITTP⁵⁸)] were designed not simply to accept migrant workers, but to recruit them into specific sectors, as is the case with many other countries such as Australia, Canada, New Zealand, and Taiwan. In South Korea, the EPS tackled its labor shortage problem in the manufacturing and agricultural/fishery industry through less-skilled temporary migrant workers (Collins and Bayliss 2020; Robertson 2016; Surak 2018). Under these programs, the South Korean government has accepted less-skilled migrant workers from various Asian countries on a temporary and rotational basis. While researchers have already examined the transition from the ITTP to the EPS, it is still worth investigating the interplay between the logic of closure and openness, particularly given the increasing recruitment of migrant workers and the opening of more and more sectors to migration over roughly the last two decades.

⁵⁸ The ITTP, implemented in 1994, was a small-scale migrant worker program (but they were recruited officially as ‘trainees’ [*sic*]) where migrant workers worked in various manufacturing industries.

During the late 1990s and early 2000s, the proposed shift from the ITTP to a larger-scale official program for less-skilled migrant workers (EPS) sparked significant opposition. Both civic and ethnic nationalism fueled concerns about societal destabilization and the infringement upon South Korean citizens' jobs. For example, as indicated in various meeting minutes and reports, some government departments viewed that the "greatest side effect [of introducing the EPS] is social instability" and cautioned that if many less-skilled migrant workers immigrate, they will "demand equal treatment as nationals, constant improvement of working conditions, and this could lead to xenophobia and seriously bad situations" (Archival document from the MoSS 2002; see also *Hankyoreh* 1995). This claim was combined with business owners' opposition to the EPS, who were also concerned that if the government facilitated the recruitment of migrant workers, then the social stability of Korean society would be threatened. For example, some business owners have defined the EPS as "a bad policy that will destroy the protection of middle-class and lower class South Korean citizens" and argued that "the plan for the EPS by the government is against the global trend of controlling labor immigration, especially in developed [*sic*] countries" (Archival document from the MoSS 2002) They also argued that the EPS, as a state-led migration program (as I discuss in paper 2) would complicate the process of employing migrant workers and increase their costs because EPS demands more requirements regarding recruitment processes and migrant workers' rights. Thus, they continuously expressed and attempted to influence the process of designing the EPS, combining their social stability concerns and their potential economic disadvantage, by defining migrant workers as "threats" to the domestic community (Archival document from the Korea Federation of SMEs 2000; see also *DongA-Ilbo* 1997, *Hankyoreh* 1995).

Nonetheless, the forces against accepting more (non-co-ethnic) migrant workers through the EPS was (partly) overcome in the debate during the late 1990s and the early 2000s, basically by the logic of a ‘neoliberal developmental’ solution aimed at addressing labor shortages by importing migrants and connecting it to what the government considered to be the ‘urgent national task’ for further development. Government officers involved in bureaus introducing the EPS, such as the Ministry of (Employment and) Labor (MoEL) and the Ministry of Justice (MoJ), viewed migrant workers as ‘manpower’ [*sic*] and emphasized the importance of ‘supplying’ them to businesses through the introduction of a transnational migration system (Archival document from the Ministry of Construction and Transportation (MoCT) 2005). Another document from the MoCT, for instance, noted that “issues of the labor shortage in small and medium-sized businesses should not be continued ... [because] it will seriously affect the credibility of the businesses and South Korea in global market in negative ways” (Archival document from the MoCT 2002). That is, a state-mediated, and labor market-oriented migration policy has been in place with the specific goal of economic development (Archival document from the MoEL 1996), given the rapidly dropping fertility rate (KOSIS)⁵⁹ and because the pool of rural and/or female workers is exhausted (Chung 2022a). Furthermore, ‘importing’ more migrant workers was not only a simple state intervention (Wade 2018) to support small and medium-sized enterprises (SMEs), but also a project to protect national credibility in the global economy given the relationship between declining demographic growth and the labor market in Korea. (Archival document from the MoCT 2002).

⁵⁹ It was also adamant in the instruction of the President at that time that “[the government] should not allow a worsening labor shortage issue” (Korea Immigration Service 2002).

The EPS was also supported by pro-migrant NGOs, religious groups, and academic circles, which advocated for the protection of migrants' social rights from a politically liberal standpoint. Their influence was clear in the process of making the EPS. According to a governmental report, pastors, professors, and civic activists upheld the EPS against the businesses that held a negative stance towards it, and the pressure from certain segments of civil society was seriously considered by the government at that time (*Joseon-Ilbo* 1997; Archival document from the MoJ 2005), and it became a significant contributor to the introduction of the EPS (see Chung 2022a; Surak 2018). It is also revealed in a report from the MoSS written in opposition to the introduction of the EPS, that "human rights and pro-migrant NGOs and religious groups are vociferous groups that continuously demand the enhancement of human rights for migrant workers, not only concerning the introduction of the EPS but also thereafter" (Archival document from the MoSS 2002). In addition to pressure from civil rights groups, a policy report from the Office for Government Policy Coordination (2002) highlights concerns about the "(potential) deterioration of South Korea's national reputation as a country that does not violate human rights across Southeast Asian countries' due to frequent violations of migrant workers' human rights from Southeast Asian countries in domestic industrial workplaces [under the ITTP]". Thus, as an important national policy task, it "should be solved by the state" to maintain South Korea's reputation as an advanced and developed country in terms of human rights. These different forces that impacted the government indicate that the South Korean state does not have complete autonomy over non-state actors in making policies, unlike what previous studies assume about the developmental migration state (Chung 2022a; Chung, Draudt, and Tian 2024; Lee 2019).

