

On Incorporating Refugee Integration Into Refugee Regime: South Korean Case

Seo Yeon Park

Introduction

In comparison to some countries across the world that have received large number of asylum-seekers in recent decades, South Korea is not a major refugee-hosting country. Following the statistics from 2019 Germany received 165,938 asylum applications, France received 132,614 and Canada 29,365 applications while South Korea received about 16,000 refugee applications in 2019 (CBSA 2020). When the conflict and humanitarian crisis broke out in Syria in 2013, around 430,000 Syrians sought protection in Europe that same year alone, and by the end of 2020, some 5.6 million Syrians have sought international protection, with another 6.2 million being internally displaced (UNHCR 2015; World Vision 2020). The conflict in the region still persists, with about 900,000 people in northwest Syria being displaced in 2019 due to continuing conflicts in Idlib (World Vision 2020; BBC News 2020).

On the basis of these statistics alone, South Korea might therefore appear to be a peripheral host country. However, South Korea is rapidly becoming an attractive destination country for some asylum-seeking populations in the world, as the number of refugee applications has skyrocketed over the last decade. When South Korea passed the Refugee Act in 2012 and established its own independent refugee regime, the number of applications remained less than 1,000 per year. In 2014, applications reached around 3,000 and then in 2018 and 2019, it climbed up to 16,173 and 15,452 respectively (Ministry of Justice 2021a). Presumably, this rapid change can be explained by the fact that the South Korean legal and institutional system for asylum seekers came to be known to foreign populations during a time when other countries were implementing stricter border controls. The so-called “securitization” of refugees has generated what media reports call the “European Refugee Crisis,” refer-

ring to divisions in domestic politics in several European countries around refugee issues and the challenges these issues pose to policy makers (Esses, Hamilton and Gaucher 2017; Greussing and Boomgaarden 2017). While it is well-known that the majority of asylum seekers find refuge in neighboring countries like Turkey, Pakistan, Uganda and Sudan, refugee migration nevertheless presents a burden for some European countries, generating xenophobia and ultranationalism in and beyond Europe (Buchowski 2016; Greussing and Boomgaarden 2017). In recent years, the United States has also significantly reduced its annual intake of asylum applications in tandem with a policy discourse about “security” (Pew Research Center 2019). While some 29 million remaining refugees are dispersed throughout the world about 4.1 million refugees exist in Asia and Pacific region (UNHCR 2020). In this international humanitarian environment, some applicants, especially those from the Middle East and North Africa (MENA) region have gradually turned their eyes to a small country in the East: South Korea. The number of MENA region applications has been on the rise throughout the 2010s, particularly from Syria, Egypt, Yemen and Morocco (Ministry of Justice 2020). The migration paths that these applicants take are known to be serial, which means they usually stay in other countries before coming to South Korea rather than coming directly from their countries of origin. The majority of applicants to South Korea have always been from the Asian region, with people from origin countries such as Kazakhstan, Malaysia, India and China being particularly high over the past 3, 4 years, constituting more than half of the applications. This is partly because the major East Asian countries neighboring South Korea have not been very active in accepting refugee applications nor in providing asylum to those in need of protection – China, for instance, has been a member state to the Refugee Convention and has historically accepted some asylum seekers from Europe, Vietnam or Myanmar, but it has never established its own domestic law to define a refugee or to have provisions on the procedures for determining refugee status (Peterson 2012; Song 2018). Japan, on the other hand, recognizes only a very small number of refugees, even after it passed the related “Immigration Control and Refugee Recognition Act” in 2004 (Flowers 2009; Japan Ministry of Justice 2015). The numbers of refugee applications in South Korea in 2020 and 2021 decreased due to the Covid-19 pandemic, but it is well expected that the number of refugee applications will rise dramatically in the post-Covid period, owing to the abovementioned reasons.

Notably, in 2018 South Korea experienced a significant event in terms of refugee migration: what media outlets called the “Yemeni Refugee Incident”.

This event generated a dramatic social debate about refugees for the first time in South Korea. Some 500 Yemeni asylum seekers landed on Jeju island (a southern resort island of South Korea) through economic flights connecting Kuala Lumpur and Jeju that had been launched just a few months before the relevant media reports started. Public discourses of security and xenophobia, but also of hospitality began circulating within South Korean society, having a large effect on South Korea's overall refugee policy, institutions and subsequent scholarly engagement.

In the following sections, I first analyze the characteristics of the South Korean refugee regime, which has evolved over the years along with the country's migration institutions. The first part of this study will include some of the dramatic changes that have been made in the years following the 2018 Yemeni Refugee Incident. This will show how the Korean refugee regime – understood to be rigid, unchanging and strict, at least according to some critics – has actually been quite flexible and changeable. I then discuss how discrepant integrations among asylum seeker groups have materialized and what these materializations mean for the South Korean refugee regime. I claim that a more integrated, proactive and holistic approach to refugee policies is needed. I also argue that the South Korean refugee institution needs to set its own direction in terms of migration/refugee policies which can only be possible through reflecting upon, and analyzing, the current refugee-related situations in South Korea.

