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Master's Thesis

**The Korean's Media Coverage on Migrant Workers
Unionization Issues in South Korea: A Case Study of
Migrants' Trade Union (MTU) Establishment (2002-2015)**

한국내 이주노동자 노동조합 문제에 대한 한국 언론의 보도:
이주노동자 노동조합 설립 사례 연구 (2002-2015)

August 2022

서울대학교 국제대학원

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**The Korean's Media Coverage on Migrant Workers
Unionization Issues in South Korea: A Case Study of
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(2002-2015)**

A thesis presented

by

Mochamad Alvin Dwiana Qobulsyah

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**The Korean's Media Coverage on Migrant Workers Unionization
Issues in South Korea: A Case Study of Migrants' Trade Union (MTU)
Establishment (2002-2015)**

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Abstract

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This thesis aims to illustrate and analyze how the South Korean mass media covering migrant workers' unionism issues in South Korea, limited to the English-language online media publication in the country. The issue of migrant workers' unionism is significant in South Korea since there has been an undiminishing trend of migrant workers' inflows to South Korea since the 1990s, which has resulted in the steady rise of the number of migrant workers during the last three decades. Nevertheless, the frequent changes in South Korea's migrant workers' admission system brought several human and workers' rights problems faced by migrant workers in South Korea, which later birthed the undocumented migrant workers' issues that try to be addressed by the migrant workers union and covered by mass media in South Korea. The Migrants' Trade Union (MTU) establishment case has been chosen in this thesis since its struggle to be the first legal independent migrant labor union in South Korea took more than a decade to be recognized by the Korean government due to its membership that also included undocumented migrant workers and further can illuminate how the contemporary migrant worker's unionism in South Korea keeps on emerging. Through a qualitative media observation inquiry and framing analysis, this research further elaborates and identifies MTU's main aspirations and challenges throughout its establishment period from 2002 to 2015. The findings from four English-medium online media in South Korea present that the main aspirations of the MTU have been circled inside the currently adopted Employment Permit System (EPS) of South Korea's migrant workers' admission system. MTU argued that EPS is the primary source of a latent problem of migrant workers' rights issues and undocumented migrant workers' presence in the country, and MTU aspired that the system should be changed. However, the MTU's solid aspiration for changing the EPS has then tampered with the legalization process of the union since this aspiration is perceived as convoluted with the political agenda. This is also remembering that MTU is also identified in this research as the most vocal and well-covered civic group concerning migrant workers' rights issues in South Korea.

Keywords

Korean Media, Migrant Workers Union, Korean Migrant Workers, Korean Labor Market, Migrant Workers Rights

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List of Abbreviations

AMOA	Africa Museum of Original Art
CESCR	(UN) Committee on Economic, Social and Cultural Rights
GMWCC	Gwangju Migrant Workers' Clinic Center
FKTU	Federation of Korean Trade Unions
HRDSK	Human Resources Development Service of Korea
ICESCR	International Covenant on Economic, Social and Cultural Rights
ITTP	Industrial Technical Training Program for Foreigners
ITS	Industrial Trainee System
JCMK	The Joint Committee for Migrant Workers in Korea
KCTU	Korean Confederation of Trade Unions
KEIS	Korea Employment Information System
KFSB	Korea Federation of Small (Medium) Business
KSCFW	Korea Support Center for Foreign Workers
KLI	Korea Labor Institute
KMWU	Korean Metal Workers' Union
LHRC	Labor Human Rights Center
LPS	Labor Permit System
MOEL	Ministry of Employment and Labor
MTU	Migrants' Trade Union
MUMK	The Medical Mutual-Aid Union for Migrant Workers
NHRCK	National Human Rights Commission of Korea
NGOs	Non-Governmental Organizations
NPS	National Pension Service
OSHRI	Occupation Safety and Health Research Institute
SMEs	Small-Medium Enterprises
UNCERD	The UN Committee on the Elimination of Racial Discrimination
WPS	Work Permit System

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CHAPTER I

INTRODUCTION

1.1 Background and the Purpose of the Study

Since the 1980s, South Korea has transformed from a labor exporter to an importer of labor, particularly for migrant laborers with low-skill levels. The Immigration and Emigration Law of Korea during that decade prohibited low-skilled foreigners from entering Korea for employment purposes, so this change represents a significant shift. Due to these circumstances, the majority of migrant workers at the time were identified as undocumented migrant workers (Abella, 2009; Wickramasekera, 2002).¹

The absence of arrangement on the inflow of foreign workers and limited regulation on migrant labor market in general have been the main reasons of the increasing number of undocumented migrant workers in the 1990s. As a result, most of the initial low-skilled migrant workers in Korea did not start their employment with the proper type of sojourn (M.-J. Kim, 2015). In 1991, the Korean government adopted the Industrial Technical Training Program for Foreigners (ITTP) in response to this circumstance. However, the ITTP was also plagued by various issues, such as ongoing illegal immigration, job agent corruption, and workplace human rights violations (Seol, 2018).

Later from the Industrial Trainee System (ITS) in 1993, to the Employment Cum Training System (ETS) in 1997, to the Employment Permit System (EPS) in 2004 to the present, the governments have repeatedly changed the mechanism for admitting migrant workers. In this thesis, migrant workers were seen as essential support for South Korea's export-driven economy

¹ In this article, workers who travel without a legal document to work in the countries they are going to are referred to as "undocumented migrant workers" or "irregular migrant workers," according to Resolution 3449 of the UN General Assembly from December 9, 1975. This action is being taken to avoid criminalizing migrant labor out of prejudice when they are labeled "illegal."

in light of the country's low birth rate and graying population, which potentially will cause labor shortages in the future, particularly for small- to medium-sized businesses (SMEs). However, the ongoing changes in South Korea's market system for migrant workers brought several rights and abuse issues that migrant workers had to deal with. These issues eventually led to the rise of the undocumented migrant worker issues, which became a turning point in the development of migrant workers' unionism in South Korea.

This thesis argues that Korea's labor market still requires the sustained contribution of foreign low-skilled workers, which is why the government chose to renew the mechanism rather than cease the inflow of foreign workers despite all of the problems. The issue is whether the Korean government modified its most recent policy in 2004 solely due to market demands or also because of pressure from the public, especially migrant workers who organized their own independent unions. While the migrant workers' spontaneous movement helped push the last two reforms in migrant workers' receiving mechanisms (ITS & ETS), the EPS enactment cannot be dissociated from the establishment of the Migrants' Trade Union (MTU), which was entirely established and managed by the migrant workers themselves.

While migrant workers' unionism in South Korea has been facing variety of difficulties, the study case of the MTU's establishment as the country's first legally recognized independent migrant labor union provides insights into this struggle, particularly on how the mass media are increasing their awareness to the country's undocumented migrant workers' unionism issues. In the last two decades, contrary to what one might expect given Korea's infamous ethnocentrism, the majority of the Korean mass media has a good attitude toward migrants. A study by Sookyung Kim on the analysis of Korean media discourse around migrants in the year of 1990-2009, reveals that these positive discourses have a number of negative effects as well, including the ironic "victimization" and "objectification" of migrants, the neglect of the issue of how to empower migrants, and the surfacing of misconceptions about what it means to embrace diversity (S. Kim, 2012).

This study aims to look into how the Korean mass media portraying the formation of MTU and its involvement in the fight for foreign workers' rights to organize in South Korea from its pre-formation in 2002 (before the adoption of EPS) to the time of its legal status grant in 2015. This research addresses the following questions in light of the previously provided context:

- a) Why and how was the MTU established and what are the factors that lead to the MTU's establishment based on mass media coverages?
- b) What are the MTU's key goals for their struggle in South Korea, and were any policy changes prompted by or brought about by the MTU's fight during its formative years?

These questions were raised based upon the gap of the thorough periodization of the whole MTU's establishment essential years in the existing scholarship. Two investigations currently found have been covering a certain specific period of MTU establishments: Gray (2007) deliberated the migrant workers' movement from pre-EPS enactment to the year of 2007, and Lee & Yoo (2013) covers the up and down of MTU's struggle from its initiatives in 2005 to its lowest situation in 2013. Therefore, this research aims to complete the remaining puzzle of MTU's establishment period and identify its main aspirations throughout the period, focusing from its early initiatives until the moment when MTU finally gained its standing as the first legally recognized migrant workers union in S. Korea.

The founding of MTU, which was finally given legal status in 2015, is exceptional since it is one of Korea's first migrant labor unions and represents a new generation of independent migrant workers' movements (Lim, 2010). Furthermore, due to its persistence in obtaining the legal status as the first migrant labor union in Korea that allows undocumented migrant workers to join and administer it, MTU is recognized as important in the campaign for migrant workers' rights to unionism in South Korea. Thus, the case of MTU in migrant workers' unionization can be further useful to examines the contemporary migrant workers movement in South Korea.

1.2 Methods

1.2.1 Context and Methodology

This thesis is written based on a qualitative research that emphasizes on in-depth knowledge and on the refinement and elaboration of images which appropriate for several goals of social research (Ragin, 2011). The research is mainly conducted by literature reviews, where the concepts were sensitized and analyzed by employing case study. Two important inter-related concepts are the aspiration theory in migration and migrant workers unionism, which both will be explained further in the second and third chapter.

This research is conducted upon the case study design that is purposed to provided “*the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events,*” (George & Bennett, 2005). The establishment struggle of MTU is observed in this research through a designated period, which is started from its pre-establishment until the gratification of its legal status from the Korea’s Government. The background and factors that had influencing the MTU’s establishment will be observed through this examination.

The primary rationale for choosing MTU as the primary subject of this study is that MTU is recognized as "a deviant case" in South Korea's migrant workers' unionism. Deviant cases are defined as "case selection that does not conform to theoretical assumptions" in the case study selection process, and they can be an effective tool for developing novel hypotheses and identifying novel factors (Lamont, 2015). MTU is widely regarded as the first independent migrant workers union in Korea, doing a kind of breakthrough on the previous tradition of migrant workers unionism in Korea, that traditionally patronized by the local NGOs or local labor union (Lim, 2010).

Data collection and triangulation is mainly relying upon the archival research through several academic journals and news reportages observing Korea’s migrant workers issues. Chronological episodes of MTU’s establishment is observed from the Korea’s news outlet reportage that

covering migrant workers issues including contents on MTU's presence in Korea, since this method is regarded useful as a way to do a process tracing of MTU's establishment. The process-tracing is a widely used qualitative analysis technique that helps illuminates how variable interact with each other, and also can be used to highlight causal mechanism or causal pathways (Gerring, 2004; Lamont, 2015). The quotes and statements from the MTU's organizers and other actors are also quoted from this news observation, since due to the pandemic and other circumstances the interview MTU's current and former committees is still not possible during the research period.

1.2.2 Research Design, Scope, and Limitation

This research is divided into seven chapters. The first chapter covers the background of the study, including the purposes, research questions, and methods taken in conducting the study. The second chapter reviews the previous studies and works of literature focusing on the aspiration theory on global migration, migrant workers' unionization, and recurrent changes in the South Korean migrant labor market admission system, especially the enactment of EPS, which became the initial event that led to the establishment of the MTU. Chapter III provides the analytical framework in conducting this research. Chapter IV will provide the context and situation of human and workers' rights of migrant workers in South Korea during MTU establishment deliberated by the Korean media. Chapter V then discusses the MTU establishment's challenges in chronological order, beginning with the EPS protest and ending with the Supreme Court's grant of legal recognition. Following that, in Chapter VI, there will be a discussion and analysis of the factors that led MTU to pursue legal status so tenaciously, with a focus on raising awareness of how and why undocumented migrant workers had grown to be a significant issue in South Korea and what MTU had done to address it and being a lead voices according to Korean media coverage analyses in this thesis. Finally, the research findings and recommendations for additional study on the relevant concerns of undocumented migrant workers' unionism in South Korea will be summed up in the concluding remarks in Chapter VII.

CHAPTER II

LITERATURE REVIEW

This chapter provides the literature reviews of the previous study on South Korea's media discourse towards migrants, contemporary migration theory, migrant workers unionism's concept and genealogy, and the development of South Korea's migrant worker's admission system. This thesis will use the "aspirations" conceptual term in contemporary migration theory to identify MTU's aspirations and struggle during its establishment. For migrant workers' unionism concept and genealogy, this framework will provide experiences in other countries on how migrant workers' unionization developed and later can be compared with MTU's case in South Korea. Lastly, the development of South Korea's migrant workers' admission system also will be deliberated in this chapter. It is essential to give a context for the initial period of the pre-MTU initiatives before the later period will be deliberate continuously in Chapter IV and Chapter V.

2.1 South Korea's Media Discourse on Migrants Issues

Contrary to what one might anticipate, given Korea's notorious ethnocentrism, most Korean media has had a positive stance toward migrants throughout the past two decades. These positive discourses have some negative effects as well, including the ironic "victimization" and "objectification" of migrants, the neglect of the issue of how to empower migrants, and the surfacing of misconceptions about what it means to embrace diversity, according to a study by Sookyung Kim on the analysis of Korean media discourse around migrants in the years 1990-2009. The genuine debate of how to empower migrants is absent from sympathetic discourse about migrants: suggestions are idealized but unrealized; multiculturalism and globalization are pushed but for opposing reasons (S. Kim, 2012).

In the same light, Park constructed a media perception of migrants in South Korea from 1990 to 2008 and discussed how migrants are represented as "victims" in immigration in South

Korea (2014). Immigration is often seen as a necessary and inevitable phenomenon serving Korea's economic requirements. Additionally, immigrants—both those coming as workers and those coming as spouses—have frequently been represented as victims of racism, exploitation, violence, and other human rights abuses. The numerous articles on immigrants' human rights that, once again, are more likely to be depicted as victims than as threats when they are thought to be routed into the lowest rungs of society with limited potential for upward mobility demonstrate this (K. Park, 2014).