As such, the entanglement of neoliberal developmentalism, civic nationalism, and political liberalism has shaped the EPS to accept migrant workers but at the same time establish specific constraints in their employment activities. Firstly, ‘small and medium-sized enterprises’ (SMEs) are permitted to employ migrant workers, but only if they fail to recruit domestic workers after 14 days, and the sectors in which SMEs are permitted to recruit and employ migrant workers is limited to less-skilled manufacturing, construction, agriculture/fisheries, and some service industries.⁶⁰ The number of migrant workers should not exceed 50% of their Korean counterparts, signaling the objective of welcoming migrant workers as a response to labor shortages in industrial sectors in which South Korean workers apparently no longer wished to work *and* to protect the South Korean workers remaining in those sectors. Additionally, the number of migrant workers is controlled by disallowing EPS migrant workers to stay in South Korea for more than 4 years and 10 months in a row, which prevents them from applying for permanent residency (which requires continuous residence of over 5 years).

⁶⁰ It includes several service industries, including restaurant, business support, social welfare, cleaning, caring, and domestic work.

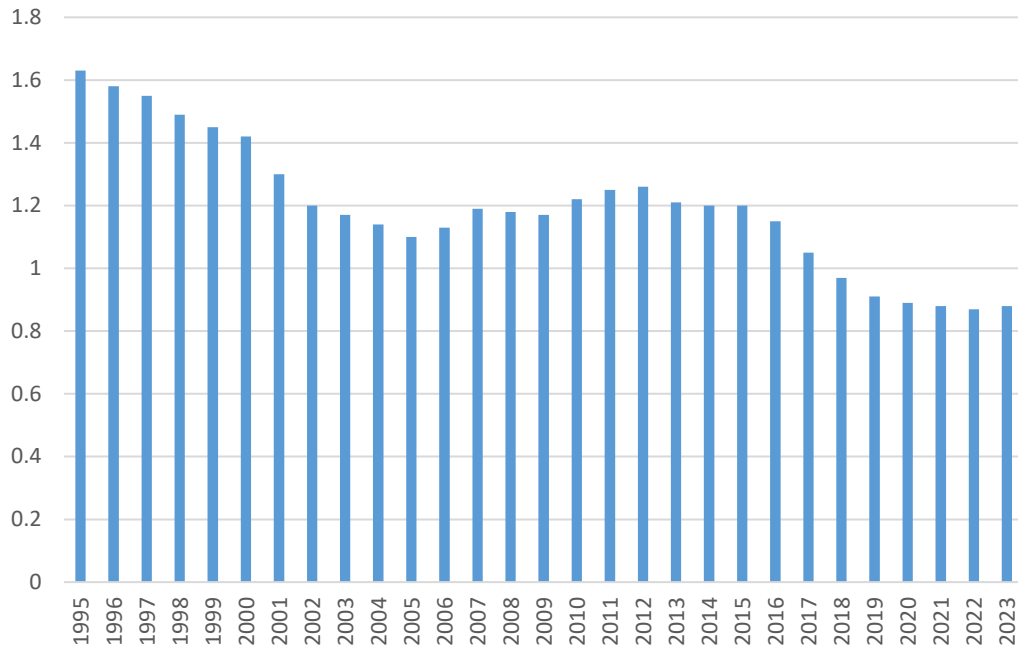


Figure 4.1 Annual changes in the fertility rate of South Korea, 1995-2023 (Source: KOSIS)

However, despite these barriers to work and settlement, there has been increasing neoliberal developmental pressure to address concerns about the potential economic decline that might ensue from slowing demographic growth amongst the working age population (see Figure 4.1), which has led to a chronic shortage of workers in less-skilled fields. Consequently, the government has sought to focus on accepting more migrant workers, despite the sociopolitical concerns noted above. For instance, on one hand, the government recognizes the issues with the domestic labor market, social instability, and citizens' complaints about increasing the number of migrant workers, as highlighted in the Basic Plans for Foreigners' Policy (Immigration Office, 2008, 2013, 2018). On the other hand, these issues remain as policy tasks to be handled and adjusted, rather than complete obstacles to accepting more migrants, including less-skilled migrants. The reason behind this lies in the sense of crisis about the decline in GDP growth and the available labor pool,

given the decreasing working population (Basic Plans for Foreigners' Policy 2013: 19). Furthermore, concerns about population decrease have recently combined with a nationalistic discourse about both a 'South Korean (ethnic) extinction' (see KBS 2015; Jo 2016; Wall Street Journal 2014) and the 'extinction of rural areas' (see Ma 2017). These concerns have further reinforced the need to accept less-skilled migrant workers and to remove existing barriers for their activities, especially since the 'extinction' has occurred more rapidly in rural areas (KOSIS 2022b).

As a result, regulations have been gradually removed and/or relaxed over time. For example, the rule that prohibited hiring more than 50% of domestic workers was abolished in 2005, and in 2006, the number of migrant workers that companies with less than 300 employees could employ was increased by 20% of the total number of workers in a given company. From 2015 to 2021, different industries⁶¹ were allowed to hire more migrant workers⁶². In 2022, students from EPS participant countries (see Paper 2) were allowed to work as migrant workers after graduation. The expansion of numbers and industrial fields is also related to the removal of regional restrictions that were established to consider – essentially avoid - competition with domestic workers. In 2011, the manufacturing industry in areas with a population of fewer than 200,000 people, including the Seoul Metropolitan Area (which was previously excluded from hiring migrant workers) was allowed to hire migrant workers, and after that, they were allowed to recruit an additional 20% migrant

⁶¹ It includes livestock, food, textile, rubber and plastic, metal, electronic equipment, and other machinery and equipment industries, which the South Korean government classifies as 'root industries' (in English: 'core industries'). It encompasses casting, die and molding, plastic working, welding, surface treatment and heat treating).

⁶² More specifically, the government basically decides which industries will be allowed to employ more migrant workers, relying on an index that combines several indicators that show situations in particular labor markets and the level of wages.

workers of the total number of workers in a given company. Finally, the government recently decided to remove the 4 years and 10 months rule in 2022 for medium-skilled migrant workers, allowing them to stay in South Korea for up to 10 years in a row (MoEL 2022). This decision is radical given that the 4 years and 10 months rule was initially created to prevent migrant workers from reaching the residency requirements for South Korean citizenship and permanent residency.