South Korean refugee regime

International refugee regimes are based upon the 1951 Convention on the Status of Refugees (also known as the UN Geneva Convention) and the establishment and workings of the United Nations High Commissioner for Refugees (UNHCR). The principles guiding refugee regimes comprise of non-refoulement and protection of refugees, which require that member states take on two major obligations: providing asylum and burden sharing (Betts 2015). Providing asylum refers to the responsibility that each state takes toward asylum seekers who have reached its territory, while burden sharing refers to the responsibility towards refugees outside of its territory. However, the norms and principles of the refugee regime have been debated among political theorists and refugee theorists alike, as have the discretionary practices of each country, and their policies toward refugees (Betts 2009; 2015).

South Korea became a signatory to the 1951 UN Geneva Convention and the 1967 Protocol in 1992. It is not a coincidence that the country became a signatory to the Convention when the South Korean government took a more open stance toward “globalization” and the acceptance of foreign populations. South Korea’s democratization movement, coupled with the country’s aspiration to become “more global” epitomized in the 1988 Seoul Olympics, brought a new socio-political horizon to the country (Koo 1997; Song 2000). The 1992 signing occurred in the context of a change in national leadership in 1987, the collapse of the Soviet Bloc in 1989 and the subsequent changes in diplomatic relationships with former communist countries, both North and South Korea joining the UN in 1991, and the beginning of a foreign labor recruiting system that same year, and the *Segyehwa* (globalization in Korean) campaign of the Kim administration from 1991-1997 all pointed towards an opening up of the country to the wider world and a desire to position South Korea within the global order. Becoming a party to the Refugee Convention can be viewed as another example in this series of the nation’s efforts to pursue “globalization” and aspiration of implementing the “global standard” in the global human rights regime. Even to this day, the South Korean government has appealed to the general public regarding the acceptance of refugees with rhetoric about maintaining the country’s “global standard” and “global citizenry”. One can witness this aspect through the Ministry’s announcements on cases like that of the Yemenis in 2018 and Afghans in 2021 (Ministry of Justice 2018; 2021b). The Convention is legally binding, as there are 146 member states which have ratified it. As many scholars and practitioners have observed, however, it is up to each country’s discretion to determine how to ensure the protection of an individual applicant, even as countries share the same legal commitments as spelled out in the Convention. South Korea had its first refugee recognized in 2001, a decade after it first ratified the Convention. The first refugee recognition was made in the same year that the South Korean government had signed up for the UNHCR’s Executive Committee as a member state - according to some of the officials that I have met.¹ Since then, the South Korean government has largely granted refugee status to Ethiopians and Bangladeshis, who make up about 50% of South Korea’s entire recognized refugee population (Ministry of Justice 2021a).

Prior to 2018, refugee issues in South Korea were largely debated by specialists interested in and directly involved with refugee and migration policies

1 This signing contributed to the recognition of the first refugee.

and practices (Seol 2018). In the mid-2000s, a circle of specialists, composed mostly of lawyers and NGO workers, launched a plan to establish a specific law pertaining to refugees. Refugee advocates unyieldingly claimed that the Immigration Control Act should not dictate the refugee status determination process because the Act mainly purported to regulate the inflow of migrants (Kim 2006; Oh 2012). In response, 24 congressional representatives then proposed the Refugee Act on the status and treatment of refugees and asylum-seekers to the 18th national assembly (2008-2012), and after a series of institutional evaluations, the bill was finally enacted in February 2012. This enactment marks the establishment of the first independent refugee law in Asia.

Similar to the refugee laws in other countries, the Refugee Act introduced the rights and duties of refugees, humanitarian status holders, and refugee claimants for the first time, specifying different benefits according to each status (Refugee Act, Article 2). It also highlights the principle of *refoulement* and allows for claimants to apply for refugee status at ports (Article 6), an accommodation which had not been possible under the Immigration Control Act. Refugee claimants have rights to have their own legal representatives in processing the claim (Article 12, 13), and they can also apply for living expenses support (Article 40). After 6 months from an initial application, a claimant can also work legally and without much restriction. The law also includes provisions of the Third Country Resettlement program (Article 24), one of the UNHCR's refugee programs which was established to share the burden of refugee crises internationally (Ministry of Justice 2020). Even with all these advancements in South Korean refugee policy, the bill has drawn criticism from civil society groups that saw the Act as favoring government interests by regulating the influx of foreigners rather than protecting asylum-seekers. From the government's side, it was still a brave move to have an independent refugee law which might conflict with the overall policy regulations on foreign populations (Choi and Kwon 2017; Oh 2012). Despite the criticism, the Refugee Act stipulated some crucial protection measures in its provisions. These provisions make up the backbone of South Korea's refugee law and the new protections which it ensures.