In another paper, Joseph Yi and Gowoon Jung discovered that different media producers—including those in the mainstream media, internet users, and local foreigners—produce varied perceptions regarding migrants. In contrast, mixed and nuanced discourses are more prevalent in large and heterogeneous online communities where users interact with various viewpoints. Victimhood discourse is associated with small, ideologically homogeneous groups of media producers, such as mainstream media and nativist websites. Additionally, actors portrayed positively—as neither corrupt elites nor xenophobes—serve as efficient middlemen and bridges between various media (Yi & Jung, 2015).

2.1 Aspirations and Desires of Migration

2.1.1 Recent Trend of Migration Theory

As observed by Jørgen Carling and Francis Collins, the study of migration is still too frequently divided and compartmentalized in predictable ways, such as between quantitative and qualitative research, various geographic notions, sorts of types, and theoretical influence. However, in addition to the transnational turn and feminist perspectives, migration study has a growing focus on emotions and temporalities (Carling & Collins, 2018).

For instance, the numerous case studies in global country-level data carried out by Jørgen Carling and Kerilyn Schewel attempt to revisit aspiration and ability in the phenomenon of international migration in order to examine extensions and implications of the aspiration/ability model of

migration and identify "two-step" approaches as a class of analytical approaches in migration theory (Carling and Schewel 2018). In a different article, Francis Collins examines the temporalities, assemblages, and transformational potentials of "becoming" in the story of migrants from Southeast Asia to South Korea by utilizing the analytical potential of "desire" (Collins 2018).

Over the past three decades, the transnationalism approach has impacted migration study the most. Transnationalism has grown to signify all types of cross-border activities in migratory and other social, cultural, and economic processes. The transnational approach also made it possible to analyze migration beyond just migrants in "sending" or "receiving" nations, especially in the case of single linear movement from the point of origin to the point of destination (Collins 2009).

However, research on emotions and human migration also sheds light on how people's plans to move, interactions with others while migrating, sense of belonging and loyalty to their home countries, and ability to adjust to new situations are all influenced by their emotions. Furthermore, it is asserted that emphasizing emotions is essential to humanizing migration. Additionally, to recognize that migrants' subjectivity and identity are not predetermined by their country of origin or method of entry (Boccagni and Baldassar 2015; Carling and Collins 2018; Svaek 2010).

2.1.2 "Aspirations" and "Desires" on Migration Scholarship

In migration study, the words "aspiration" and "desire" are frequently used, yet all too frequently both are considered as simple coin phrases for "what migrants want." However, Carling and Collins assert that the aspiration and desire might be pertinent to three different kinds of relationships: a subject related to possible migration, a subject related to potential transformations in the context of migration, and a subject related to another's mobile or possibly mobile subjects (Carling and Collins 2018).

In contrast to other words like "intention," "plan," and "want," "aspiration" denotes the juncture of one's own, society's, and normative dimensions, or, as Debraj Ray put it, "the social grounding

of individual desire" (Ray 2002). On the other hand, Francis Collins made clear that desire is "a social force" and that a subject's interest in migration can only exist in a particular social context and be achieved if the desire is invested in that social formation (Collins 2018).

Individual behaviors toward migration cannot be relaxed in the social context, which is one factor of aspiration and desire for social grounding. The desire to move indicates the potential for migration to improve society, suggesting that migrants and institutionally ingrained value this transformational imagination. The prospective immigrant may look at the immigrant accomplishments of their peers or group and eventually start to see immigration as a feasible possibility and form immigration dreams (Collins 2018; Kandel and Massey 2002).

2.1.3 Migrant Workers' Aspirations and Desires

International labor migration flows are growing worldwide, and national and sub-national employment and international mobility policies and frameworks are also changing. However, until recently, research on labor migration remained mainly concentrated on relatively steady return migration patterns of thoroughly documented circulatory migration administration in economies' low-wage sectors, such as agricultural migrant laborers and caregiver (Perry and Gesualdi-Fecteau 2021).

According to Perry and Gesualdi-Facteau, exploring the tripartite relationship between aspirations, temporariness, and precarity may lead to important insights into how today's experience of international labor migrations affects the relationships between migrants and their families, including aspirations for permanent immigration, strategies for dealing with legal resistance, and an ever-more complex sense of place. Taking inspiration from Canada's experiences, an increasing number of temporary foreign workers are changing their status from temporary residents to more permanent. The data from Haan et al. demonstrate that both high and low-skilled migrant workers in Canada are successfully transitioning to permanent residence, contradicting the perception that Canadian government policy favors highly skilled individuals (Haan et al., 2021).

Another observation is made by Perry (2021), who looks at how migrant workers' experiences with post-migration scholarship influence their long-term status and employment goals in Canada. Prolonged family separation can lead to the development of new intimacies that can transform workers' affiliations to both sending and hosting communities (Perry 2021). Later, Chartrand and Vosko (2020) demonstrated how Canada had altered the official temporary migrant programs' organizational structure over the previous ten years, which had a substantial impact on the citizenship of the nation's workers, as seen by the program's extraordinary expansion. However, Chartrand and Vosko contend that the Canadian migration administration is still entrenched in its historical evolution as a means for companies to find an incredibly exploitable labor pool (Chartrand and Vosko 2021).

2.2 Migrant Workers Unionization

2.2.1 History and Developments

The influx of migrant workers often brings uneasy feelings and discomfort to the local labor and its unions. As observed by Lee and Yoo (2013), the immigration of foreign workers not only intensifies the competition in the labor markets and employability but also brings more heterogeneity that lead to other hindrances on union's struggles. Moreover, this situation then brings two alternatives for local labor unions on addressing the migrant worker's presences: excluding and alienated migrant workers from joining the union or make inclusive effort to gradually involving the migrant workers as a branch of the union in order to enlarging the size of the union (Harcourt et al., 2008; B. H. Lee & Yoo, 2013).

Whilst the various receptions from the local labor unions already been a hindrance, several inner characteristics and traits from migrant workers also making migrant workers unionism effort more challenging (Milkman, 2000). Many migrant workers only intended to have short-stay in the recipient countries, then they will try to avoid several acts that might lead them to judicial cases that may push them to be cut-off from employment and then even facing deportation. Some migrant workers who have bad experiences on the labor unions in their home countries also tends

to not involved into unionism while migrating. The cultural and language differences of migrant workers whom coming from various countries also making migrant workers unionism more difficult. It leads to suggestion that migrant workers are less likely to choose to join a union compared to the local laborers (Turner et al., 2008).

2.2.2 Genealogy

However, migrant workers are not entirely impossible to be unionized. As Milkman analyzed from the migrant workers' unionism experiences in the contemporary United States, there are three routes for migrant workers to unionized themselves. First, by involving or be involved in the local trade union activities. Second, by standing with the help of local labor-oriented NGOs especially on the advocacy and organizing efforts. And third, by using the human rights or civil rights rhetoric's, independently forming the migrant workers' union activism that mainly established by the migrant workers themselves (Milkman, 2011).

These routes intersecting in each other and in some cases occurred in the chronological order. The conscience on the urgency to be unionized is mostly come after the belongingness on the human rights protection, and after the human rights issues accomplished, the demands moreover running into the workerness issues, on how the activism is primarily motivated by the desire to improve migrant employment conditions and opportunities, especially the free movement of employability or working mobility (Gray, 2007).

2.3 South Korea Migrant Workers' Admission System

South Korea has a long history of allowing low-skilled migrant workers to enter the country. The intricacy of the political process that led to more liberalized entry and market conditions for migrant workers in Korea was mirrored in this situation. Korea initially had a closed-door policy toward unskilled migrant workers. This policy resulted from the society's propensity for ethnic homogeneity and public opinion about it (Abella, 2009; Gray, 2007).

2.3.1 History and Developments

The "side doors" strategy, whereby migrant laborers are permitted to Korea and referred them as "trainees," is how Korea initially opened its doors to low-skilled migrant workers. However, the Immigration and Emigration Law of Korea at that time still prohibited unskilled foreign workers from entering the Korean labor market from the very beginning. Nevertheless, the increasing wages of local labor drove by Korea's continuous and rapid economic expansion also increased demand to loosen the restriction.

Later despite the local workers union's opposition, the Industrial and Technical Training Program (ITTP) - which is regarded as Korea's first de facto use of unskilled migrant labor - was adopted by the Korean government in November 1991 amid increasing pressure from Korean business (Yoo et al., 2004). Although this program's original goal was to prepare migrant "trainees" for employment with Korean enterprises, it has evolved into a way for Korea's small and medium-sized businesses to bring in migrant labor. In this case, the Korean Federation of Small Business exerted significant pressure on the Korean government to permit its members to hire migrant employees who lack skills (Skrentny & Seol, 2004).

The organization that made decisions about Korea's policies on migrant workers' admittance of foreign employees and the establishment of admissions quotas was the Committee for Foreign Workers' Policy, which is chaired by the Prime Minister's office and composed of related ministries (M.-J. Kim, 2015). The Office for Small Business was also responsible for overseeing the training program and the authority to choose the source countries for migrant workers as well as the quotas allotted to each country of origin. However, in reality, the initiative was being actively handled by the Korea Federation of Small Business (KFSB), a private sector organization. The federation is choosing where the trainees will be "trained," arranging personnel recruitment, and negotiating a deal with the nation that will supply the migrant labor (Abella, 2009).

2.3.2 The Critics of Pre-EPS System

The ITTP and its later successor, the ITS and ETS program, have come under fire during their existence for not offering training programs instead of using cheap migrant labor to serve the interests of small and medium-sized businesses. Additionally, the trainees hardly ever receive even a single day of training, and because they are considered student workers, they are also excluded from the Labor Standards Law and the crucial three labor rights and four insurances. In other words, the system used by this trainee was created to make use of the migrant workforce while disavowing their workerness or legal status as employees (Gray, 2007).

While the absence of three rights and four insurances has contributed to workplace abuse, the primary root of this abuse originates from the fact that migrant trainees are not allowed to have a free and equal relationship with the employer. Instead, the trainees are bound to the employer and cannot change employers without the initial employers' permission. High levels of control, passport confiscation, forced savings plans, late wages payments, restrictions on personal travel, and even physical jail are all ways to bind the trainee (Gray, 2007).

Legally as Hankyoreh reported, the only worksites allowed to participate in that Industrial System are companies with direct investments overseas or that have US\$100,000 or more in technology or US\$500,000 in industrial equipment and facilities that have export capacities. However, according to a study of 2,178 companies by the Korea Labor Institute (KLI) in 2004, only 776, or 43.3 percent, have direct investments overseas. That means a considerable number of these companies create fake legal entities in foreign countries and then bring in industrial trainees. That means that when the "industrial training" is done illegally, it can lead to civil rights abuses. Indeed, most "illegal" trainees do simple labor for more than 12 hours a day. Since legally they are identified as workers at companies located in other countries, they cannot receive the protections guaranteed by Korean domestic labor law (Hankyoreh, 2005a)

The Korean government later attempted to start a guest worker program to replace the trainee-based admission program since 1995 through the Ministry of Labor and some local NGOs in

Korea. The local Labor Human Rights Center (LHRC) and the Korean trade union both made substantial contributions to this project, which pushed for the following provisions: (1) The elimination of the trainee system, which arbitrarily and illegally labeled full-time employees as "trainees"; (2) The implementation of the work permit system, which will extend domestic labor rights to all migrant workers; (3) The provision of social welfare benefits to migrant workers; and (4) The granting of full amnesty to all undocumented migrant workers who are currently residing in Korea (Abella, 2009).

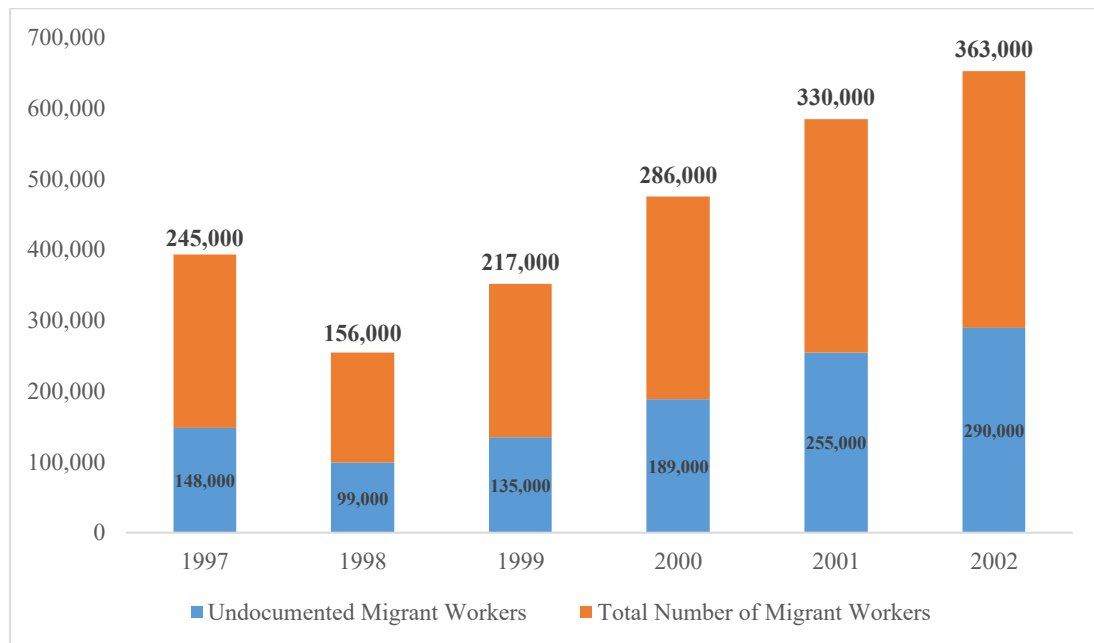
The Ministry of Labor later announced in May 2002 the decision to introduce an employment licensing system in order to prevent the illegal stay of migrant laborers, and to smooth manpower supply to small and mid-sized companies. Under the system, employers who wish to hire foreign workers will be given permission, and laborers will be issued a visa on the condition of working at the specific company and cannot change their worksite in principle. While foreign workers are guaranteed legal status as a labor under the Labor Standard Law, illegal employment will be strictly controlled. The government plans to limit the period of stay for migrant workers under the system to some three years (D.-S. Kim, 2002).