4.4.2 The slow integration of two tracks of legal status of co-ethnic Koreans

As researchers have already pointed out, the politics of the migration of less-skilled overseas Korean immigrants are even more complex, as the immigrants are Koreans as well as less-skilled workers (Kim N.H.-J. 2008). Here I wish to once again demonstrate the intersecting ideas of civic and ethnic nationalism as well as neoliberal developmentalism in the political contestation over this migration. As this paper focuses on less-skilled migrant workers, some may assume that this section should solely concentrate on immigration programs such as the VES and H-2 visas for co-ethnic less-skilled migrant workers. However, I argue that the discussion should also include the F-4 visa for co-ethnic ‘medium-skilled’ migrant workers⁶³, as H-2 and F-4 have been converging (see Table 4.1 below for an explanation of these visas). This convergence, although imperfect and still ongoing, contrasts with Chung’s (2020) argument that visa categories have been strengthening and even consolidating distinctions among various co-ethnic migrant groups

⁶³ However, the F-4 is a visa category not only for co-ethnic migrant workers but also for broader overseas Koreans.

Furthermore, I suggest that the process of this convergence shows the complex expansion of Korean immigration policy and the multifaceted forces behind it.

Table 4.1 Major visa categories for less-skilled migrant workers in South Korea

Visa categories	Eligibility	Permissible industries and political and social rights
E-9 (Less-skilled migrant workers visa)	Visa for migrant workers under the EPS	<p>Manufacturing, Construction, Some Service Industries, Agriculture and Fishery</p> <p>No rights to change workplace (only in some limited situations, such as harassment and serious violation of rights)</p>
H-2 (Visiting working visa)	Visa for co-ethnic migrant workers (from China, Uzbekistan, Turkmenistan, Tajikistan, Kazakhstan, and Ukraine) under the EPS/VES	<p>Some more industries than E-9 visa holders, but limited to less-skilled industrial sectors</p> <p>Right to change workplace freely</p>
F-4 (Co-ethnic living abroad visa)	Visa for co-ethnic people, with an option to recover their Korean citizenship. (officially not allowed to work in less-skilled business sectors, but actually many F-4 visa holders work in those sectors)	<p>No limitation on industrial fields, except less-skilled industrial sectors</p> <p>Virtually the same rights as South Korean citizens, except the right to vote and eligibility for election</p>

The ambiguous relationship between H-2 and F-4 stems from a 2001 Constitutional Court decision, which argued that the pre-1948 law regulating co-ethnic Koreans in poorer countries violated the principle of equality and seriously infringed upon their rights. Due to this decision, which I argue stems from a prevailing ethnic nationalism⁶⁴, the F-4 visa—

⁶⁴ In addition to this ruling, preferential policies and practices for co-ethnic Koreans have triggered debates among scholars about whether those can coexist with universalistic international standards on equality (Lee *et al.* 2019).

previously only available to co-ethnic Koreans from wealthier countries—had to be extended to co-ethnic populations from poorer countries, particularly China and the former Soviet Union countries. According to the sentencing of the decision, excluding overseas Koreans in poorer countries from the F-4 visa is “legal discrimination against *Dongpo* (co-ethnic Koreans)”, which I argue, suggests a strong ethnic nationalism. Given that the F-4 visa grants virtually the same rights as existing South Korean citizens, this decision meant a faster and larger immigration of co-ethnic people from poorer countries (or visa status changes of co-ethnic migrants who were already in Korea) for better socioeconomic opportunities (see Figure 4.2).

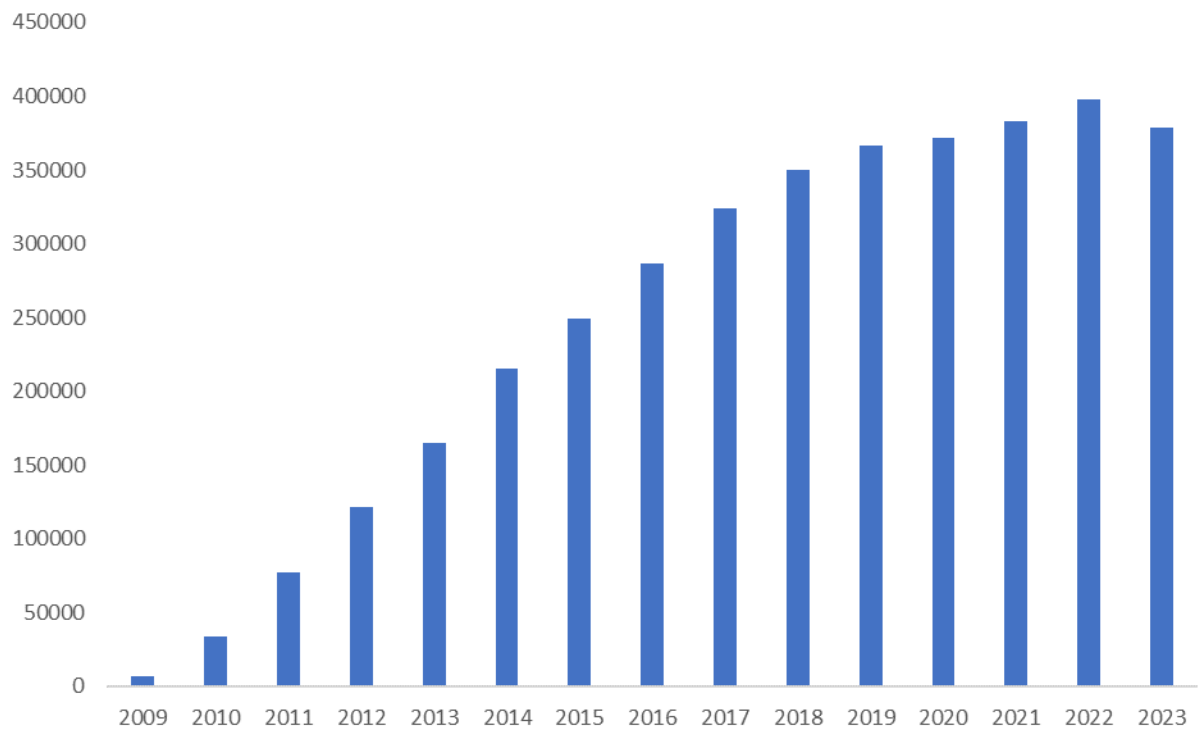


Figure 4.2 The number of F-4 visa (Overseas Koreans) holders in South Korea (Source: KOSIS)