In addition to establishing the 2012 Refugee Act, South Korea has created institutional structures to determine the status of refugees, elaborate on overall refugee policy, and support the integration of refugees in the region. The South Korean government formed the Refugee Division of the Ministry of Justice in 2013 to address the determination of refugee status and overall policies. In 2015, the government established a refugee resettlement program,

with particular focus on Burmese refugees (following a similar program that was begun in Japan in 2011). This program has received positive feedback from scholars and refugee advocates, giving it a good momentum for further expansion. There is also continued discussion regarding the emendation of the current Refugee Act. As of 2020, the South Korean government has 16 different regional offices set up to receive refugee applications, and two separate divisions for refugee matters in their headquarters: the Division of Refugee Policy and the Division of Refugee Appeals (Ministry of Justice 2020), which oversee the overall refugee policy and deal with refugee appeal cases, respectively. The number of Refugee Status Determination (RSD) officers have increased to about 90 across the country, and the Division of Refugee Appeals has recently recruited Country of Origin (COI) investigating specialists to build expertise in COI research.

The establishment of the Refugee Law also raised some concerns regarding the abuse of the refugee system, as South Korea has seen a large percentage of applications made by those who apply for refugee status based on circumstances that do not align with eligibility requirements as stipulated in the Refugee Convention. Due to this factor, the overall protection rate (rate of refugee status recognition and humanitarian stay issuance) has dropped significantly – which became a major target of criticism from civil society and human rights advocates – and the overall institutional stability. This situation is problematic as it puts unnecessary institutional burdens on the immigration and refugee processing system, as South Korea has not developed the system to sufficiently manage large number of application; moreover, it could possibly distort the overall refugee regime by delaying the process of refugee status determination and by encouraging more and more people who do not need such protection to apply for it as an easier way of avoiding immigration controls (Han 2014; Song 2016).

The nationalities and demographics of applicants show some noteworthy characteristics and trends of the South Korean refugee flows. In 2019, most refugee claims were made by Russians, followed by citizens from Kazakhstan, China and Malaysia. In 2016, the top three applicant citizenships were from China, Egypt, and Pakistan. Changes in the nationalities depend largely on South Korea's visa policy with the above-mentioned countries, as they can at least pass the Korean border easily with a visa-free agreement. The list of origin countries for people applying for refuge in Korea differs from the top three citizenships of refugees internationally: Syria, Afghanistan and Venezuela (UNHCR 2020). This difference can be explained in geograph-

ical and historical terms. Being geographically close to South Korea, Central Asians, Southeast Asians and Chinese applicants comprise a higher number of refugee applications than those from Africa or South America. These areas are also historically close for economic and social reasons. There are many Korean Chinese and Korean Kazakhs who have made it to South Korea since the 2000s due to the establishment of a relaxed entry system for ethnic Koreans from these regions. The rise of refugee applications from these regions is allegedly linked with the immigration of ethnic Koreans, even though to date a systematic study of this connection has not been conducted. Refugee migration is not an isolated human migration; rather, people often move along kinship ties and cultural/social/religious affinities, as has been witnessed in other refugee migration cases (Song 2018). Even with the efforts made in South Korean refugee system, it still shows a relatively low rate of refugee recognition – the low rate of acceptance could be explained in several ways, and one reason behind that is high number of Chinese refugee applicants whom the South Korean government is hesitant to give the status to, owing partly to diplomatic relations with China (Wolman 2013).

Table 1: Refugee Claims by Nationality – only major countries included (Ministry of Justice 2021a)

Nationality	1994-2012	'14	'15	'16	'18	'19
Kazakhstan	2	1	45	539	2,496	2,236
China	359	360	401	1,062	1,200	2,000
Russia	17	7	27	323	1,916	2,830
Total	5,069	2,896	5,711	7,541	16,173	15,452

*Total number of applications include all the other nationalities that are not listed above.