However, according to a Korea Federation of Small Business (KFSB), from their study on 1,286 manufacturers that hiring foreign trainees in 2002, 85.7% of the employers still supported the existing industrial trainee system at that time, hinting at the business sector's opposition to the introduction of a new system. This is an accordance with the company obligations that if foreigners have guaranteed a legal status as a labor, then the employers need to assume additional expenses for retirement pay and other benefits as well as possibility of collective action (Arirang TV, 2003a; Kwon, 2002).

Implemented since 1994, the existing industrial trainee system at that time is managed by the KFSB, who is in charge of recruiting and placement of the foreign workers. However, the system has been unstable due to increased illegal employment, and earned criticism at home and abroad for human rights infringement and labor exploitation. Among the 329,000 foreign laborers in

Korea as of end of 2001, 77.4%, or 255,000, are working undocumented, and only 14.2%, or 46,000, are employed with industrial trainee visas (D.-S. Kim, 2002; Kwon, 2002).

Figure 2.1 Number of Undocumented Workers Under ITS (1997-2002)



Source: Ministry of Employment and Labor (2010), as cited by Kim (2013)

2.3.3 The Enactment of the EPS

The Employment Permit System (EPS), which was later implemented as a result of these endeavors to create a new employment licensing system, principally try to address the shortcomings of the trainee-based systems that it replaced. The National Assembly passed this Foreign Workers Employment Act on July 31, 2003, with 148 to 88 votes with nine blank ballots, before finally officially launched on August 17, 2004. The new law will allow the work permit system and the existing industrial trainee system to co-exist and give legal standing to about 200,000 undocumented foreigners by the end of 2002 and prevent the much-worried workforce shortage that would result from mass deportation (C.-I. Lee, 2003). In addition, this new Labor Law will be applied to the foreign workers as they are to Korean citizens, that the foreigners will be guaranteed the three primary labor rights of the organization, collective bargaining, collective action, insurance for accidents and injuries, and the minimum wage.

In order to prevent the rising unemployment of Korean nationals, employers must try to find Korean laborers to fill positions first. The employer can only hire foreign workers by applying to the Central Employment Information Office and showing that they failed to find Korean workers within a month. Migrant workers later need to renew their work permits every year. Foreigners working in Korea undocumented for less than three years as of March 2004 can remain in Korea for two additional years. Those who had spent more than four years will need to leave the country but can return for employment, however the combined period of stay cannot exceed five years. Nevertheless, undocumented immigrants with years of stay in the country will be deported (Arirang TV, 2005a; C.-I. Lee, 2003).

Figure 2.2 Main Steps in the EPS Process

Phase	Steps
Pre-Admission	<ul style="list-style-type: none"> • Signing of MOU with sending country • Setting of quotas for workers with E-9 visa • TOPIK and drawing up job-seekers rosters • Application of Korean employers for employment permit to hire foreign workers • Matching workers with employers, signing employment contract, purchase of insurances
Post-Admission	<ul style="list-style-type: none"> • Additional training before deployment to work sites • Monitoring and sojourn support by MOEL and HRDSK • Community support (MOEL and civil society)
Return and Reintegration	<ul style="list-style-type: none"> • Happy Return Program: training to start own business or employment by overseas branch of Korean firm

Source: Kim (2013)

The companies that are permitted to hire foreigners under EPS are manufacturing companies with less than 300 employees and construction firms with projects worth more than 30 billion won or roughly US\$26 million. Agricultural and livestock industries are also allowed to hire migrant workers. As for the workers, initially nationals from the Philippines, Mongolia, Thailand, Vietnam, Indonesia and Sri Lanka are allowed to work legally in Korea since the Labor Ministry

signed bilateral agreements with those countries in 2003. Ministry officials say employers who hire foreigners without a proper document will be sentenced to no more than three years in prison or fined no more than 20 million won or about US\$17,000. Also, violators will be banned from hiring migrant workers for three years (Arirang TV, 2004d).

Regarding these changes, the UN Special Rapporteur on the Human Rights of Migrants Jorge Bustamante later came in 2006 to evaluate governments and societies on how well they ensure migrant workers' rights. As reported by Arirang TV via Chosun Ilbo, Bustamante said that the Korean government is open to the changes demanded by globalization as Korea changed from the training system to the EPS in response. However, Bustamante said it is too early to assess the general situation, to see to what extent it has been satisfactory in correcting and addressing positively the problems related to the human rights of migrants in the early years of EPS enactment (Arirang News, 2006).

On the other hand, because of its previous mechanism, the most recent system for the migrant labor market is still met with fierce criticism from migrant workers, particularly those who are "undocumented." Although EPS had previously abolished the trainee system, used the term "workers" for its migrant laborers in its most total sense, and had fulfilled the fundamental rights (insurances and labor rights), EPS continued to forbid employees from switching employers. The most basic form of self-defense for a worker, it is said, is the right to change jobs, and the absence of this right is sometimes described as "a modern-day slavery system" (Lim, 2010). The most prevalent form of resistance used by migrant workers to get out of this system is leaving their employer and becoming undocumented sojourners and migrant workers. The EPS is being criticized for its weaknesses, sparking the establishment of the Migrants' Trade Union.

CHAPTER III

ANALYTICAL FRAMEWORK

The previous chapter has provided a review of related literature to this research. The central concept that will be elaborated in this research are the aspiration of migration and the unionization of migrant workers. For analytical tools, this research will use the framing analysis from news organization sources to defines and constructs a political issue or public controversies regarding the migrant workers' right in South Korea and the MTU's establishment.

3.1 Conceptual Framework: Migrants Aspirations and Unionization

The working definition for this research on migration's aspiration will be Boccagni (2017) definition, which is aspiration in migration as *aspirations are emotionally thick representations of what one's future might and should look like, given the present circumstances and the experience of the past as re-codified from the "here-and-now... aspirations are approached as an expression of the self to which a certain view of the future*. This research will solely focus on the future view of migrant workers' aspirations in S. Korea, including how their views on the migration temporality in S. Korea compared to what shaped migrant workers in Canada transitioning from temporary resident status to permanent residence.

As the research topic emphasizes unionization among migrant workers in destination countries, clarification of migrant workers unionization to be chosen in this research context should be addressed as well. Previously, migrant workers were suggested to be less likely unionized for several reasons as addressed by Turner, D'Art, and O'Sullivan (2008), however Milkman (2011) showed that migrant workers are not entirely impossible to be unionized through several routes of unionization. The aspiration to be unionized argued by Gray (2007) will be the working analyses perspective in this research, which is *the conscience on the urgency to be unionized is mostly come after the belongingness on the human rights protection, and after the human rights*

issues accomplished, the demands moreover running into the workerness issues, on how the activism is primarily motivated by the desire to improve migrant employment conditions and opportunities, especially the free movement of employability or working mobility.

The implementation of EPS in S. Korea's migrant worker's policy regime also will be the nodal point in this research. Since the EPS is perceived to cover already all the fundamental rights of migrant workers that were previously hindered in the precedent system like ITTP to ITS. It is also vital to asking why this EPS still protested by the migrant workers that later also became a starting point of the MTU's establishment. Therefore, the inquiry into what EPS clauses protested by MTU can also enlighten the aspiration of MTU's establishment.

3.2 Framing Analysis on Migrant Workers Issues in South Korea

Framing theory and frame analysis is a broad theoretical approach that has been used in communication studies, news, politics, and social movements among other applications (Entman, 1993; Goffman, 1986; Linström & Marais, 2012). Nelson, Oxley and Clawson defining *framing as the process by which a communication source, such as a news organization, defines and constructs a political issue or public controversy* (Nelson et al., 2007). Framing has been utilized to explain the process of social movements that carriers' beliefs and ideologies. In addition, they are part of the process of constructing meaning for participants and opposers (Snow et al., 1986; Snow & Benford, 1988).

According to Hallahan (1999), framing strategies can be very diverse, but can nevertheless be categorized according to a framing typology. Each framing type emphasizes different aspects of the issue. Hallahan (1999) introduced seven types of framing: (1) framing of situations, (2) attributes, (3) choices, (4) actions, (5) issues, (6) responsibilities and (7) news. This thesis focus on the kind of issues framing that involves alternative ways of looking at the issue as a relevant social or economic problem, by emphasizing e.g. political, legal, historical, cultural or economic aspects of the issue (Hallahan, 1999; Meriläinen & Vos, 2013)

The sources for framing analysis in this study is focused on English-language Korean news media that are available on the internet. While it can limit the results of the study, English-language news media, being directed at a global community, are more affected by the notions of how the issues of migrant workers unionism in S. Korea is no longer becoming a local issue per se since MTU also put international exposure as one of its focus platforms to be recognizable (Liem, 2009). Furthermore, the MTU cases also attracted international organizations and NGOs to put the particular notion on the migrant workers' unionization challenges in S. Korea (Amnesty International, 2006, 2009).

This research collected publication from four Korean English-language news media outlets. Following the previous media literature research on migrant workers issues (S. Kim, 2012; K. Park, 2014; Yi & Jung, 2015), this research include the conservative-leaning *Chosun Ilbo* (<https://english.chosun.com/>), the leftist *Hankyoreh* (<https://english.hani.co.kr/>), and two of the most popular in the South Korea's English-language news media outlet: *The Korea Herald* (<http://www.koreaherald.com/>) and *The Korea Times* (<https://www.koreatimes.co.kr>). The analysis focused on the frequency of migrant worker issues and the character of the representation of the Migrants Trade Union and other key actors during its establishment, and what are the main issues delivered in each publication.

The four chosen news media outlets were selected based on year-by-year news articles web-crawling that available on the internet while studying MTU establishment chronology. These four news media outlets provide articles from 2002 to 2015 and frequently provide specific articles regarding MTU's history and establishment, among others. Since the history of MTU's establishment is also not chronologically available elsewhere, the articles from these four media outlets are bountiful in inducing the MTU's establishment chronology that also can be other significances of this thesis for further research. However, it is important to recognize this study's limitations. The samples, which came from just four English-language national newspapers, are not indicative of all press coverage from this time period, therefore the conclusions are simply

exploratory. More importantly, media content cannot be compared with survey data because it is not a reliable indicator of popular sentiments.

Table 3.1 Initial Keywords Used for Data Collection

Major keywords	Focused keywords
“Migrant”; “Foreign worker”; “Migrant worker”; “Foreign labor”; “Foreign labor”; “Migrant labor”; “Migrant labor”; “Employment Permit System”; “EPS”	“Migrant Trade Union”; “Migrants’ Trade Union”; “MTU”

Source: Author

The search inquiry period for each news media outlet started from January 1st, 2002, to December 31st, 2015. However, only Chosun Ilbo archived their publications regarding the keyword listed in Table 3.1 from 2002 to 2015. The rest of the outlets have different starting points of availability: Hankyoreh from 2005, The Korea Times in 2007, and The Korea Herald in 2011. Based on category, articles mostly (74 percent) come from the “Current Affairs” category (*see* Table 3.2). “Editorial” articles are included in this article since most of the editorials give context to the events of migrant workers’ issues in specific periods. Nevertheless, the column or opinion articles from the guest author outside the newsroom of a media outlet are excluded to minimize the distortion from the biased opinion of the guest author. Total 364 articles are selected to be analyzed in this research.

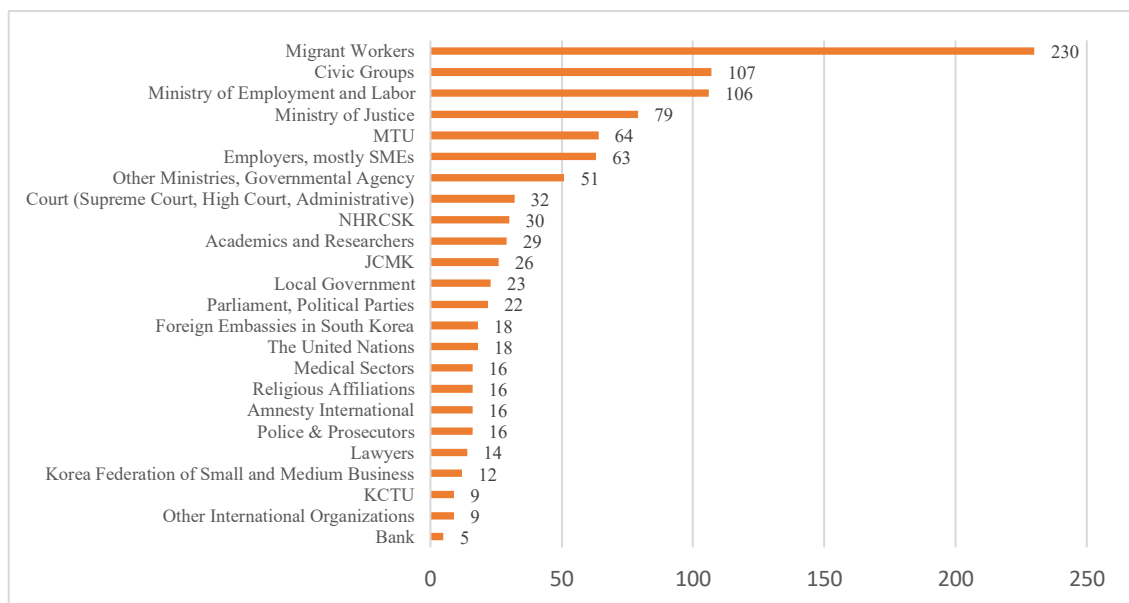
Table 3.2 Selected Publications Based on Category

Media Outlet	Editorial	Human Interest	Business	International	Current Affairs	Total
Chosun Ilbo	4	5	7	-	45	62
Hankyoreh	20	2	2	12	44	82
The Korea Herald	7	7	6	1	53	75
The Korea Times	4	1	2	-	128	145
Total	35	15	17	13	270	364

Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

Migrant workers as individuals are the dominating key actors in the publications concerning migrant workers analyzed in this research (see Figure 3.1). The experiences of migrant workers as individuals while working in South Korea are mentioned in 230 of 364 publications covered in this research. Besides individual migrant workers, the civic groups working for migrant workers' causes also have a big spotlight in the news publication concerning migrant workers' issues. MTU is the leading voice in this category with 64 publications, followed by JCMK 26 and dozens of other groups in 107 publications (which will be deliberate in more detail in Chapter VI). From the government side, the Ministry of Employment and Labor is the leading actor mentioned in 106 publications, followed by the Ministry of Justice in 79 publications, other Ministries in 51 publications, the National Human Rights Committee of Korea in 30 publications, and local government 23 publications. Employers and KFSB are represented with 75 publications. International organizations and international non-governmental organizations (NGOs), including the United Nations and Amnesty International, are also frequently mentioned in publications, with 43 mentions.