However, at the same time, the influx of *Dongpo* from poorer countries, although they were considered to be the ‘same’ ethnic group, posed a significant dilemma for the

government. The government had to address and manage not only issues such as the instability in the labor market and the so-called ‘stress’ on the social welfare system (*e.g.*, the regulation of the coverage of National (Health) Insurance for non-citizens due to the financial pressure on the insurance system) but also the general negative sentiments among existing Korean citizens towards the increasing number of ‘foreigners’. For instance, interconnected mainstream news media and other social media discourses emerged which argued that the majority of these potential immigrants, mainly Korean-Chinese, were taking jobs from domestic workers, especially in less-skilled labor positions since the mid and late 2000s. (*DongA-Ilbo* 2018; *Maeil Gyeongje* 2009; *Yeonhap News* 2008). Furthermore, anger grew against the negative portrayals in, for example, popular films, of Korean-Chinese residents and their supposedly ‘different’ cultural practices within Korean-Chinese enclaves (*Dongpo Segye Shinmun* 2018; *Insight* 2017) (see Figure 4.3). This anger highlighted tensions arising from a sense of civic nationalism among Korean-born Koreans who have regarded Korean-Chinese (including naturalized residents) as just ‘foreigners’, despite their supposedly shared ethnic roots. Nonetheless, the government could not ignore the need to provide additional workers for the labor market, and therefore the MoJ argued that the immigration program for co-ethnic workers should be continued (MoJ 2001). These opposing or conflicting perspectives are observed in various government documents (*e.g.*, Archival document from the MoEL 2005a, b; Archival document from the MoJ 2000, 2001; see Lee and Chien 2017). For example, the MoJ viewed them as co-ethnic people and favored treating them like existing South Korean citizens as much as possible, whereas the Mo(E)L has essentially regarded them as non-co-ethnic foreign workers.



Figure 4.3 Descriptions on co-ethnic Chinese-Koreans' enclaves in popular films (above) and demonstrations against the release of those films (below)

Source: <https://www.sisajournal.com/news/articleView.html?idxno=171962> (up left)

<https://m.khan.co.kr/national/national-general/article/201709101725011#c2b> (up right)

https://ilyo.co.kr/?ac=article_view&entry_id=267977 (down left)

<https://m.khan.co.kr/national/national-general/article/201709101725011#c2b> (down right)

As a result, the government devised several legal and administrative of co-ethnic less-skilled migrant workers coming into South Korea. This approach aimed to make a balance between adhering to the Constitutional Court's ethnic nationalist decision in 2001 above and addressing the need for a sufficient workforce, while also mitigating social instability and negative sentiments among native South Korean citizens. First, the government created the H-2 visa category only for the VES co-ethnic migrant workers, which is a “hybrid ... of a temporary employment-based visa system ... and of a

kinship/ethnicity-based visa system” (Lee and Chien 2017: 2199). As VES is a part of EPS program, H-2 visa holders are limited to work in less-skilled jobs. Second, the government emphasized again that F-4 visa holders should not work in less-skilled jobs by requiring them to submit documents that showed they were not in less-skilled sectors. Third, and more importantly, this hybrid visa system represents a dilemma, making a two-track system of H-2 and F-4 for co-ethnic Koreans. While the H-2 category presents a significant enhancement for co-ethnic less-skilled migrants because it guarantees freer and more stable working conditions and legal status⁶⁵ (Lee *et al.* 2019; Surak 2018), again, they cannot stay in South Korea for more than 4 years and 10 months as they are considered temporary less-skilled migrant workers, similar to EPS workers. In addition, because of their basic position as migrant workers, they did not have any socioeconomic rights that F-4 visa holders have, for example, the rights of property ownership (see Chung 2020).

These hurdles, however, had to be temporary due to the Constitutional Court’s decision above. Therefore, it was expected that the distinction between F-4 and H-2 visas would finally recede, leading to a convergence of the two visa categories over the past 15 years. The government initially defined the H-2 as a “*preliminary step* to granting overseas Korean residence status (F-4) to compatriots residing in China and the former Soviet Union” (MoJ 2007, emphasis added), indicating that H-2 would eventually merge into F-4. In this transition, two important issues are considered: (1) possible labor shortages in less-skilled industries when H-2 migrant workers become F-4 visa holders, as the latter are not permitted to work in less-skilled industries in principle, and (2) potential social unrest

⁶⁵ H-2 visa holders can change their workplace freely within certain permissible industries that require less-skilled workers, and they can move between other countries and South Korea without heavy restrictions.

and growing negative sentiments among native South Korean citizens towards co-ethnic migrants formerly on H-2 visas, given that F-4 visa holders possess nearly identical legal status and rights as South Korean citizens.⁶⁶ As a result, the lines between these visa categories have carefully and slowly blurred, especially in two ways.