Table 2: Recognized Refugees by Nationality (Ministry of Justice 2021a)

Nationality	Total	1994-2012	'14	'16	'18	'19
Burma	336	134	4	41	36	34
Ethiopia	133	19	43	12	14	6
Bangladesh	119	65	2	9	7	6

The top three nationalities of refugees who are recognized in South Korea are Myanmar (Burma), Ethiopia, and Bangladesh, which is somewhat consistent with the global trend. Burmese refugees are mostly ethnic minorities from Burma, mostly Karen, who have come to South Korea through the UNHCR's resettlement program (Hong 2019). Refugees from Bangladesh and Ethiopia are convention refugees, who have been granted refugee status through the individual refugee application system. These two groups have particular characteristics which, it is alleged, allow them to be more easily recognized as refugees than other groups. Refugees from Bangladesh are mostly Jumma people, an ethnic minority in Bangladesh, who are known to have been subjected to ethnic and religious violence. The Jumma people are mostly Buddhist, which is one of the major religions in South Korea. Ethiopians had some historical ties with South Korea, which has made a difference in the refugee status determination process as Ethiopians are well-known in South Korea as "brothers" who fought bravely in the Korean War in the 1950s (Nancen 2016).

Refugee Discourse and Policy Changes in Recent Years

Major Western countries, especially those in the "Global North", have retracted the scope of their refugee protection efforts in recent years due to the proliferation of international migration institutions (Betts 2009; Zetter 2007), the global politics of counter-terrorism (Abbas 2019; Guild and Garlick 2010), and the rise of protectionist regimes (Miller and Chtouris 2018; Noll 2018). These changes have meant that the burden sharing of refugee protection has been shouldered more by the Global South and the neighboring states of contemporary conflict regions than by the countries in the Global North. The onset of the "European Refugee Crisis" since the mid-2010s and the subsequent push for the "securitization of refugees" are the result of, and simultaneously indicative of, changing landscapes of contemporary migration policies and practices in Europe and the larger Global North.

Shifts in refugee discourse have also had an effect outside of the West, with the "securitization of refugee" practices arriving later in South Korea. Mirroring the situation in Western countries, South Korean society became internally divided on the issue of refugee policy in 2018 when it was faced with hundreds of Yemeni asylum seekers who entered the island of Jeju, the southern resort island of South Korea. From major media outlets to social media

platforms such as Facebook and Instagram, the “refugee” became a trending topic of discussion (Choi and Park 2019). Unlike the countries which were already accepting large number of refugees, or had been operating temporary refugee camps in their territories for many decades, South Korea had not seen a sudden influx of asylum seekers prior to 2018, due to only having established its refugee regime in 2012 and also because of its geographical distance from the popular asylum seeking groups.

The prime example of securitization discourses in South Korea is undeniably the 2018 “Yemeni incident”. Media reports of Yemeni refugees coming to Jeju Island ambiguously depicted blurred images of young Arab men roaming around the Jeju Immigration Office building in a way that the South Korean public could not easily interpret. South Koreans are familiar with Southeast Asian and Chinese migrants as they have long been low wage male workers and female marriage migrants both in urban and rural areas. Korean-Chinese domestic workers, have increased in recent decades to compensate for labour shortages in service industries, fulfilling reproductive needs in contemporary South Korea. Institutional interventions such as the Employment Permit System (E-9 visa system) and institutionalized marriage migration have largely contributed to this influx of Southeast Asian and Chinese migrants (Kim 2012; Lee 2015; Seol 2005). Compared to these migrant communities, South Koreans have little contact with Middle Eastern Asians in their everyday lives, as there had been only a small group of wealthy Middle Eastern businessmen or families traveling to South Korea for medical purposes before 2018. Despite being aware of the “refugee crisis” in the Middle East starting from the early 2010s, one can say most South Koreans have had little contact with Middle Eastern asylum seekers.

The majority of Yemenis coming to South Korea in 2018 flew in from Malaysia and other Southeast Asian countries. This is unsurprising given that the Middle East has long-standing political, economic and religious connections with the Southeast Asian region (Khoo 2014; Mandal 2014), and both regions have seen the exchange of a significant mass of human movement (Mandal 2014). However, as Malaysia is not a signatory of the Refugee Convention, nor of the 1967 Protocol, refugees are not distinguished from migrants. Yemenis fleeing from the plight of civil war cannot find work or attend schools legally and stably. Naturally, these populations start to look for more sustainable and viable options to continue their education and work, seeking safety for themselves and for their families back home. South Korea has become one such viable option in recent years, especially after the advent of

low-fare flights connecting Kuala Lumpur and Jeju Island in December 2017, a route intended to boost “Korean wave” tourism in the region (Cho 2010; Peichi 2013). By June 2018, more than 500 Yemenis took the flight to the island and requested asylum.