Figure 3.1 Key Actors Mentioned in the Publication Concerning Migrant Workers Issues (2002-2015)



Source: Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

In the next chapter, the key issues concerning migrant workers in South Korea that lead and running concomitant with MTU establishment period will be deliberated. These key issues were identified using constant comparative technique for qualitative research (Dominick & Wimmer, 2006), which consist of four steps:

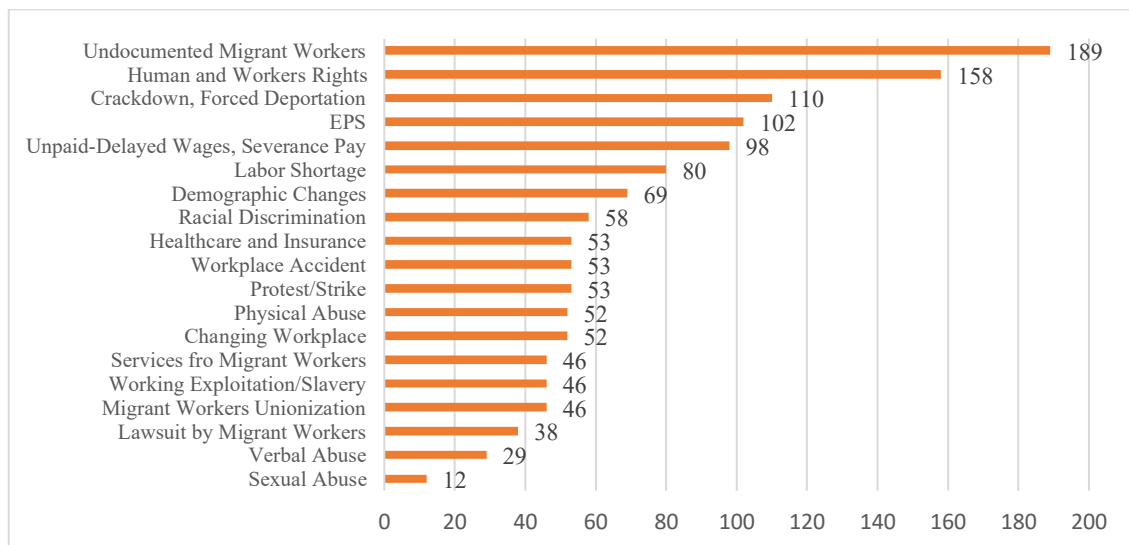
- Comparative assignment of incidents to categories (or frames);
- Elaboration and refinement of categories/frames;
- Searching for relationships and themes among categories/frames; and
- Simplifying and integrating data into a coherent theoretical structure.

CHAPTER IV

MIGRANT WORKERS' RIGHTS ISSUES DELIBERATED IN KOREAN'S MEDIA DURING MTU ESTABLISHMENT

The issues of undocumented migrant workers and the fulfilment of human and workers' rights are the dominating issues spreading in the news publications concerning migrant workers during MTU establishment from 2002 to 2015. Other than these two issues, forced deportation or crackdown on undocumented workers was also prevalent during the period. Furthermore, the establishment of EPS, which the MTU argued was the root cause of the undocumented migrant workers, was also repeatedly mentioned in the publications. Besides, several human and workers violations against migrant workers are also frequently showcased, including working exploitation or so-called “modern slavery,” accidents in the workplace, physical abuses, verbal abuses, sexual abuse, and racial discrimination are prevalent in the publications.

**Figure 4.1 Key Issues Mentioned in the Publications Concerning
Migrant Workers Rights (2002-2015)**



Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

Since the middle of the 1980s, the population of migrant workers has grown quickly, and after three decades, their position in the labor market is no longer negligible. In the 3D industry (dirty, dangerous, and difficult), migrant workers made up the majority of the workforce, and small-scale manufacturers' lower pay no longer attracted to Korean workers from the country. However, the systematic management of the foreign labor force is leading to major social problems that are creating concern from civil organizations in both the domestic and international spheres due to the absence of rules on the hiring of foreign employees at that time.

According to the civil organization's white paper on migrant workers' human rights attested in 2002 to their appalling living conditions as reported by Chosun Ilbo, most migrant workers were paid 700.000 won per month on average and worked more than half- day, with majority of them facing wage delays. In addition, female foreign workers were subjected to physical aggression, verbal abuse, and sexual harassment, while victims of industrial disasters were denied competent medical attention, let alone compensation (Chosun Ilbo, 2002a). Later in November 2009, Experts of the United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR) examined human rights issues in South Korea through the lens of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Turning to the situation of migrant workers in the Republic of Korea, one expert noted that there were several problems linked to restriction of labor mobility, safety and health, and services offered to foreign workers (Hankyoreh, 2009i, 2009j).

Through its special report in 2014, Amnesty International urged the government to take further action to protect workers' human rights. The organization claimed that workers are frequently mistreated, although many incur enormous debt equal to two years' worth of wages in their home countries to find employment here. In addition, the report claims that migrants are frequently forced to work under the circumstances they do not agree with, often under threat of various forms of punishment, such as intimidation, violence, being given subpar housing, being required to work excessive hours, not having any days off during the week, and being denied paid

overtime (M.-H. Jung, 2015; Ren, 2016; Song & Kim, 2014). In a special report published in June 2015, the United Nations Human Rights Council (UNHRC) also urged the Korean government to strengthen the rights of migrant workers by revising relevant legislation and enabling them to receive the same overtime pay and benefits as Korean workers (Jhoo, 2015).

Table 4.1 EPS workers that experienced ill treatment from Korean colleagues or employer (%)

Type of Abuse	Nationality of Workers						
	Viet Nam	Thailand	Philippines	Indonesia	Sri Lanka	Mongolia	Total
Physical abuse or assault	5.9	4.2	2.1	3.6	10.2	2.6	3.8
Verbal abuse and abusive language	51.0	39.4	33.6	29.4	30.6	29.9	33.1
Body search	-	1.4	1.4	0.4	-	0.9	0.7
Restriction of movement	-	2.8	2.1	4.8	-	1.7	2.8
Sexual harassment or assault	-	-	-	0.4	-	1.7	0.4
Occupational injury	11.8	18.3	18.2	10.7	10.2	12.0	13.3
Work-related illness	9.8	23.9	15.4	12.3	6.1	14.5	8.9
Confiscation of passport	2.0	5.6	6.3	12.3	6.1	14.5	8.9
Non-payment of overdue wage	7.8	7.0	12.6	4.0	-	6.0	6.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(participants)	(124)	(134)	(143)	(136)	(119)	(96)	(683)

Source: HRDSK (2010), adapted by Kim (2013)

The issues framing analysis based on themes conducted in this thesis finding numbers of migrant workers' right issues covered by four news media outlets during the period of MTU's establishment from 2002 to 2015 (see Figure 4.1). The following sub-chapters will provide big pictures and case illustrations of migrant workers' right issues that have been covered in news media outlet reportages that analyzed in this research.

4.1 Crackdown and Forced Deportation of Undocumented Migrant Workers

The government came up with foreign workforce system reform measures back in July 2002 and announced it right after deporting over 256,000 undocumented immigrants; the government said it would infuse the workforce into the labor market by expanding the existing industrial trainee

program. The migrant workers later demanded the Korean government postpone the deportation of undocumented laborers that was scheduled for March to May 2003 (Chosun Ilbo, 2002b). The majority of foreign workers in 2002–2003, except for a small group of over 80,000 Industrial Technical Trainees, were undocumented immigrants. As a result of their situation, foreign workers engage in "modern-day slavery" and are not covered by human rights protections (Chosun Ilbo, 2002a).

The government later drawing up measures to battle employers' illegal labor practices and defend migrant workers and local temporary employees' rights. During President Kim Dae-Jung's term, Minister of Labor Bang Yong-Seok outlined measures that could implemented as early as July 2002. The list includes setting up counselling booths at 46 regional employment centers with translators who will be able to help foreign workers settle any problems. The ministry will also update its database on migrant workers so that counsellors can more efficiently help them find jobs. Meanwhile, harsher punishment, such as a suspension of all financial assistance from the government, will be imposed on employers who violate the rights of foreign workers (Arirang TV, 2002a).

However, in 2003, about 100,000 migrant workers in Korea faced forced deportation under the nationwide crackdown launched on November 17, 2003. On the first day, 70 undocumented migrants were detained by police but the figure pales to the estimated hundreds and thousands who are believed to have gone into hiding. The widespread inspections was mainly focused on foreign workers entering Korea without proper documents and residing for more than four years. Foreign workers captured without a proper sojourn later held in regional immigration offices for several days and then deported to their home countries (Arirang TV, 2003c).

This government's deportation move is part of a broader plan to clear the way for implementing the new work-permit system for hiring foreign workers, that planned to be started in August 2004. However, protesters of the crackdown say the crackdown only hurts small and medium-sized businesses, which need cheap foreign workers to compete for costs since the effects of the

crackdown are evident. As a result, factories are slowing down their production during the crackdown since they are facing a shortage of manpower (Arirang TV, 2003b). In the meantime, foreign workers and civic activists in Korea are urging that the government withdraw its decision to expel undocumented migrant workers since some 50 task forces of 360 immigration officers continue to search for them (Arirang TV, 2003d). Before this crackdown, the government actually legalized the status of 186,000 of Korea's 300,000 undocumented immigrants and offered voluntary departure incentives to the remaining 124,000 with the deadline for voluntary departure ended on February 29, 2004. This deadline was previously postponed from November 15 to December 31, then to January 15, and finally to the late February 2004 (Arirang TV, 2004b).

Through this measure, the Ministry of Justice is hoping to shed the nation's image as a country that violates the human rights of foreign workers ahead of its August implementation of a new employment permit system, but the situation is the polar opposite. According to Justice Ministry statistics, the number of undocumented migrant workers in the country totaled 139,000 in late February 2004, up 5,000 from before the crackdown was launched in November 2003, and reaching 166,000 in June 2004 (J.-E. Kim, 2004).

According to figures released by the Korea Labor Institute (KLI), later in August 2005, the "employment permit program" has contributed to the improvement of the civil rights of migrant laborers. However, the number of undocumented workers also increased. The percentage of undocumented workers had dropped to 35 percent due to the amnesty program, but the ratio rose again to 55 percent in May 2005. The experts say the situation is not improving because the industrial trainee program still existed at that time, which produced a large number of undocumented workers. The majority of undocumented foreign workers at that time are foreigners who entered the country as trainees and then left their places of work. The government wanted to do away with the trainee program but retreated from that plan when industry representatives expressed worries about higher labor costs. KLI's figures show that worries about the employment approval program were unwarranted. Around 58.4 percent of the 300 companies

using the program said they think the industrial trainee program should be abolished. In addition, 67.8 percent of companies that had hosted "trainees" said it should be done away with as well (Hankyoreh, 2005c)

Another problem from the crackdown is that many more try to enter the country with fake passports, although the number of improperly documented foreigners trying to enter South Korea via Incheon International Airport went down significantly for a moment in mid-2004. According to the Incheon Airport Immigration Office in 2004, 5,716 undocumented immigrants were denied admission into the country during the first six months of 2004. That is down 36 percent compared to the first half of the previous year when those numbers stood at 8,953. Immigration officials linked the reduced number of improperly documented foreigners to the government's ongoing efforts to crack down on illegal migrant workers. Immigration officers explained that more people entered Incheon with fake passports. First-half figures in 2014 show a modest rise of four percent totaling 2,180 cases. They added that most of those denied entry had forged passports or could not offer clear-cut reasons why they wanted to visit Korea (Arirang TV, 2004c).

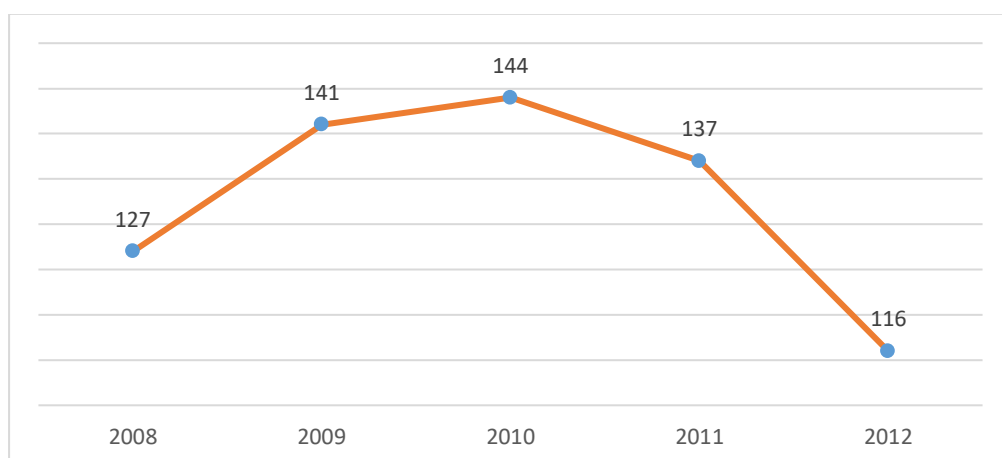
After this miscalculation, Justice Minister Kang Keum-sil and Labor Minister Kim Dae-hwan announced a joint statement in relation to policies on undocumented foreign workers on July 2004, saying that the government will criminally punish undocumented foreign workers, their employers, job placement brokers and human rights violators. Before this statement, employers have only faced light punishments such as fines. In the statement, the government said that the increase in undocumented foreign workers has led to the rise in crimes involving foreigners and the deprivation of job opportunities for domestic workers, and thus it will strongly tackle the issue (Y.-H. Ahn, 2004).