First, the ‘less-skilled’ industries have been continuously redefined (Lee and Chien 2017), effectively permitting both H-2 and F-4 visa holders to work in various industries that were previously classified as less-skilled or medium-skilled. For example, H-2 visa holders were allowed to work in construction waste disposal in 2008, salt harvesting and hotel businesses in 2011, other construction industries in 2020, mining and logistics in 2021 (such as parcel loading and unloading work), air and ground cargo transport in 2022, and household services in 2023. On the other hand, F-4 visa holders were allowed to work in less-skilled industries in nursing, household and childcare, agriculture and fishing, and manufacturing (such as defective product identification) in 2010, and additional simple tasks in manufacturing, agriculture, and fishing in 2015. Consequently, distinguishing between the industries for H-2 and F-4 visa holders has become challenging, particularly

⁶⁶ At this point, I would like to briefly discuss Chung (2020) because it offers a rare discussion about the converging H-2 and F-4. She views convergence of H-2 and F-4 visa statuses as meaningless in lowering hurdles for migrants (or what she calls as hierarchies of noncitizens) because, for example, even though many *Joseonjok* migrants whose visa status was H-2 successfully acquired F-4 visas or even South Korean full citizenship, they are still regarded as the ‘secondary’ citizens in South Korea. According to her, this ‘structural effect’, engendered by the *de facto* and *de jure* distinction of visa categories, consolidates the hierarchies regardless of the legal status of migrants. However, I do not agree with her because this argument is primarily based on cultural discrimination against *Joseonjok* and identity issue at individual levels, and it uncarefully disregards the differences that various legal status make, such as different rights in employment opportunities, social welfare, the length of stay, etc. that might also determine incorporation of migrants. For example, Chung cited an interview in her previous study (Chung and Lee 2015) with a naturalized *Joseonjok* who stated that many South Koreans do not call the interviewee a South Korean citizen but simply a *Joseonjok*. This statement does not support her argument of the insignificance of the visa convergence, because hierarchies of noncitizens are not simply constituted by cultural discrimination but by a complex mixture of legal, social, economic, and cultural practices and rights. Put simply, changes in migrants’ legal categories can make differences, and the boundaries in the hierarchies are messy, even if those changes do not perfectly dismantle the hierarchical structures.

in the workplace, leading to many co-ethnic migrant workers working across various industries that demands more workers regardless of their visa types (Lee *et al.* 2021).

Second, H-2 visa holders are required to prove their qualification when they change their visa to F-4. For example, F-4 have been opened to H-2 visa holders who earned national industrial and technical certifications (2012), worked in ‘core’ industries (or what are called in Korean, ‘root industries’) for over two years (2018), graduated from local high schools or completed level-4 of the KIIP⁶⁷ (2019), and acquired national construction industry certifications (2020). These pathways, influenced by neoliberal developmentalism and civic nationalism, require co-ethnic migrant workers to contribute to South Korea’s economic development as qualified workers and/or to its social stability and cohesion as ‘good’ members. Table 4.2 provides a summary of gradual expansion of less-skilled migrant workers in South Korea.

Table 4.2 Summary of gradual expansion of immigration of less-skilled migrant workers in South Korea

	E-9	H-2	F-4
1990s	ITTP		
Late 1990s – early 2000s	Discussion on the Introduction of the EPS		

(Table 4.2, continued)

⁶⁷ The Korea Immigration & Integration Program (KIIP) is a MoJ’s program to ‘help’ immigrants to ‘learn’ Korean and Korean culture for ‘better communication with the native South Koreans’ and an ‘easier integration into the South Korean society and local community. It consists of 5 levels of courses and tests about Korean language, culture, and the understanding of South Korean society (Immigration & Social Integration Network of the MoJ, https://www.socinet.go.kr/soci/main/main.jsp?MENU_TYPE=S_TOP_SY).

2001		Constitutional Court's decision that allows F-4 visa to overseas Koreans from the former communist countries	
2004	Introduction of the EPS	Revision of the Act on the Immigration and Legal Status of Overseas Koreans	
2005	Abolished prohibition on hiring migrant workers more than 50% of domestic workers in a business		
2007		Introduction of the VES	
2008		Allowed working in construction, waste disposal	
2010			Allowed working in nursing, household, childcare, agriculture, fishing, manufacturing
2011	Allowed hiring foreign workers in businesses areas with the population of fewer than 200,000		
2015			Allowed working in additional manufacturing, agriculture, and fishing
2015 – 2021	Allowed working in additional industrial sectors		
2020		Allowed working in Construction industries	
2022		Allowed working in air and ground cargo transport	
2023 -	Allowed medium-skilled migrant workers to stay in South Korea more than 4 years and 10 months in a row		

4.5 Conclusions

While the concept of the liberal migration state is useful in explaining the South Korean case, it needs to be expanded to include neoliberal developmentalism and nationalism. By employing the three axes framework—liberalism, nationalism, and neoliberal developmentalism, we can provide a nuanced explanation for the growth in immigration of less-skilled workers, encompassing both co-ethnic and non-co-ethnic immigrants, over the past two decades. The expansion of immigration has not unfolded seamlessly; instead, it has been filled with bumpy interactions and contestation among different ideas. In Figure 4.4, I summarize the relationship between the three axes and labor migration policies. What have I called ‘prevailing ideas’ (or simply ‘ideas’) overlap, and specific policies influenced by them are assigned to each section.

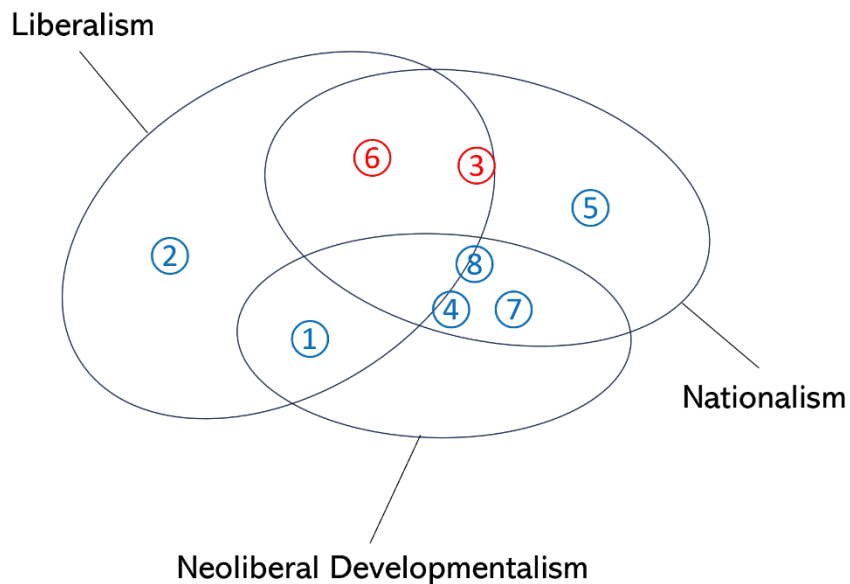


Figure 4.4 Interactions of ideas and the resultant immigration policies and directions