While the Yemeni Incident caused much public debate into refugee issues, South Korea’s refugee regime was far from dormant prior to 2018. While it has been largely unknown by the public, approximately 1,000 Syrian nationals came into South Korea from 2014–2016, and most of whom were granted a humanitarian stay visa (Ministry of Justice 2020). Nonetheless, the South Korean discourse on refugee issues has been similar to that of the other major refugee-receiving countries in the West, reflecting what Polish anthropologist Michal Buchoski (2016) has observed in Eastern Europe: “Islamophobia without Muslims,” where nationalist and xenophobic tones dominate public discourse, despite very few of the refugees actually being Muslims. Even though the overall population of South Korea was not completely swayed by the nationalist and Islamophobic discourse of anti-refugee movements in other nations, public discourse was somewhat affected by the negativity towards the new Other that these movements created. Since then, Korean media outlets have started to take a rather critical view of refugee matters, with the overall tone of their response to proposed legislation regarding refugees changing dramatically. Before the “Yemeni Refugee Incident” in 2018, even the right-leaning media covered the Syrian refugee crisis in a favorable light, going so far as to campaign for readers’ donations (Jung 2016). Before 2018, refugee matters were conceived of as being a humanitarian issue and as a matter of protection of vulnerable populations, which would give South Korea a moral high ground as a developed country and as a responsible member of the global citizenry. After the “Yemeni Refugee Incident”, however, political discourse around refugee issues changed dramatically with an increase in the number of anti-refugee petitions and legislation that were proposed in Congress meetings. In addition, refugee controversies have also revealed some of the “older” issues of Korean civil society and highlighted the (over-) politicization of everyday life matters (Song 2018).

After arriving on the island, most Yemenis applied for asylum. The Jeju Immigration Office was not ready for the sudden increase of refugee claims from this region, as they only had one Arabic interpreter and one Refugee officer. As many Yemenis tried to change their visa type so that they could travel to the mainland to seek out better living and working conditions, the Jeju Office quickly took action (Jeju Immigration Service Office 2018). On 30 April

2018, the Jeju Immigration Office ordered a mobility restriction for Yemenis entering the mainland of the Korean peninsula as a way to expedite asylum application processing time and also to soothe public anxiety around the “uncontrollability” of these new migrants. Yemeni asylum seekers had no choice but to wait on the island for their final status determination results. In addition to this mobility freeze, the South Korean government also removed Yemen from the list of visa-exempt countries on June, 1 due to concerns about more Yemenis flying in. Upon facing harsh criticism by a vocal public regarding the Yemenis asylum seekers, the Korean government began to implement these stricter measures.

The state’s response during the Yemeni Refugee Incident is especially peculiar and drastic when compared with South Korea’s acceptance of more than 1,000 Syrians as humanitarian status holders by the year 2017. Syrian refugees did not create any social controversy and South Koreans largely accepted this group on the basis of humanitarianism. The rise of anti-refugee opposition in 2018 is especially concerning. While the South Korean government stated it would not cede to the demand of anti-refugee groups to abolish the Refugee Act, it has nevertheless shifted to a more cautious and rigid stance towards Middle Eastern refugees. The Yemenis have been portrayed as people who require careful screening in determining their status, and hence they must come off as “unthreatening” to locals and docile to the state officials in order to successfully obtain asylum. As the geographer Alison Mountz (2010) has observed, immigration laws or policies often reflect how the relevant state views refugees and migrants. Those could be reflected in the number of asylum status given, categorization of a certain group of people, and/or the legal changes. The view of Yemeni refugees as “potentially uncontrollable” Arab men who are suspicious and threatening clashes greatly with that of Syrians as needing care and humanitarian support who have gone through unimaginable destruction from their home country.

It is important to note, however, that South Korean government did make some institutional changes in light of the Yemeni Incident. The Ministry of Justice further invested in institutional support for refugee screening by increasing the number of Refugee Status Determination (RSD) officers in Jeju from one to five. The Ministry of Justice also assigned four more interpreters to the Jeju Immigration Office (Lee 2018). As a result of these efforts, status determinations were issued within six months for most applicants, and all the applications from the influx of Yemenis in 2018 were completed by the end of the year (Jeju Immigration Service Office 2018). These processing times were

unusually rapid, as South Korea refugee processing time was on average about a year at that time. In light of relevant scholarship and refugee advocates who have criticized for the slow pace of the process, this change is especially noteworthy (Heo 2018; Jeju Immigration Service Office 2018). In addition, by early 2019, the Ministry decided to hire more refugee officers who have prior experience in refugee law and refugee integration, as well as knowledge in the cultures of the asylum seekers' country of origin. As a result, there are over 70 workers currently working as RSD officers both in the primary application and appeals procedure, and about 20 of them are newly recruited outside of the common government official recruits. Thus, the state has taken a more positive step towards "competitive workforce" and "expedited refugee status determination" (Ministry of Justice 2020). The Ministry also took a proactive step towards supporting the asylum seekers' livelihood, as it allowed them to work in some industries in Jeju earlier than the six months' rule,² and it actively provided job opportunities to the applicants. Yemenis who could not find residence were provided shelters, with the help of some religious and civil society groups. These kinds of support were made possible through cooperation among governments of both central and regional, civil society organizations and local business owners. This could result in quite some momentum for the Korean refugee regime, and may lead to it being able to develop its system through real-life experiences and establish active cooperative networks among different stakeholders. The national-level crisis turned into something that can be cited as something positive and noteworthy in developing the refugee regime in South Korea. This aspect of refugee governance did not receive much attention in the national-level discourses, however. Policy makers, scholars and civil society organizations have instead paid more attention to what to do next; the larger number of influx of asylum seekers posed a difficult question to the nation.