At the end of 2004, the government plans to enforce a tightened policy of no tolerance on migrant workers who were staying undocumented in Korea from early 2005. This plan is to remember that the visas for 180,000 migrant workers whose status was legalized from September to November in 2004 will expire in August 2005. According to the Ministry of Justice and Ministry

of Labor, 185.719 of the 422.980 foreign workers staying in Korea in November 2004, or 43,9 percent were undocumented. The Ministry of Justice's crackdown in July 2004, expelling 20.000 and encouraging 24.000 more to leave Korea, but many more have managed to elude authorities and remain in the country. If only half of them return to their home countries - as was the case in 2004 - the number of undocumented workers staying in Korea in 2015 would exceed 270.000 (Chosun Ilbo, 2004).

The recurrent crackdown also occurred with casualties during its process, including during the detainment phase. In February 2007, members of Korea's Migrant Trade Union, based in Seoul and its surrounding areas, held a press conference and groups of immigrant workers from Nepal, Myanmar, Egypt, and Sri Lanka to condemn the Yeosu Tragedy. The fire occurred at the Yeosu detention center for foreigners before dawn in February 12, 2007; killing eight Chinese and one Uzbek immigrants, and wounding other who were awaiting deportation for entry without proper documents. (Hankyoreh, 2007b). Shocked by the tragic deaths in Yeosu, undocumented migrant workers began raising their voices against injustices suffered in South Korea by their community. The participants demanded a thorough investigation into the Yeosu blaze and punishment of the official in charge and called upon the Korean government to halt "non-humanitarian detention" and deportation (J.-S. Han, 2007; Hankyoreh, 2007e, 2007g).

Figure 4.2 Number of Migrant Workers' Released from Detain (2008-2012)



Source: Ministry of Justice as reported by Hankyoreh (2013)

A report released by the National Human Rights Commission of Korea (NHRCK) in 2007 noted that foreigners in such detention centers are detained in an average space of 1,84 pyeong (1 pyeong equals 3,3 square meters) space per person. Unlike criminal correction facilities, which are often equipped with sports facilities, conditions at immigration detention centers are poor because those detained must spend 24 hours a day there. Such detention centers hold people waiting to leave South Korea after being caught staying in the nation without proper documents. As soon as problems such as passport preparation and wage payment are resolved, these detainees are deported (Hankyoreh, 2007c).

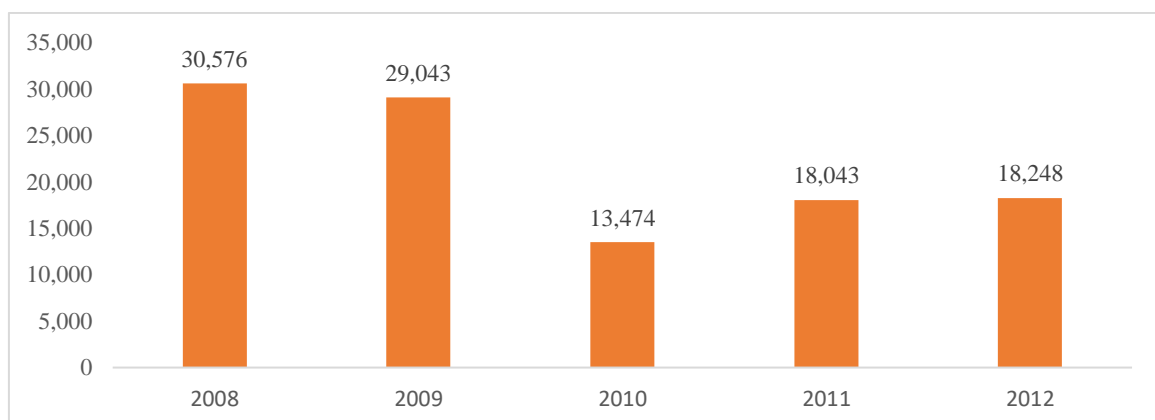
Despite of the protests, in October 2008, the government enforced another crackdown, and some 8,000 undocumented migrant workers disappeared from the workforce, creating a labor shortage (Hankyoreh, 2008b, 2008c). This crackdown aimed to achieve tangible results as part of an internal target to arrest and expel some 20,000 unregistered migrant workers by the end of 2008 (Hankyoreh, 2008f, 2009g, 2009h). Hankyoreh reported that this crackdown was like a military operation. When police officers sealed off a small street, blocking a group of migrant workers, immigration officials from the Justice Ministry arrested them and this particular approach is causing accidents or injuries. In January, an ethnic Korean migrant worker from China died after falling off an eight-story building to avoid detention during a similar crackdown. In April, a Bangladeshi worker was seriously injured after falling off a three-story building. In November, five migrant workers were wounded during the crackdown, including a Cameroonian worker whose ankle was broken (Hankyoreh, 2008c).

Physical abuse also during the crackdown also occurred. For example, in March 2009, The National Human Rights Commission of the Republic of Korea (NHRCK) announced that several human rights violations took place in the Ministry of Justice's crackdown in November 2008 on unregistered migrant workers in the Maseok Furniture Industrial Complex, Gyeonggi Province. In its investigation, the NHRCK reported such actions as breaking down a dormitory door and forcibly detaining female foreigners who were sleeping, ignoring medical measures for victims

wounded during the pursuit, failing to give the required notification prior to exercising force, and violating human rights. As a result, the NHRCK's recommendations to the Minister of Justice included: rectifying crackdown practices such as excessive suppression, establishing measures to prevent such events from happening again, and conducting sexual harassment education for employees of the Korea Immigration Service's investigation team who participated in the crackdown (Hankyoreh, 2009b).

The crackdown not only affecting migrant workers, but also the employers who hire them due to the labor shortage from the local workforce. To overcome this matter, the ministry also dispatches special supply teams to factories affected by labor shortages due to the departure of a massive number of undocumented migrant workers. In addition, small- and medium-sized manufacturers who replacing foreign migrant workers with Koreans workers will be given a special subsidy of 1,2 million won per person and up to 50 million won from the government to improve sanitation and safety. The ministry also stated that this measure is to show government's priority on helping Korean workers find jobs in SMEs. This is also remembering that unemployment among Korean workers has been getting increasingly severe in the second half of 2008 (Chosun Ilbo, 2008c).

Figure 4.3 Number of Migrant Workers' Deportees (2008-2012)



Source: Ministry of Justice as reported by Hankyoreh (2013)

In October 2009, the Justice Ministry again announced the plans to crack down on unregistered migrant workers for two months. The workers who will be targeted are the 310.000 individuals whose visa is set to expire during the second half of 2009. The ministry issued a statement saying that if the migrant worker departs voluntarily, he or she will be exempt from fines, and the regulation period for which the individual is banned from re-entering South Korea will be reduced to one year. In addition, the Justice Ministry said that it had launched a campaign in September 2009 to encourage voluntary exits for migrant workers who have overstayed their visas and that 2.257 migrant workers voluntarily left the country. The Justice Ministry also reported that as of July 2009, 184.000 out of a total of 1.158.000 foreigners are unregistered (Hankyoreh, 2009e).

In 2010, the crackdown still happening and going along with Korea's preparation for G20 Summit. As Hankyoreh reported, the primary victims are migrant workers, street merchants, and the homeless. Beginning in May, the Lee Myung-Bak administration began a broad crackdown on street merchants, claiming to be cleaning up the streets. Homeless sleeping in subway stations has also been the subject of crackdowns. The crackdown on migrant workers has been even more severe. Police have carried out a crackdown on foreign crime since May 2010, and the Justice Ministry has cracked down on undocumented migrant workers since June afterwards (Hankyoreh, 2010d, 2010e). The situation is getting worse when the fines punishment that were exempted in 2000 have been re-instituted again in 2010, and migrant workers caught in the crackdown will be both being fined and deported. Migrant worker groups have protested that this procedure is a double punishment in detaining, forcibly fining, and then deporting people for being unregistered migrants (Hankyoreh, 2010b).

In March 2010, The National Human Rights Commission of Korea (NHRCK) published an investigative reportage detailing cases of serious human rights abuse against undocumented migrant workers. According to the investigative reports, it was revealed that the government officials leading the crackdowns did not follow the process stipulated by law, which includes the requirement that they must present their cards during the crackdown. In response to the question

of whether the government officials presented their ID card, 163 (62.2 percent) out of 262 respondents replied “no”. Additionally, in response to the question of whether the government officials presented the Urgent Detention Order, 186 (77 percent) out of 240 respondents said “no”.² It was also revealed that the night-time is the time that crackdowns were frequently occurred. When asked about the crackdown time, 83 respondents (24.5 percent) said between 6 p.m. to midnight, while 17 respondents (5 percent) said between midnight and 6 a.m. out of 341 total respondents.³ The investigative report also pointed out some cases in which government officials put handcuffs on migrant workers for an extended period, exceeding the periods permitted by law. When asked whether they were put in handcuffs, 268 (84,5 percent) out of 317 respondents said that they had been put in handcuffs for the entire duration of the crackdown. The other 22 respondents (6.9 percent) said that the government officials had taken off their handcuffs, while 16 respondents (5 percent) said they were not put in handcuffs (Hankyoreh, 2010a).

4.2 Safety, Accident, and Abuse at the Workplace

With many migrant workers working at factories and other so-called "3 D" jobs, which Koreans neglect for being dirty, dangerous, or difficult, migrant workers fill a growing vacuum among Korea's small manufacturing industries. Nevertheless, many of these workers are in Korea without proper work permits, which are difficult to obtain before the arrival of EPS. As a result, they are left in a so-called grey area, not eligible for compensation and other benefits for safety and health. According to data released by the Korea Workers' Compensation and Welfare Service (KWCWS) in May 2008, the number of migrant workers covered by industrial accident

² According to Justice Ministry regulations, the government officials must present their ID cards before a crackdown. In addition, the Immigration Control Law stipulates that the government officials must present the Urgent Detention Order containing the reason for, place, and duration of urgent detention when the government officials carry out a crackdown.

³ An NHRCK official said, “In consideration that the Criminal Procedure Code specifies lawful limitations to search and seizure after sunset and before sunrise, the law should also specify limitations to crackdowns during that period.” (Hankyoreh, 2010a)

compensation insurance increased to 5.876 people, surpassing 4.000 people in 2004 (Hankyoreh, 2008d).

Table 4.2 EPS Workers' Response to Unfair Treatment or Abuse in the Workplace (%)

Response	Percentage of migrant workers
Have never experienced unfair treatment or abuse at the workplace	5.6
Silently put up with bad treatment and continued to work	38.0
Officially complained to the company/employer	18.2
Informed home country embassy	2.3
Reached out to Korean civil society/religious group	2.8
Reached out to MOEL/HRD Korea	6.8
Lodged an official complaint	2.3
Tried to change workplace	8.5
Worked harder to gain better treatment	14.6
Other	0.9
Total	100.0
Total (Number of Participants)	752

Source: HRDSK (2010), adapted by Kim (2013)

In seeking a solution to the problem, an initiative from a civic group called Solidarity for Worker's Health has published a Safety and Health Manual for migrant workers in. Available in English and Bangladeshi, the manual provides migrant workers with the information they ought to know to work safely at factories and construction sites, including Korean words for alarming danger like "pihae," which means "move out" (Arirang TV, 2005b; Hankyoreh, 2007). According to Korea Occupational Safety and Health Agency figures in 2012, the number of industrial accidents involving migrant workers more than doubled from 2.517 in 2005 to 5.231 in 2009. Fatalities rose from 74 to 101 over the same period (H.-B. Jung & Kim, 2012).

In March 2007, four out of six migrant workers wounded in a March 17th fire at an apartment construction site in Sindorim, Guro district, Seoul, disappeared later that day while receiving

medical treatment. Authorities suspect the workers abandoned their treatment due to their status as undocumented immigrants, fearing that authorities might have apprehended them if they stayed in the hospital. After the four men disappeared, the hospital made an inquiry to the district immigration office using the registration numbers provided by the men when they were admitted and found that two of the disappeared men, both Mongolians, were residing without proper sojourn in Korea, and the other two, whose country or countries of origin remained unknown, offered false numbers (Hankyoreh, 2007f).