* Note:

1. Non-co-ethnic migrant workers

- ① Introducing and implementing the EPS (Expansion)
- ② Support for the EPS from pro-migrants NGOs, religious and academic communities (Expansion)
- ③ Opposition to the introduction of the EPS (Reduction)
- ④ Expansion of the EPS based on national economic concern coming from population crisis and the discourse of ‘South Korean extinction’ (Expansion)

2. Co-ethnic migrant workers

- ⑤ The decision of Constitutional Court concerning F-4 visas (Expansion)
- ⑥ Distinction between F-4 and H-2 and making barriers for H-2 visa holders (Reduction)
- ⑦ Favorable working conditions for H-2 visa holders (Expansion)
- ⑧ Convergence of F-4 and H-2 (Expansion)

First, the introduction and implementation of the EPS for non-co-ethnic migrant workers were motivated by neoliberal developmentalism aimed at economic development, by drawing on international labor migration. This policy plan garnered support from pro-migrant NGOs, religious, and academic communities rooted in political liberalism, which emphasized humanitarian protection for migrant workers. However, business owners opposed the EPS, citing the potential for social instability and job infringement on domestic workers, which suggests a civic nationalism, and arguing that it would lead to social instability and infringe on the rights of native South Korean citizens. This clash of ideas resulted in the EPS being implemented, but with specific restrictions on the industries in which EPS migrant workers could work and their length of stay in South Korea. Nevertheless, the rapid decline in the population growth rate since the 2010s, often represented as the ‘South Korean extinction’ discourse, and the subsequent concerns about a decrease in economic growth rates prompted the government to expand the EPS and to accept more migrant workers. Consequently, the barriers on non-co-ethnic migrant workers in the EPS have gradually been eliminated.

Second, in the case of co-ethnic migrant workers, the Constitutional Court’s decision that permitted F-4 visas for co-ethnic Koreans (especially those coming from

poorer countries), was driven by ethnic nationalism, and played a pivotal role in the expansion of co-ethnic migrant labor. However, the government faced the challenge of navigating between facilitating substantial immigration and addressing societal concerns related to heightened competition in the domestic labor market, instability in the social welfare system, and negative sentiments among South Korean-born citizens toward co-ethnic immigrants, particularly Chinese-born Koreans. Consequently, the government implemented various legal and administrative barriers to regulate the influx of co-ethnic immigrants, including the establishment of a dual visa system comprising F-4 and H-2 categories tailored to different industrial sectors and social rights. Nonetheless, due to the Constitutional Court's decision and continuous labor shortages, those two visa categories have been gradually integrated. In sum, and to reiterate, this paper has shown that the three axes framework is powerful as a means for explaining the relationship between a complex South Korean migration state, South Korean society, and the expansion of less-skilled immigration.

CHAPTER 5. CONCLUSIONS

In this dissertation project, I have examined the migration governance of the South Korean state from various perspectives. While South Korea is not traditionally considered a major destination for immigration, over the past two decades, like many other richer countries, it has actively admitted less-skilled migrant workers. Despite the pivotal role the state that has played and is perceived to play in order to govern the immigration of workers, the state has been relatively underexplored. That is, previous studies have mainly focused on the individual experiences of immigrants, the socio-geographical dimensions of immigrant groups such as the formation of ethnic enclaves and changes in the urban landscape, or policy development for the adaptation of immigrants to foster a ‘multicultural society’. Consequently, there has been insufficient discussion of what the South Korean state does in terms of labor immigration, how it does it, and why it does it. This dissertation has addressed these precise questions, and in the process, has sought to enhance our understanding of the South Korean state in governing migration. Particularly, it has critically engaged with existing discussions within various literatures on migration governance, and has sought to contribute to existing theoretical and conceptual advancements. In this work, I draw on state archival documents that I obtained from the National Archives and the Information Disclosure System, and additionally I compared the state documents with other sources of information, such as documents from the news archives and NGOs in order to triangulate what I learned from the state documents.

Firstly, in Paper 1, I scrutinized the thesis of the ‘(Asian) migration industry’ by examining ‘who’ (or ‘what’) is responsible for facilitating the movement of less-skilled migrant workers to South Korea. Many scholars have argued that the task of transnationally

moving migrants has been ‘outsourced’ by states to the private sphere, especially in Asia. Based on this idea, often called the ‘migration industry thesis’, a group of scholars argue that less-skilled migrant workers’ migration across Asia is facilitated by (net)works of private agents, intermediaries, transporters, and liaisons, positing that this ‘migration industry’ predominantly governs less-skilled migration in Asia. However, I found this argument to be somewhat hasty and myopic, potentially overlooking the continued dominance and significance of the state in South Korean migration governance. Thus, I challenged this assertion by demonstrating that the South Korean state manages and controls most aspects of the process of crossing borders for less-skilled migrant workers.

To address this, I first proposed a theoretical fusion of the concepts of multilevel governance (MLG) and the state transformation approach (STA), introducing the notion of state-led MLG (sMLG). Subsequently, I empirically examined how the South Korean state establishes and manages EPS governance by analyzing archival documents of the Human Resources Development Service of Korea (HRDK), accessed through the Information Disclosure System (IDS), supplemented by reports from NGOs and newspaper articles. I found that the South Korean state has established and managed EPS governance by internally instituting new agencies, revising administrative and legal regulations, and externally forging diplomatic agreements with EPS participating countries, thereby establishing EPS agencies in those countries to facilitate the movement of migrant workers, from each participating country to Incheon Airport, without engaging private actors. Hence, the concept of sMLG provides an effective framework to elucidate state-led EPS governance. While this finding underscores the importance of the state in transnational migration governance. I have emphasized that we must not simply disregard private actors

that are associated with the ‘migration industry thesis’. Instead, I advocate for recognizing a spectrum of migration governance that encompasses both state and private sector involvement, signifying a diverse landscape of migration governance devoid of a dominant form.