As Song (2019) points out, refugee governance and integration requires more than bureaucratic reforms by the central government; it requires an active civil discourse, actual engagement by different actors within broader society. The Yemeni case in Korea revealed interesting and divergent trajectories, as the local refugee institutions to a degree gained valuable experiences in handling refugees and showed capacity of integrating refugees fairly

2 In principle, refugee applicants can legally work only after six months of their application submission.

– most of the Yemeni asylum seekers were given jobs and shelters to sustain them, and local Korean residents became more accepting throughout the period. However, a more balanced civil discourse was not achieved in South Korea at a national level during and after the 2018 Yemeni Incident. Pro-refugee and anti-refugee groups failed to reach any kind of social consensus, with the voices of anti-refugee groups becoming more extreme with a mix of false accusations and intensified nationalism and xenophobia, and pro-refugee groups failing to formulate a convincing counter discourse. Anti-refugee groups have called for abolishing the 2012 Refugee Act and withdrawing from the 1991 Refugee Convention. They even claimed that foreigners are taking away Korean traditions and hence are harming Korean society, which demonstrates a clear lack of understanding of the meaning of a refugee regime as constituted based on international convention, a nation-state's rights and duties, and the human rights regime regarding refugee applicants (Song 2019). Pro-refugee groups espoused the rhetoric of “universal human rights” and “a responsible global citizenry,” but failed to effectively connect this rhetoric with the contexts of their specific refugee policy. As outlined in the previous section, refugee status decisions made in Korea reflect a rigid, or somewhat outdated immigration control. As pro-refugee groups never had a chance to proactively engage in larger public discussions or in policy debates with government officials and policy makers, they have had no choice but to passively react to the wave of anti-refugee protests in 2018.

In the next section of this chapter, I shall look into how refugee claimants are accepted and integrated in South Korea and will illustrate how and why this aspect of the refugee integration process should be considered as an important element in developing a more stable and integrated refugee regime. Furthermore, it attempts to show how refugee migration and integration are also closely connected to other kinds of migration. The discussion also suggests that policy makers and scholars in the field contemplate on how to mend the South Korean refugee regime in relation to migration regime that can work better for both the society and the migrants (including asylum seekers).

Refugee agency: Posing possibilities? Or limitations?

In this chapter, I shall compare and contrast the refugee/migrant worker communities in Gimpo and Ansan, Seoul-metropolitan area. More specifically, the two groups under discussion are: the African community, composed of di-

verse African nationalities in Ansan, and the Bangladeshi community, which comprises mostly of Jummas granted refugee status in Gimpo. I contend that having diverse options in residency other than refugee-related visa status contributes to refugees' – inclusive of recognized refugees, refugee applicants and humanitarian stay holders – overall well-being, and more positive outlook in social integration. Further, these cases also purport to show how ethnic, cultural and religious politics play a role in social integration.

South Korea became one of the “Four Asian Dragons” in the 1990s due to rapid economic development and high growth rates from the 1960s. The 1990s were a period of economic achievement and celebratory optimism as the country prepared to move forward to the next phase of its industrial development. Major South Korean industries moved from manufacturing to more advanced technology and service industries. At the same time, small manufacturing factories had to compete with factories in less-developed countries prompting the recruitment of South Asian labour migrants. These labour migrants revived many “dead towns” in metropolitan areas such as Gimpo and Ansan, which were both manufacturing cities during the 1960s through 1970s and are now two of the most globalized cities in South Korea, with certain areas of the city containing mostly foreign workers.

Southeast Asian workers, mostly male, often made their initial journey to South Korea with the E-9 visa, a visa granted through the Employment Permit System (EPS) program and allowing applicants a maximum of four years and ten months of residence. The E-9 visa is specifically designed to allow people to stay and work in the country but not to settle permanently, as a minimum of five years of residence is required to apply for South Korean citizenship. Therefore, it is relatively easy to get into South Korea as a migrant worker, but difficult to successfully and stably settle. For many, once their visa is expired, they can still make visits to South Korea but cannot live permanently, as the E-9 is specifically designed to prevent visa holders from gaining permanent residency or citizenship. This type of visa plays an interesting part in refugee application in Korea. First, many people who are near to the expiration of their E-9 visa apply for refugee status. They usually gain information from older applicants of their own nationalities, and the process is done quite generically, since cities like Gimpo and Ansan have large ethnic communities and commercial industries where the refugee applicants can find a good amount of information. This certainly adds to the institutional burden of the Ministry of Justice in adjudicating these applications, as about 60-70% of Southeast Asian refugee applicants are former E-9 visa holders. These pop-

ulations do not depend solely upon their status determination as refugees for staying in Korea. They have a plethora of social networks and resources which they have built over the years, allowing them to find both formal and informal work, while enjoying life within the ethnic communities.