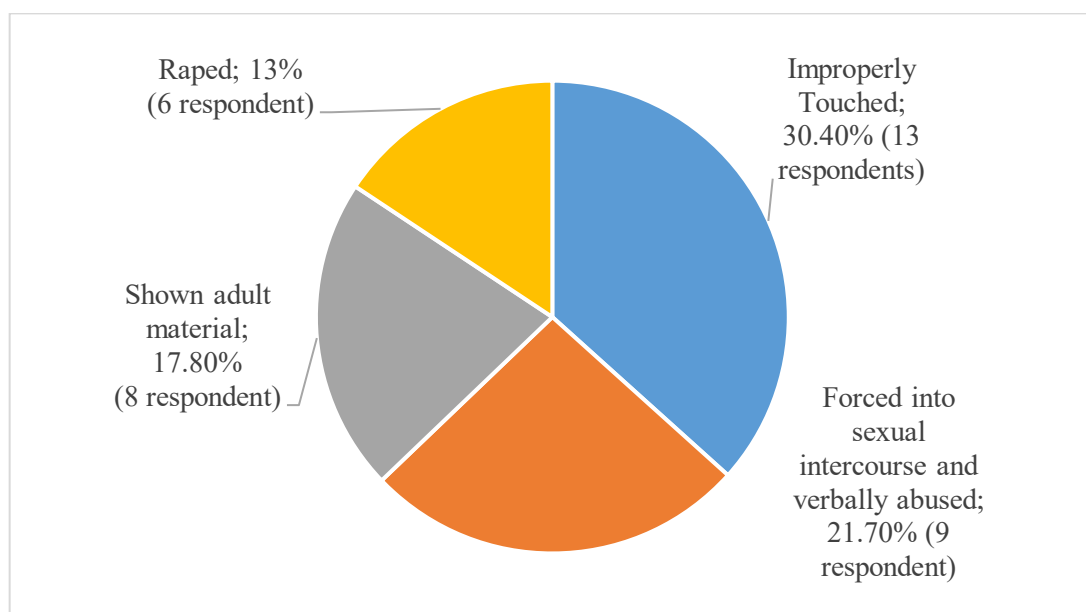
Afterwards in May 2007, a fire broke out in a shipping container in Yanggu District, Gangwon Province, at daybreak on April 30, claiming the lives of three Thai nationals. The victims had lived in the container for about two weeks while working on local farms. Local officials estimate there are about 50 to 70 workers from Southeast Asia in the area that assuming most are undocumented residents. Most live in cheap rented rooms while working as farmhands for months. They came to the remote village because they received their wages in cash. Since undocumented migrant workers working in factories in the big cities are sometimes never paid. (Hankyoreh, 2007h).

According to a report published in October 2012 by the Hanyang University Institute of Globalization and Multicultural Studies, based on a study commissioned by the National Human Rights Commission of Korea, the fisheries are another industry susceptible to exploitation. According to the survey, 169 foreign crew members who completed the questionnaire and answered reported hearing foul language and cursing 93,5 percent of the time. In addition, 42,6% of those surveyed admitted to having been the victim of physical abuse. The international crew members also mentioned poor working conditions. For example, 49,4% of respondents stated they had to work seven days a week, while 13,9% reported having to work for 13,9 hours every day. Both their treatment and their laborious work were of poor quality. On average, only 1,1 million won per month were paid to respondents, and 46,7% said that even this amount was not paid on time. Only 16,1 percent of those surveyed indicated their employment contract was

written in their mother tongue rather than Korean. It was discovered that foreign sailors paid management companies significantly more recruitment fees than what was permitted to work on South Korean fishing boats (Jin, 2012).

Sexual harassment also prevalence, especially for female foreign workers. In December 2002, The Joint Committee for Migrant Workers in Korea (JCMW) released a report on the sexual harassment of female migrant workers in their working place. A total of 357 female migrant workers were interviewed over nine months from March to December 2002. Some 12,1 percent or 43 interviewees from female migrant workers have experienced a form of sexual harassment at their workplace, and 40 percent of the victims did not take any action and remained silent, while 28,6 percent were fired after telling what happened to others (Y.-G. Ahn, 2002).

Figure 4.4 Sexual Harassment of Female Migrant Workers in Working Place (2002)



Source: JCMK (2012), as reported by Chosun Ilbo

4.3 Racial and Status Discrimination

According to the Korea National Statistical Office in 2002, the peninsula had 629.000 foreign residents as of 2002, and 360.000 of them are migrant workers. Unfortunately, these migrant workers often find themselves the target of ridicule and contempt simply because their skin is

darker and they come from poorer countries. According to research done by the National Human Rights Commission of Korea in collaboration with the Joint Committee for Migrant Workers in Korea and Chonbuk National University in 2003, 50,7 percent of migrant workers said that they experienced mockery and verbal attacks in the workplace. A fifth of the respondents said they experienced unkind treatment and were accused of doing something wrong merely because they were foreigners. Also, 18,9 percent replied that they were belittled and insulted with abusive language by a Korean in restaurants or stores for no reason (Shin, 2003).

In 2007, The UN Committee on the Elimination of Racial Discrimination (UNCERD) has expressed concern at persistent ethnocentric thinking in South Korea. UNCERD stated that there was a genuine fear that overemphasis on and excessive pride in the ethnic homogeneity of Korea might be an obstacle to the realization of equal treatment and respect for foreigners and people belonging to different races and cultures. The committee praised the Korean government for the National Action Plan for the Protection and Promotion of Human Rights and the Basic Act on the Treatment of Foreigners adopted in May 2007 and establishing an Interpretation Support Centre for Foreign Migrant Workers in 2006.

However, the committee still urged Korea work out better systematic devices and suggested the country legally guarantee equal rights for foreign workers and children born from international marriages in employment, marriage, residence, education, and interpersonal relations (Chosun Ilbo, 2007b). This situation cannot be eased on how migrant laborers in South Korea face racial discrimination. According to Ministry of Justice statistics, foreigners' presence in Korea climbed from 680.000 in 2003 to 1 million in 2007 and 1.,2 million in February 2013. The Joint Committee with Migrants in Korea conducted a study on discrimination against foreign workers in 2011. Around 78,2 percent of 931 migrant employees have been verbally insulted, and 43,9 percent have directly heard discriminatory cultural remarks (K.-W. Kim, 2013).

**Table 4.3 EPS Workers (Visa E-9) by Sector of Employment and Country of Origin
(2004-May 2011 Cumulative)**

Country of Origin	Sector					
	Manufacturing	Construction	Agriculture	Service	Fisheries	Total
Bangladesh	6.341	67	88	9	122	6.627
Myanmar	3.416	-	61	1	44	3.522
Cambodia	6.502	67	3.092	-	257	9.918
Sri Lanka	24.982	1	518	19	46	25.566
China	5.224	1.042	480	-	482	7.288
Indonesia	30.421	541	340	12	2.298	33.612
Kyrgyzstan	1.050	-	32	13	10	1.105
Mongolia	22.414	363	779	216	386	24.158
Nepal	8.057	-	678	18	413	9.166
Pakistan	5.306	60	40	1	378	5.785
Philippines	39.327	1.178	207	2	-	40.174
Thailand	36.958	4.157	2.127	3	26	43.271
Uzbekistan	12.610	20	158	34	16	12.838
Viet Nam	63.547	5.034	7.768	16	701	77.066
Total	266.299	12.530	16.449	344	5.444	301.066

Source: Ministry of Justice and Ministry Employment and Labor, as cited by Kim (2015)

Other than racial discrimination, the discrimination based on sojourn status is also problematic. For example, in 2006, at a day-care program in Seongdong-gu Office the problem of poorly-fed children is widespread among families of migrant workers. Parents work long hours, and their children either go without meals or are undernourished, relying on instant food. The day-care was initially an after-school center for the children of migrant workers. However, it has opened its doors all day to the children of migrant workers, teaching them such subjects as the Korean language and providing them with warm meals. With concerns about poorly-fed children of migrant workers growing, some local governments in Seoul, are taking steps to support these children. However, undocumented migrant workers are still officially excluded from the support program, later the Ministry of Labor called upon local governments to guarantee such workers' "basic human rights" by working with civic groups. (Hankyoreh, 2006d).

When migrant employees contest contracts in Korea because they cannot speak the employer's language, the language barrier might cause pain. Since businesses started using migrants to replace South Korean workers, interpreting services have been critically scarce. Local offices of the Human Resources Development Service of Korea and the Korea Support Center for Foreign Workers (KSCFW) offer interpretation services to migrant workers in South Korea through the EPS (HRDSK). The HUG Korea foreign worker counseling service also offers interpreting and counseling support over the phone. The visitor is connected to HUG Korea's telephone counseling service if the center does not have interpreters who can communicate with them in their native language. Even though the system is founded on agreements between countries, some languages are not supported to support such accords.

However, the three organizations had a combined total of just 139 permanent and 671 non-permanent interpretation and translation professionals as of 2012, according to the NHRCK's 2013 report on the human rights of agricultural migrant workers. There is a severe lack of interpreting personnel in most nations that send agricultural workers (except for Vietnam, which at the time of the survey was ranked best in those areas). Although translators at counseling centers "cover" around five to ten languages and are chosen based on the population distribution of migrant workers in the regions where the centers are located, employees on the employment permit system arrive in South Korea from 15 different countries. (Hankyoreh, 2014f).

The language barrier problem is severely concerned by the migrant workers in South Korea's farm and livestock business where deceptive contracts and secret contracts are rampant as Hankyoreh reported. However, in 2014, the Ministry of Employment and Labor reported expressing its opposition to a recommendation by the Korean National Human Rights Commission to create a standard work contract customized for each business area to enable migrant laborers working in agriculture and livestock to receive the wages commensurate to their work. The ministry also declined to adopt a recommendation to draft standards for housing, concerned that this might place an excessive burden on employers (Hankyoreh, 2014e, 2014h).

4.4 Healthcare Services and Condition

Since approximately 80% of the 300.000 foreign employees in Korea are undocumented migrant workers, getting good medical care when ill has remained difficult in 2002. In other words, ever since they came to Korea in the late 1980s, migrant workers have been in the "blind spot" of health care. The legal "industrial trainees" at that time found it nearly impossible to seek the minimal care they are entitled to because of their demanding work schedules and social constraints. At the same time, 200.000 undocumented workers who knock on hospitals' doors have no rights and must pay twice as much as an insured worker (Arirang TV, 2002b).

However, civic organizations mostly carried out several attempts to provide migrant workers with healthcare services. In 1999, most migrant workers did not have legal status, making it impossible for them to access essential services like emergency assistance or insurance benefits. The Medical Mutual-Aid Union for Migrant Workers, or MUMK, is a medical insurance program established by a group of physicians, participating hospitals, and clinics. Migrant workers can reduce their medical costs by up to 80% by paying a monthly charge of 5.000 won, or about \$4. For instance, a procedure would cost one million won for a Korean employee with insurance and two million won for a foreign employee without insurance (Arirang TV, 2002b, 2004a).

The patient is entitled to the price of one million won and an additional 20 percent discount at participating hospitals as a MUMK cardholder, then MUMK will cover half the remaining expenses, leaving the employee with a final balance of 400.000 won. Workers can consult specialists and register for insurance at these clinics and the 35 MUMK field offices. With more than 10.000 subscribers and 600 participating hospitals in 2002, these efforts to institutionalize migrant workers' rights began to pay off. Nevertheless, running MUMK in 2002 cost 250 million won annually, of which the government provided 45 million won, and the Community Chest of Korea provided 50 million won. The remaining funds were obtained through membership fees and individual donations (Arirang TV, 2002b, 2004a).

Other initiatives are illustrated by the presence of the Migrant Worker's Hospital in Garibong-dong Seoul, established in 2004. Since its foundation, 13,000 patients have come to Migrant Workers' Hospital, both legal residents without money and undocumented residents with nowhere to turn. Every Sunday, specialists from university hospitals offer free treatment, while about 80 volunteer doctors provide treatment from 6:00 p.m. to 9:00 p.m. daily. The hospital provides free blood and urine tests and X-rays for migrant workers and ethnic Koreans from China 365 days a year. Nevertheless, the hospital also gets problems because patient numbers keep growing. The hospital cashflow is about 200 million won in deficit because it cannot get government support due to the controversy over provide services for undocumented migrants (Chosun Ilbo, 2005b).

In 2007 the Migrant Workers' Hospital operationalized in a six-story building, but space was so tight that rooms used for examinations had to be shared by two doctors working simultaneously. The situation is even more complex on weekends when far more people come in seeking medical attention. In addition, there are not enough night shift staff, though there are volunteers with medical training, so the facility is always at risk of malpractice or someone making a mistake. The hospital stated to say that many patients who need to be treated at another hospital because the hospital lacks specific equipment must entirely forgo treatment because they lack the money to pay for treatment elsewhere and fear being exposed as illegal aliens (Hankyoreh, 2007i).

Another initiative can be found in Gwangju on the establishment of the Gwangju Migrant Workers' Clinic Center (GMWCC) in June 2005. Most of the center's patients are migrant workers from the minor assembly, injection, molding, or construction companies at Hanam or Gwangju. However, since the center does not have a full range of examination equipment, patients with severe conditions are directed to undergo closer examination at cooperating facilities. Its original location is settled in Gwangju's Gwangsan district because of many migrants living and working there. However, migrant workers at small factories in Hanam and the Pyeongdong Industrial Complex had trouble using the facilities. Therefore, some

organizations, including the Gwangju Migrant Workers' Center, the Gwangju Migrant Workers' Missionary Association, and the Gwangju Migrant Workers' Cultural Center - teamed up with a volunteer group from Gwangju Christian Hospital and doctors from missionary groups to offer free treatment for migrant workers on Sunday afternoons in the new location. Around 150 volunteers work in the clinics coming from many backgrounds: regular and oriental medicine, dentistry, nursing, pharmacology, administration, interpretation, and counselling (Hankyoreh, 2014a, 2014b).

Migrant workers who have been subjected to harmful working conditions have been found to have serious health problems. The Occupation Safety and Health Research Institute, or OSHRI, released a report on the health of migrant workers in March 2008, which showed that the level of lead in their bodies is much higher than that of their South Korean counterparts. People with higher amounts of lead in their blood suffer from anemia, stomach-ache, and paralysis in the peripheral nervous system. In addition, six migrant workers were discovered to be living with higher than acceptable levels of methyl hippuric acid in their systems, which can cause cancer. These results have been gleaned from medical check-ups conducted on more than 25,000 migrant workers and almost 20,000 domestic laborers in 2005. Previously in 2004, a survey of 538 migrant workers showed that more undocumented migrant workers were exposed to heavy metals such as chrome, while legal workers were exposed to higher amounts of grain dust. A significant number of migrant workers also had symptoms of depression (Hankyoreh, 2008a).