In Paper 2, I addressed the question of ‘how’ the South Korean state governs less-skilled migrant workers within its territory, and more specifically how the state interacts with less-skilled migrant workers. Here, I drew upon studies that highlighted the importance of more mundane administrative practices and documents in governing migrants, which foregrounds a disaggregated and de-essentialized approach to the state. This literature further explores the interactive relationship between ‘the governing’ (*i.e.*, the state and broader governance) and ‘the governed’ (*i.e.*, migrants), emphasizing blurred boundaries among actors and components, including migrants, state actors, and material elements such as paperwork and administrative practices. Given the heterogeneity and complexity in migration governance, these studies conceptualize contemporary migration governance through the lens of assemblage (or association). However, I also argued that there is a gap between the theories of the state in those studies and the empirical focus on the state’s violence and oppression of migrants. That is, by empirically focusing on so-called unwanted or irregular migrants, these studies often depict the state as exerting violence and oppression over migrants, (unwittingly) reinforcing a model of the state as an essentialized political entity wielding oppressive power. This portrayal contradicts this literature’s initial theoretical stance of a disaggregated and de-essentialized approach to understanding the state.

To narrow this gap, I suggested conceptualizing the state's multifaceted and complex characteristics by introducing the concept of the assemblage-apparatus complex (AAC), which amalgamates Deleuze and Guattari's notion of assemblage with Foucault's concept of apparatus, based on the similarities and differences between the two ideas. I analyzed administrative documents and practices about the management of the FRN/C and employment contracts and mandatory insurance for less-skilled migrant workers in the EPS. This analysis was based on archival sources from the Administrative Welfare Center (AWC) and the Local Employment and Labor Office (LELO), obtained through the Information Disclosure System (IDS). I found that these mundane administrative documents and practices have enabled the South Korean state to govern less-skilled migrant workers, while also allowing migrant workers themselves to exert an influence on the state in terms of legally and administratively entering South Korean society. AAC provides a conceptual tool that effectively explains the bidirectional and multifaceted exertion of power and the complex relationships between the state and less-skilled migrant workers.

In Paper 3, I provided an answer to 'why' the South Korean state has accepted and expanded the opportunities in the labor market and legal status of less-skilled migrant workers, unlike the conventional assumption that South Korea has a relatively closed border. Drawing on the framework of the liberal migration state that has long addressed this question in different national contexts, I investigated various political-economic, social, and cultural ideational forces that have driven the South Korean state towards gradually accepting the migration of less-skilled migrant workers. However, applying the original version of the liberal migration state framework to the South Korean context

necessitates adjustments, given the significant impact of developmentalism and ethnic nationalism, as suggested by previous studies. Nonetheless, studies within this framework often overlook the combined influence of these ideational factors. Furthermore, they tend to neglect recent transformations in South Korean society, such as the decline of authoritarianism, the evolution of democracy, and the nuanced landscape of nationalism characterized by the simultaneous rise of civic nationalism and the waning influence of ethnic nationalism.

Therefore, I demonstrated that the policies and practices of the South Korean government cannot be solely explained by the original model of the liberal migration state, nor can it be explained solely by what is often considered as the inherent characteristics of South Korea – neoliberal developmentalism and nationalism. Instead, I have argued for a ‘three-axis’ approach to understanding the South Korean migration state and expanded the original concept of liberal migration state. This involves three ideational forces: liberalism, neoliberal developmentalism, and nationalism, which have jointly impacted immigration policies for non-co-ethnic and co-ethnic less-skilled migrant workers in South Korea. Based on the analysis on the state’s archival documents, I demonstrated that three axes have jointly influenced policy direction, quota sizes, visa status, and permissible sectors for migrant workers, leading South Korea to gradually accept less-skilled migrant workers. In this regard, I contributed to literature exploring both the expansion of the western-based liberal migration state model and the call to diversify our understanding of migration governance in non-western contexts.

The findings and conclusions of these three papers have sought to jointly highlight the diversity of migration governance. While the state is sometimes eclipsed by other actors

in the literature on migration governance, this dissertation has demonstrated that it still plays a crucial role in governing migrants. In doing so, this dissertation adds new theoretical contributions to the existing the scholarship on, namely the concept of sMLG in Paper 1; the AAC in Paper 2; and the three-axes argument' of the South Korean migration state in Paper 3.

To conclude, I briefly revisit the relationship between the primary research method of this dissertation – (state) archival study – and the state. I focus on its limitation in explaining different aspects of the state beyond the disaggregated and de-essentialized state model. In the introductory section, I asserted that examining archival documents of the state, especially those related to mundane state practices like document exchanges, notifications, the development and implementation of 'smaller' or 'micro' policies, approvals, guidelines, meetings, information updates, and corrections, aligns with the disaggregated and de-essentialized state model, which forms the theoretical and methodological foundation of this dissertation. Throughout this dissertation, I have identified specific practices and their combined effects that govern migrants' mobility by analyzing state archival documents. For instance, I explored how specific and mundane state practices and changes have established and operated the sMLG, which recruits EPS migrants and brings them to South Korea, and how administrative documents and practices have shaped the mutual relationship between the state and migrants, which I conceptualized as AAC. That is, archival studies have successfully revealed that the South Korean state (at least in the context of migration governance) is the accumulated effects of specific practices, materials, and ideas, as discussed by Mitchell (1991). Nonetheless, I think there are other aspects of the state that this dissertation's methodological approach might

struggle to fully capture. By discussing these, I aim to consider this dissertation's potential limitations as well as contribute to enrich future state archival studies.