The Bangladeshis living in Gimpo are usually long-term residents of the city and part of the Bangladeshi communities there. From the very beginning of the Industrial Training Recruitment System (the previous form of EPS program) in the early 1990s, Bangladeshis made up a significant portion of the city's labour force. While working, they created their own communities. Their presence revived the city's economy and local Koreans have gradually learned how to live with them. Gimpo, being a less-developed and less-wealthy area compared to other "new towns" in the Seoul-metropolitan area, was especially suited for foreign workers to formulate their own communities (Oh 2005; Seol 2009).

Starting in the early 2000s, some Bangladeshis, particularly those of Jumma descent, began to apply for refugee status, and with a relatively larger number than many other groups being awarded the status, totaling 119 people as of 2019. This comprises some 12% of all the refugee status grantees. The first refugee status was given to a Buddhist Jumma person in 2002, and the early refugee status grantees started to bring their families and relatives from Bangladesh, and for the most part they were successfully granted refugee status (Lee 2019). Their religion, Buddhism, and their similar phenotypic aspects and cultural affinities made it easier for them to settle, than those people coming from the Middle East or Africa (Lee 2019). One government official hinted to me that the Refugee Law was made possible because a congressional representative who was a Buddhist and came to know of Jumma people promoted the establishment of the law that could then better provide for refugee applicants.

Since then, Bangladeshis have been able to garner support from politicians and legislators, and they have shared the benefits of the recognition of refugee status within the ethnic community. This aspect was affirmed by other news reports on the active involvement of Korean Buddhist outreach activities collaborating with some Jumma (Chakma) people (Cho 2014; Lee 2019). Some of Bangladeshis have been actively engaged with local and ethnic matters, whether it be labour or marriage or asylum-seeking matters, in a form of NGO whose workforce comprises both South Koreans and Bangladeshis

(Lee 2019)³. Their Korean language skills are known to be competent, thanks to support from the local community and also attributable to the people's individual efforts to learn the language in order to get more opportunities in work and social life in general. Due to the high percentage of residents who are either refugees or refugee claimants, the city council once advocated for a citywide refugee decree to set up its own refugee integration program and establish a refugee support centre (KBS 2015), but this movement did not pass provincial government's approval as it violated higher provisions of a relevant law. Even though the council's refugee decree did not pass, it still indicates that the national refugee regime could have diverse figures, and a successful local integration of a refugee group can affect changes in refugee regime. Bangladeshi refugee/migrant community's voices and grassroots efforts were influential enough to propose such a motion.

The community also continues to make an effort to maintain ties with Korean Buddhist groups, which at times emerges as some practical gains to the community, such as provision of scholarships, donations and invitations to Buddhist events and gatherings. Even to this day, Bangladeshis, whether they are Jumma refugees or migrant workers, are known to support each other in economic, civil and social matters and try to live harmoniously with their local communities. The Bangladeshi case shows a prominent example of political empowerment of a refugee group which utilized its long-term experiences of residence in South Korea as a strategy towards gaining a meaningful political voice. The initial settlement of Bangladeshi labour migrants provided the ethnic community with an ethos of hard-working and an achievement-focused attitude which prepared a good soil for refugee applicants to not be solely dependent upon the status itself. The ethnic and religious affinities also played favourable roles in their local integration into South Korean society.

On the other hand, African communities in Ansan have followed a different trajectory. Within the African communities of Ansan, Ethiopians are still in too small a number to formulate their own community. Since Ethiopians are in a better position to gain statuses other than as refugees – such as through student and business visas – they tend to reside in different parts of the country, forming a small circle of ethnic community. The Ethiopians in Ansan live and interact with other nationals from the same continent, but

3 They have created the NGO "Jaehan Jummain Yeondae (Jumma People's Network in South Korea)" in 2002, and the person who actively involved in the creation of the NGO was a recognized refugee.