One of clear example of this phenomenon, eight female Thai migrant workers were paralyzed from the waist down after being exposed to the clear, volatile liquid normal Hexane at a factory in Ansan, Gyeonggi Province, in 2005. They were unable to use their legs, and three who returned to Thailand after suffering the same condition are now paralyzed in their upper bodies. The women's disease is caused by exposure to the poisonous solvent Normal-Hexane without protection. They worked directly with the chemical for 15 hours a day, without protection and enclosed space, for up to 3 years. (Hankyoreh, 2005b, 2005c, 2006a).

4.5 Unpaid Wages and Other Financial Benefits

Unpaid and delayed wages are two issues that are relentlessly faced by migrant workers in South Korea, especially undocumented workers. For example, in the early 2000s, sixteen documented migrant laborers employed at a farm in reclaimed land on Ganghwa Island, Incheon filed a petition with the Human Rights Commission in February 2002 to reclaim some 50 million won in delayed wages, or six months since April 2001. Among some 1,000 petitions submitted to the commission, there have been three filed by foreign laborers, but this group in Ganghwa is the first group appeal by migrant workers regarding the wage's issues at that time.

According to a survey performed by the NHRCK in 2002, one out of two migrant workers has had wages overdue. Undocumented immigrants are the main target of overdue wages because companies can hold their undocumented status over their heads (Hankyoreh, 2007d). Other issues also occurred when the workers before the EPS needed to claim their savings from the mandatory saving system in the 1990s before it was abolished in 1999 by The Korean Federation of Small and Medium Businesses, the Construction Association of Korea, the National Agricultural Cooperative Federation, and other organizations before it was made officially illegal in 2001 (Chosun Ilbo, 2002b; Jo, 2006).

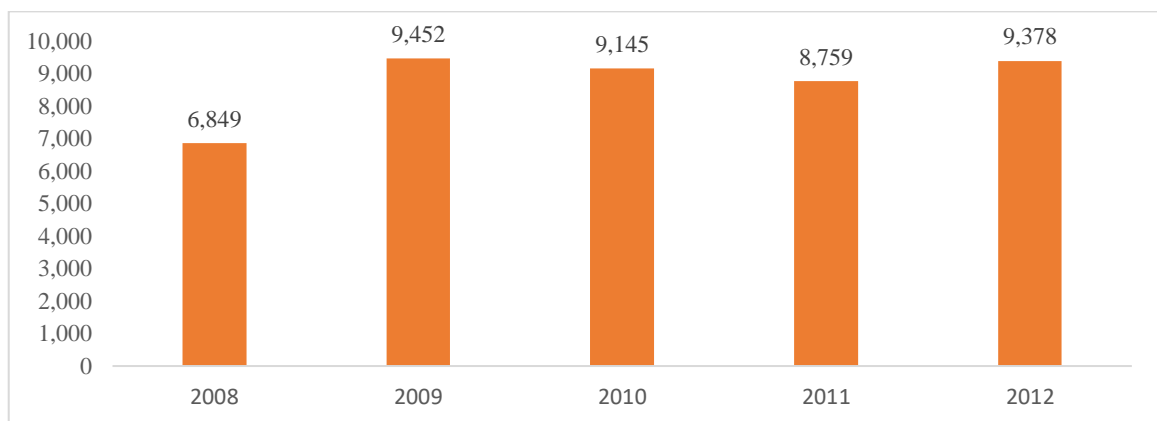
As reported by Hankyoreh, survey conducted by Rep. Dan Byung-Ho of the Democratic Labor Party (DLP) in 2005 showed that more than half of the migrant workers who have suffered from overdue wages were working without proper documents. The average period of those overdue wages was 2.74 months, and the average amount of wages withheld was nearly 2.4 million won. Migrant workers also have very few means to appeal to the situation. Although the migrant workers can appeal to the Ministry of Labor for Labor Standards Act violations, but this puts them in danger of forced deportation (Hankyoreh, 2007d).

Also, in 2007, foreign residents found it more difficult to open bank accounts in Korea as banks adopted stricter guidelines. When new rules apply to open an account, foreigners will need IDs

such as alien registration card (ARC) and passport. An employment certificate is also needed to use automated teller machines or internet banking. The Korea Federation of Banks initiated this rule to prevent foreigners from perpetrating financial fraud. The criminals reportedly call up victims and tell them to wire delayed pension or credit card payments to their accounts and later withdraw the cash from an ATM and flee Korea. The Financial Supervisory Service and the National Police Agency have asked the federation several times to stricken qualifications for foreigners who want to open accounts. In the end, Korean-Chinese descent immigrant and migrant workers from Southeast Asia face problems as many will not be able to deposit their income with banks. Most of them are non-regular workers at small-medium Korean firms and therefore have no IDs other than their passports (Chosun Ilbo, 2007a).

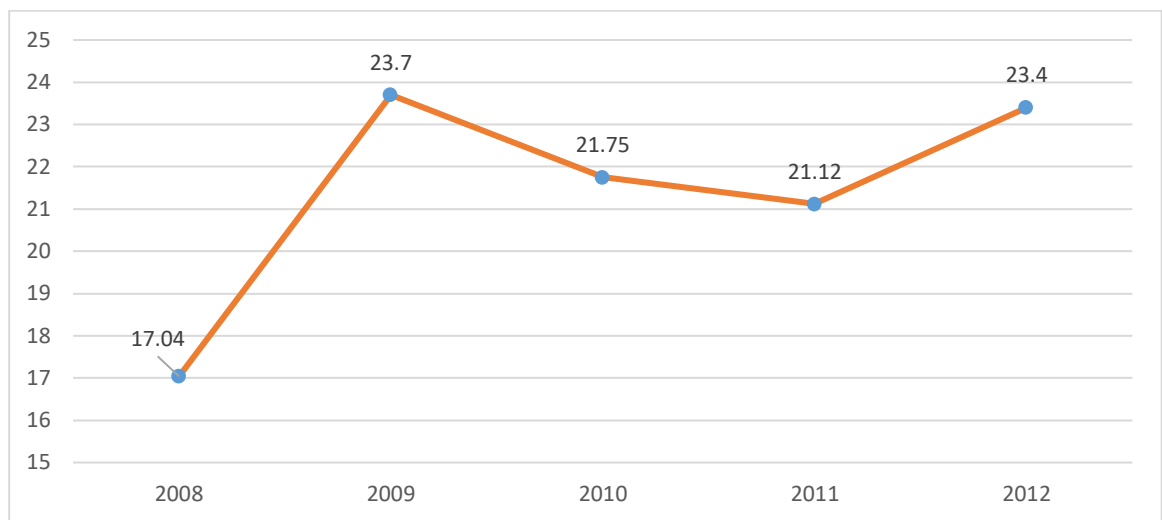
In 2007, according to Labor Ministry statistics cited by Chosun Ilbo, 1,059 companies failed to pay wages to foreign migrant workers, with 1,841 workers being owed 4,05 billion won (US\$1= 944 won). The actual amount of pay owed is likely much higher if it is included cases that were not included in the government statistics. Out of the 495 complaints received by the Busan civic group that represents foreign migrant workers, 142 (28,7 percent) involve back pay, while 124 (25,1 percent) involve severance pay (Chosun Ilbo, 2008a; J.-G. Lee, 2013).

Figure 4.5 Number of Unpaid Migrant Workers (2008-2012)



Source: Ministry of Employment and Labor as reported by Hankyoreh (2013)

Figure 4.6 Amount of Migrant Labor's Unpaid Wages (Billion Won, 2008-2012)



Source: Ministry of Employment and Labor as reported by Hankyoreh (2013)

The situation in 2008 shows a slight improvement. A survey by the Office of the Gyeongnam Migrant Worker's Council in May 2008 shows that migrant workers in South Korea worked an average of 11.4 hours a day in 2007 and earned 1.26 million won (US\$1,209) in monthly wages per person. Migrant workers also sent some 880,000 won per person to relatives in their home countries. The survey of 200 migrant workers found that 49.5 percent of those surveyed spent less than 300,000 won on monthly living expenses in 2007. However, the latest figure is still far below the nation's minimum for per capita monthly living costs, which was 435,921 won in 2007.

The average monthly wage for migrant workers rose nine percent to 1.28 million won in 2007, from 1.17 million won in 2005. The country's minimum hourly wage itself climbed 19 percent to 3,700 won for the same period. The average work hour per day for migrant workers in South Korea rose slightly to 11.4 hours in 2007 from 11.1 hours in 2005. Of the surveyed, 40 percent said they had experienced some industrial accident. The survey also revealed that 50.3 percent said they were not satisfied with their wages, compared with 23.1 percent two years earlier. And 40.1 percent said they were not satisfied with the amount of work they had to do, compared with 18.9 percent who said so in 2005 (Hankyoreh, 2008c).

However, in 2009 when the global recession happened, many migrant workers lost their job and, at the same time, missed out on claiming their unemployment benefits. Any worker paying unemployment insurance for more than six months can receive unemployment insurance benefits. Nevertheless, most migrant workers have not received these benefits because they are not aware of such a system, nor do they know that they are eligible to claim the benefits. According to data released in February 2009 by the Korea Employment Information Service (KEIS), the number of migrant workers enrolled in the employment insurance program is 20,398 people. In 2006, the figure rose to above 50,000 people. However, it fell sharply because employers became reluctant to enroll their workers in the program after the government made their participation voluntary. From August 17, 2004 (when the EPS came into force) until 2009, only 20 migrant workers have received unemployment benefits (Hankyoreh, 2009b). In the same time migrant workers also struggle to maintain the minimum wage since KFSB has tried to reduce the minimum wage of migrant workers.

KFSB also announced, "Standards for Charging Foreign Laborers for Board and Lodging" as another action during the economic slump. These new regulations spell out how employers of migrant employees are only required to pay the minimum salary and are not required to provide accommodation and board. However, it explicitly instructs businesses to charge 20% of workers' salaries, or around 180,000 won, if they also offer a hotel and two meals per day. Accordingly, the earnings of migrant workers receiving room and board would be reduced from 904,000 won to 723,200 won per month, based on a 44-hour workweek.

The Association for Migrant Workers, the Network for Migrant Workers, and 35 other labor, human rights, and civic organizations later voiced their opposition to this action in a statement read aloud by the Joint Committee for Migrant Workers in Korea (JCMK), which claimed that migrant workers "are already earning minimum wage or less" and that the employers are abusing its power by declaring that businesses should not provide for board and lodging. (Hankyoreh, 2009d)

Despite this situation, migrant workers in SMEs in Korea earn up to 11 times what they earn in their own country, according to the survey conducted by the KFSB in 2013 to 1,058 foreign laborers from 10 countries who received job training. Migrant workers in Korea earn an average of 1,62 million won, including overtime pay and bonuses a month. This earning is 11,2 times the average monthly wage of US\$222,4 or about 250,000 won Bangladeshi workers earn at home. For Indonesian, it is about 10,5 times the wage earned at home and ten times for Nepalese. On average, migrant workers in Korea earn 6,4 times the salary they received in their respective countries, while the minimum is 3,4 times, according to the survey (K.-H. Kim, 2013).

4.6 Severance Pay

In 2003, the National Assembly responded to a problem of foreign workers not receiving severance pay by enacting the Act on the Employment of Foreign Workers. The legislation required employers to enroll in departure guarantee insurance in lieu of severance pay. But an amendment made to the law on December 2013 added a new clause stating that this insurance would only be paid “within 14 days after the departure date.” Once the amended law goes into effect, workers will only be able to receive severance pay after returning home. However, many workers complain that they receive nothing from their employers due to the rule and that there is little they can do about it (M.-H. Jung, 2015). Even workers who changed companies midway through their stay could receive full severance pay from previous employers only after returning home. Another sore issue, however minor the amounts involved, has to do with the transaction fees incurred when making wire transfers. Also, the departure guarantee insurance only covers basic pay, without consideration for overtime or night-time work. Workers are in for more of a hassle making requests in cases where there are discrepancies between their actual severance pay and insurance costs (Hankyoreh, 2014g; M. K. Kim, 2014).

In 2005, up to 12 billion won of the monthly pension collected from foreign workers by the National Pension Service (NPS) had not been returned to foreign laborers that paid into the system from 2001 to 2005. According to data obtained from a parliamentary audit of the NPS

by the National Assembly's Health and Welfare Committee, 4,298 foreign workers did not receive back more than 12 billion won total in monthly pension payments when they returned to their respective nations between 2001 and 2005. The average amount of undistributed funds per worker was about 270,000 won. Migrant workers' pension, done by lump sum, is decided by a mutual agreement signed between South Korea and the workers' nation. According to the article, workers from nations that have not signed the social security agreement with South Korea cannot have their money returned. Nevertheless, the South Korean government requires all foreign workers to join the system, except for a few nations such as Vietnam, regardless of whether the worker's country has signed the social security agreement (Hankyoreh, 2006c).

4.7 Freedom to Change Workplace

The South Korean immigration law guarantees migrant workers' freedom to change their workplace and allows up to three months before transferring (Yonhap, 2011). However, back in 2005, foreigners who wished to work in Korea under the employment permit system must pass a Korean language proficiency test. This is one way the government works on measures to reduce the number of foreign migrant workers leaving their designated jobs. Countries that saw more than 20 percent of their workers abandon designated workplaces in Korea will be barred from sending more trainees and workers to Korea (Arirang TV, 2005).

Migrant workers who came to Korea to pursue their dreams were also suffering from triple torment during the recession of 2008-2010. First, their salaries dropped as opportunities for overtime decreased in the recession; secondly, new job vacancies were similarly scarce; thirdly, the amount of money they are sending home decreases due to fluctuating exchange rates. Due to salary cuts, more and more migrant workers seek to change their workplaces. According to the Labor Ministry, 2,224 migrant workers applied for new jobs in January 2008, and the number jumped by over 60 percent in six months to 3,596 in July (Chosun Ilbo, 2008b).