First, archival studies focusing on mundane state practices (supported by a disaggregated model of the state) may struggle to capture the monolithic and essentialized characteristics of the state. While the disaggregated and de-essentialized state model has been broadly accepted by contemporary critical social scientists, including myself in this dissertation, the state can 'act' sometimes and in some contexts as if it is more like a monolithic entity, or is at least often misunderstood as such (Passoth and Rowland 2010). For example, as I reviewed in paper 2, many studies have examined how the state and broader forms of governance exercise oppressive power, such as surveillance, policing, raid, incarceration, deportation, and physical harassment over different migrants. It is not impossible to explore the oppressive (and consistent) exercise of state power through archival studies, as exemplified by some studies (*e.g.*, Hiemstra and Conlon 2017; Hughes and Martin 2022). However, given the close association between archival studies and the disaggregated state model, concentrating on documents about mundane state practices could fail to contemplate state's more monolithic aspects and occurrences. This issue could be more evident when a study focuses on administrative techniques and the state's benevolent aspects, as I did in this dissertation. In addition, archival studies, especially focusing on mundane state practices, might unnecessarily complicate studies on the state's monolithic nature. As Passoth and Rowland (2010) aptly pointed out, a monolithic actor model of the state explains state's violence more easily and intuitively than the way disaggregated state model accounts for state violence. The idea of AAC, as suggested in paper 2, might illustrate this issue. In my attempt to capture the exercise of authoritative

state power while retaining the fundamental theoretical framework of the disaggregated state, I had to rely on the complex notion of apparatus, which potentially risks complicating the understanding of the state excessively.

Second, it may be relatively challenging, or ineffective, to fully explore the decision-making processes of the state through archival studies. Because analyzing mundane state archival documents primarily focuses on the outcomes of the state's policy practices (as I particularly did in paper 1 and 2) and relies on documented records, it might fail to effectively explore the detailed coordinating processes among different institutions and actors, particularly in verbal communications, as well as the impacts of personal and spontaneous decisions made by more powerful state actors (*e.g.*, high-ranking government officials or politicians). Although I was able to capture conflicts and some decision-coordinating processes among different state institutions in paper 3, more detailed background information about those debates and their impacts on the development of migration governance could exist. It suggests the importance of 'triangulation' of different qualitative methodologies, such as interviews, ethnography, and analyzing secondary sources (Hughes and Martin 2022). For example, in the context of this dissertation, interviewing officials in the MoJ or MoEL who engaged with important decision-making processes and work for coordinating different positions of state institutions might provide valuable stories about the state's decision-making processes. Or if possible, researchers could observe what is actually happening in informal discussions between actors and closed meetings in/across the offices of the government and state institutions, as Mountz (2003) did in her ethnographic research on Canadian governmental agencies. Given that this dissertation is a study of historical changes from about 25 years before to the present,

using archival documents, interviews, and ethnography jointly and strategically could provide a deeper understanding of the economic, political, and social forces involved in the South Korean state's decision-making process with respect to migration governance so far.

Lastly, the state is often reluctant to open archival documents, keeping many documents confidential, which potentially disrupts the possibility of the studies on the state. As I illustrated in the methodology section of the introductory part, the (South Korean) state keeps many archival documents undisclosed, and it may sometimes be willing to indirectly boycott or show lukewarmness towards official requests through the Information Disclosure System (IDS). While I was able to acquire most of the documents I requested, if the state maintains a hermetic and uncooperative attitude towards request for document disclosure, archival studies of the state may face limitations in capturing the entirety of state rationalities, decision-making, and practices. This could be an inherent disadvantage of archival studies that scholars should consider when conducting research on the state.

APPENDIX
ABBREVIATIONS

AAC	Assemblage-Apparatus Complex
AWC	Administrative Welfare Center
CAK	Construction Association of Korea
CSI	Certification of Seal Imprint
EPS	Employment Permit System
FRN/C	Foreigner Registration number/Card
HDRK	Human Resources Development Service of Korea
IDS	Information Disclosure System
IO	Immigration Office
ITTP	Industrial & Technical Training Program
KBIZ	Korean Federation of SME (full name is different from the abbreviation, but it is officially used by KBIZ itself)
KBS	Korean Broadcasting System
KOSIS	Korean Statistical Information Service
LELO	Local Employment and Labor Office
MoCT	Ministry of Construction and Transportation
MoE	Ministry of Education
MoEL	Ministry of Employment and Labor
MoHW	Ministry of Health and Welfare
MoIS	Ministry of Interior and Safety
MoJ	Ministry of Justice

MoSS	Ministry of SMEs and Startups
MLG	Multilevel Governance
NACF	National Agricultural Cooperative Federation
NAK	National Archives of Korea
NFFC	National Federation of Fisheries Cooperatives
SLELO	Seoul Local Employment and Labor Office
sMLG	State Transformation Approach
SMA	Seoul Metropolitan Area
SME	Small and Medium-sized Enterprises
STA	State Transformation Approach
RRN/C	Resident Registration Number/Card
TOPIK	Test of Proficiency in Korean
VES	Visiting Employment System

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Educational Institutions and Degrees

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Advisor: Jeongman Lee	
Thesis: Business Foundation of the RKC (returned Korean-Chinese) Entrepreneurs in New Areas, Seoul	
B.A. Geography, Seoul National University	2012

Professional Positions

Teaching Assistant, University of Kentucky	2018-2024
Research and Administrative Assistant, BK21+ 4-Zero Land Space Creation (National Research Program of South Korea)	2015-2018

Scholastic and Professional Honors

Kyujanggak Junior Fellowship for Korean Studies	2023
Kyujanggak Institute for Korean Studies	
KASER research support program	2022
Korean Association of Space & Environment Research	
Barnhardt-Withington Funds	2021
Department of Geography, University of Kentucky	
Development Fund Scholarship	2014
Department of Geography, Seoul National University	
National Research Fellowship for Humanities	2013
Korean Student Aid Foundation	
Bronze Prize, The 2nd Low Fertility and Aging Problem Student Paper Competition	2012
Korea Institute for Health and Social Affairs	
Academic Performance Honor	2011
Seoul National University	

Professional Publications

Park, W. (2024). Beyond the 'migration industry': State-led multilevel migration governance and the South Korean Employment Permit System, *International Migration Review*, Under review

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