they enjoy distinctive benefits compared to the other nationals. Ethiopians are also more likely to receive refugee status than other nationals from the continent owing to the historical ties between South Korea and Ethiopia, as well as the former's economic-political interests in the latter – that is, South Korean government's efforts to invest in the African continent through an amicable diplomatic relationship with Ethiopia (Office of the President 2011; SBS 2011). The first African refugee recognition was made to an Ethiopian in 2001 (Lee 2019). Apart from Ethiopians, other Africans have generally not successfully obtained refugee status or humanitarian status. There are also the nationalities that are not included in the E-9 (long-term employment) program, which is more targeted toward attracting Southeast Asian populations. Because of this predicament in visa status/opportunities, many Africans enter the country with short-term tourist visas (Han 2014). Ethiopians, whose applications benefit from their ancestors' involvement in the Korean War, are not only granted refugee status more easily, but various other types of visa as well. Many Ethiopians come with student visas, or work, visiting and cultural exchange visas. During the Lee administration (2007-2012) in particular, South Korean companies began to look towards Africa as an up-and-coming region worthy of investment. Consequently, the Lee administration encouraged economic exchanges with African countries. The president himself once visited Ethiopia for diplomatic purposes and expressed interest in pursuing economic partnerships with other African countries – especially the Republic of South Africa, Cameroon, Angola, and the Republic of Congo – due to their natural resources. Within this context of increasing Korean-African economic-political activity, there are a relatively higher number of Ethiopians arriving in South Korea. Because of the higher chance for them to be recognized and to legally stay in Korea, Ethiopians are in relatively good standing compared to other African communities in Ansan. Even though they share some social and cultural affinities, Ethiopians do not appear to engage with matters of different ethnic/national groups as much as Bangladeshis do to their own national/ethnic community. Still, the ethnic and cultural differences are felt deep by South Koreans, and Africans confess that they generally feel discriminated against by South Koreans and do not feel welcomed. Since there are not many visa options available to Africans in general, many apply for refugee status in their early residence period (Han 2014). These applicants attempt to find ways to reside in South Korea, but those attempts usually end up being negative. Among African refugee applicants, three or four times applicants are common, as refugee status can be the only viable option for them to stay.

As multiple refugee applications come with disadvantages such as no work permit or education rights, they are left out of the legal system and their offspring usually go undocumented. These precarious life conditions generate many problems in the community. Some of the support NGOs workers I met witnessed growing domestic violence by frustrated husbands and a growing percentage of depression and other mental problems due to the precarious institutional limbo state of their lives. Some African refugee applicants have been vocal about the South Korean public's indifference and even negative treatment to them (Yombi Tona and Park 2013, Lee 2019). The overall image of Africans in South Korea can further isolate the African applicants, as South Koreans started to witness their less than perfect living conditions and build negative stereotypes as 'undocumented' and 'poor.'

Future Questions of South Korean Refugee Regime

In this chapter, I have examined the development of the Korean refugee regime since 2012, the post-Yemeni Incident atmosphere surrounding refugee issues since 2018, and the current situation of refugee communities in Gimpo and Ansan. My analysis shows that the South Korean refugee regime has changed according to external humanitarian situations, international relations and the local integration of refugees. It also shows that the refugee policy needs to consider refugee integration and existing dynamics within local communities where refugee resettlement occurs. Without taking these various dimensions of refugee regime and integration into account, Korea's refugee regime will be limited to strictly legal measures that cannot fully address the lived situation of these communities and the realistic practices in relation to migrant integration which in turn affect the overall operations of the refugee regime. The expansion of a discussion beyond specialists, more realistic proposals by civil society, and wider social consensus could start from a deeper and more accurate understanding of the lived situation of refugees in Korea. In addition, as refugee migration cannot be considered in isolation, the refugee regime, overall institutions and policies have to come up with tangible and realistic directions in accepting refugees who are also - broadly speaking - migrants. Potentially, policy makers can start to consider the ramifications of refugee applications to different ethnic/national communities in the larger refugee-migrant nexus. In the cases I illustrated in this paper, the contrast between the communities that are solely dependent

upon refugee application for staying in South Korea and the communities that have various options for stay show distinctive trajectories of refugee integration and outlook of overall migrant integration within urban areas. The institutional gaps that contribute to the South Korean general public's negativity toward refugees and to specific ethnic/national groups should be mended through careful and broader policy considerations. The directions taken in developing the refugee regime have to be more actively discussed among the different stakeholders – namely, refugee/migrant communities, scholars, civil society organizations, government officials, and legislators. I suggest that refugee regime officials consult outside voices, including but not limited to: grassroots activists, shelter workers, lawyers, and scholars to discuss ways that will benefit both the refugee communities' immediate needs as well as the longer-term goals of the country as a whole. Determining the status of refugees is a legal matter that entails interpreting relevant law, examining each claim, and granting rights and benefits accordingly. However, refugee issues cannot remain a legal matter alone. In order to more effectively develop South Korea's refugee regime, we must also consider the arenas of international relations, national interests, domestic politics, and the social capacity of local communities to accept and integrate various newcomers.

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