As many small businesses have begun shutting their doors at an increasing rate since the middle of 2008, the migrant workers working for them are increasingly at risk of becoming

undocumented migrants. Under the law governing migrant worker employment permits, migrant workers have to get new jobs within two months after becoming unemployed, which is becoming more and more difficult. According to the KFSB, 608 manufacturers in the two cities of Ansan and Siheung, which have large populations of migrant workers, suspended their businesses since December 2008. That number is nearly 30 times higher than the approximately 20 companies suspending their business per month in the first half of 2008. The number of migrant workers informing the government of employment changes was also on the rise, reflecting the trend toward suspension of business. According to data from the Ministry of Labor, the number of migrant workers changing companies was 6.745 as of December 2008, compared with 1.684 as of January 2007 (Hankyoreh, 2009c).

This situation tries to be also overcome by the local government as the city of Seoul provides employment support for foreign migrant workers who want to change their careers or have lost their jobs. The city government operates seven migrant workers' centers in areas populated by many foreign workers to support their adaptation to life in Seoul. The centers help foreigners find stable jobs by taking them through the entire employment process, from the drafting of application documents to collaborating with employment agencies, checking the work environment, and counselling with employers. In addition, some centers offer vocational training and education, including barista training, computer repair, and Korean restaurant start-up classes. Furthermore, since many people work on weekdays, they offer weekday and weekend courses in the Korean language, IT, and Korean cuisine (Seoul Metropolitan Government, 2011).

As of August 2012, it will be more difficult for migrant workers to switch jobs because they will no longer be allowed to apply for jobs directly through companies; instead, they will need to wait for a call from the employer. Employers are solely responsible for the recruiting procedure. In addition, the job-seeking migrants will be deported as undocumented immigrants if they cannot secure employment within three months. In this policy amendment, the Ministry of Employment and Labor ruled that only businesses should have access to information about job searchers,

arguing that giving the information to employees could result in its abuse by brokers. Some contend that the government's action infringes on the human rights of foreign workers. From 2.700 in 2008 to 12.000 in 2011, the number of foreign workers switching jobs climbed quickly. Later, the Ministry of Employment and Labor introduced a provision that said job seekers' access to job referral services could be restricted for two weeks if they declined an interview or position without good cause. When migrant employees decline an offer because they want to work somewhere better, they are penalized for two weeks. Another rule states that job applicants must always be able to pick up the phone when called, regardless of what, even if their cell phone is faulty or disconnected due to unpaid expenses (Hankyoreh, 2013; Um, 2012).

CHAPTER V

MTU ESTABLISHMENT CHRONOLOGY BASED ON KOREAN'S MEDIA COVERAGE

The MTU establishment is the fruit the migrant workers' right issues occurred before and after the enactment the EPS, especially the crackdown of undocumented migrant workers as deliberated in the previous chapter (Chapter IV) since during its establishment, three of MTU leaders also been deported from South Korea (see Table 5.1). The upcoming sub-chapters will deliberate the MTU's establishment chronology from its sit-in protest of EPS enactment in 2003 until its legal recognition as trade union in 2015 based on Korean's media coverage.

Table 5.1 Important Events of MTU Legal Establishment (2002-2015)

Dates	Events
Nov. 2003 – Nov. 2004	Sit-in protest of the EPS in the front of Myeongdong Cathedral
Apr. 2005	Initial formation of Migrants' Trade Union
	Deportation of MTU's First President Anwar Hussain
	MTU initial application as legal entity
	The Ministry of Labor and the Seoul Regional Labor Administration rejected MTU's application
	MTU appealed to the Seoul Administrative Court
Feb. 2006	Seoul Administrative Court denied MTU's lawsuit
	MTU appealed to Seoul High Court
Feb. 2007	Seoul High Court in favor to MTU's appeal
Apr. 2007	Ministry of Labor appealed to Supreme Court
May. 2008	Deportation of MTU's Second President Torna Limbu
Feb. 2011	Crackdown Attempt to MTU's Third President Michel Catuira
Mar. 2011	Michel Catuira appealed to Seoul Administrative Court
Nov. 2011	Seoul Administrative Court in favor to Michel Catuira's appeal
May. 2012	Michel Catuira left South Korea for family reasons
	Michel Catuira re-entry to South Korea denied by Immigration
	Deportation of MTU's Third President Michel Catuira
	Udaya Rai take-over leadership as MTU's Fourth President
Jun. 2015	Supreme Court in favor of MTU's lawsuit
Jul. 2015	MTU's application as legal entity to Seoul Labor to Seoul Regional Office of Employment and Labor
	Seoul Labor to Seoul Regional Office of Employment and Labor reject MTU application, asking modification on union's rules
	MTU's re-apply as legal entity to Seoul Labor to Seoul Regional Office of Employment and Labor
Aug. 2015	Seoul Regional Office of Employment and Labor accepted MTU application after union's rules modification

Source: Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

5.1 2002-2004: The Birth of MTU Initiatives

Following a period of a prolonged demonstration against the government's acceptance and execution of EPS, the establishment of MTU was put into motion. Migrant labor protesters from diverse origin countries and ethnic groups conducted a 381-day sit-in protest in front of Myeongdong Cathedral from November 14, 2003, to November 28, 2004 (Arirang TV, 2004e; Hankyoreh, 2007h). The demonstration requests the authority to stop the crackdown and deportation of undocumented migrant workers as well as a fundamental revision of the law on migrant employees under the EPS (Liem, 2007). Under the circumstances, after implementing the EPS, the government has granted legal status to just 227,000 foreigners and urged the remaining 120,000 undocumented foreign residents to leave the country immediately. The government then deported over 100,000 undocumented workers (Hankyoreh, 2007h).

A year before the sit-in protest, “The Joint Measures Committee to Oppose Forced Deportations, Abolish the Training System, and Guarantee Human Rights for Foreign Laborers,” an umbrella organization of 166 foreign worker groups, held an inauguration ceremony for “defenders of the human rights of foreign laborers,” on September 29th in Myeongdong, Seoul. The committee circulated a petition saying, “I too will be a defender of human rights,” and opened a telephone service to report human rights violations of foreign laborers. In addition, 20 human rights groups from 10 countries, including the Philippines and Bangladesh, announced a “Human Rights Peace Declaration for Asian Migrant Workers” together with the joint committee. “Foreign laborers should not be used and then forcibly deported. This two-faced policy must no longer be tolerated,” a group spokesperson said, as reported by Chosun Ilbo (Youm, 2002).

However, as stated in one of MTU's manifestos by the first MTU President, Anwar Hussain, the MTU is not the first attempt by migrant workers in S. Korea to form a trade union. Through the Migrant Workers Branch of Equality Trade Union (ETU-MB), a group of migrant workers activists has been active since 2001 (Anwar, 2005; Liem, 2007). This group is the one who led

the “Struggle Committee to Stop Enforced Deportation and to Attain Complete Legalization of Non-registered Migrant Workers” in 2003 that started a sit-in protest in Myeongdong Cathedral as mentioned above. Anwar further stated that MTU is, in fact, the fruit of this Myeongdong struggle (Anwar, 2005).

The protest venue, Myeongdong Cathedral, has a long and illustrious history. Thirteen Nepalese industrial trainees staged a sit-in protest at the Myeongdong Cathedral back in January 1995, criticizing the Industrial Trainee System (ITS) in S. Korea, a system in which migrant "trainees" are paid a minimum salary and have no basic rights. Later that year, migrant workers staged another demonstration at the cathedral, demanding a workplace accident compensation guarantee and the payment of unpaid wages (Gray, 2007; Liem, 2007).

Following the end of the Myeongdong struggle, representatives from the ETU Migrant Workers Branch from Seoul, Gyeonggi, and Incheon gathered multiple times to establish a new migrant workers trade union. These representatives agreed to form an independent trade union to fight impending threats like deportation and repression and strengthen the foundations for a national union, beginning in Seoul and the surrounding areas (Anwar, 2005; Hankyoreh, 2007j). Finally, on April 24, 2005, about ninety-one migrant workers who spearheaded the Myeongdong's sit-in protest and came from various nationalities and ethnic groups established the Seoul-Gyeonggi-Incheon Migrants' Trade Organization Union, an independent foreign labor union with leaders chosen from among the migrant workers themselves (Anwar, 2005; S.-J. Kim, 2015; S.-M. Kim, 2016; B.-H. Lee & Yoo, 2013; T.-W. Park, 2015). MTU's founding initial members include migrant workers from Bangladesh, Nepal, the Philippines, Vietnam, and Indonesia, the majority of them are listed as undocumented migrant workers (Liem, 2007).

MTU was able to maintain a membership of around 300 people despite frequent crackdowns and forced deportations. As an independent migrant workers union, MTU faced a range of vital hurdles that not every organization has to face. The problems included the members' diverse languages and cultures, which hampered communication, and the temporary nature of migrant

employment in South Korea, which resulted in inevitable membership and organization turnover and discontinuance (Liem, 2007). Liem also summarized the fundamental goals of MTU in the early establishment are: 1) stop the crackdown and deportation of migrant workers, 2) achieve the legalization of all undocumented migrant workers, 3) achieve protection of the labor rights for migrant workers, and 4) achieve a fundamental revision of the law concerning migrant workers.

5.2 2005-2010: Initial Legal Application, Rejection, and Deportation

MTU has faced repeated and persistent challenges from the South Korean authorities, which refused to recognize the formal union status of MTU, saying that undocumented migrant workers ineligible to join a labor union. The authorities also took action to halt the union's campaigns and activities, including arresting and detaining MTU's first President, Anwar Hussain, only 20 days after the organization was founded (Hankyoreh, 2007j; Liem, 2007). The immigration service says that when the authority detained Anwar Hussein, head of the MTU, it based its action on the "detention order" arbitrarily issued by a Grade 9 civil servant and not the head of the local immigration service office. Furthermore, the second such order was not issued within 48 hours after detention as required. Because of the procedural problems and physical abuse of those who arrested him, Hussein filed a complaint with the HRC, asking that he be released from detention. However, the HRC recently decided to reserve judgment about the validity of the detention order issued by the Grade 9 civil servant while concluding there is no reason to release him, saying the second order was issued lawfully (Hankyoreh, 2005d).

The Ministry of Labor and the Seoul Regional Labor Administration rejected MTU's application to register the union as a legal entity in April 2005, citing the fact that the majority of the union's members were in Korea unlawfully and that undocumented migrant workers do not have the same rights to be protected under Korean law as legal migrant workers (S.-J. Kim, 2015; K. Lee, 2015; Liem, 2007; Ock, 2015; S.-S. Park, 2008; Yonhap, 2011). In the same year, the MTU went for a lawsuit filing. The Korea's lowest court ruled in favor of the ministry, ruling that migrant

workers who resided undocumented in the country are not entitled to legal protection. The union could not be registered in the first trial because its membership included illegal workers, according to the 13th Administrative Division of Seoul Administrative Court, which was presided over by judge Lee Tae-Jong (J.-G. Lee, 2014). Following the ruling in the lower court, MTU fought for its legal and organizational standing in several judicial appeals, arguing that immigration law, which regulates work and residence permits, and labor law, which guarantees all workers the right to organize, are two separate and distinct bodies of law (Ock, 2015).

On February 10th, 2007, the MTU won an appeal at the Seoul High Court, with the court concurring with the MTU's suits that undocumented migrant workers hold the right to form labor unions (Hankyoreh, 2007a; K. Lee, 2015; Liem, 2007; Ock, 2015; T.-W. Park, 2015; Yonhap News, 2007). The Korea Times reported that the court stated, "The Constitution and the Trade Union Law protect the rights to freedom of association of all those who enter into an employment relationship as workers, including illegal migrant workers" (S.-S. Park, 2008). Judge Kim Su-Hyung of the Seoul High Court's 11th Administrative Division ruled that the Seoul Regional Office of Employment and Labor was unjustified in refusing to certify the formation of the Seoul-Gyeonggi Migrant Workers' Union. According to the judge, who was quoted by Hankyoreh, "Because they give labor in South Korea in practical terms and live on the pay, salary, and associated revenues," he claimed that even if the employees were in the country illegally, they were still capable of organizing a labor union (J.-G. Lee, 2014).

After that, the Ministry appealed it to the Supreme Court through the Regional Labor Administration in April 2007, indicating that a final verdict would be delivered before the end of 2008, but the case was delayed for eight years, drawing harsh criticism for the Supreme Court (J.-G. Lee, 2014; S.-S. Park, 2008; T.-W. Park, 2015). Meanwhile, MTU has continued its efforts by launching a campaign against the joint crackdown on August 1st, 2007. During that time, at least six MTU leaders were deported from Korea for their continued efforts to raise awareness

about the situation of undocumented migrant workers in South Korea (Hankyoreh, 2007m; Jhoo, 2015; K. Lee, 2015; T.-W. Park, 2015).

On May 16th, 2008, S. Korea's Ministry of Justice deported Torna Limbu of Nepal and Abdus Sabur of Bangladesh, who served as president and vice president at MTU during that time, just a month after they were elected (Hankyoreh, 2008b). They were arrested one week before their deportation on allegations of illegal residence after staying in South Korea for 16 and nine years, respectively, after their visas expired (Hankyoreh, 2008b; Limbu, 2008). Furthermore, the two individuals were charged with collaborating with civic groups to stage a series of protests to change sensitive labor problems, such as granting legal status to all undocumented migrant workers (T.-J. Kim, 2008). The deportation of these two men has already marked the third time the union's leadership had been arrested and deported. As reported by Hankyoreh, the Ministry of Justice also ignored the National Human Rights Commission's formal recommendation that it not deport them until there had been a resolution to a complaint filed in the case about allegations their rights had been denied (Hankyoreh, 2008b).

Amnesty International later condemned this issue, concerned the crackdown measures is intended to stop the union from conducting its rightful activities, since MTU has been targeted to be a crackdown on its leadership since November 2007 when three senior MTU official were arrested and later deported. The organization also alleged that the two men were investigated and deported unfairly, citing immigration officers beating them at the time of the arrest. The National Human Rights Commission of Korea also had recommended that the deportation decision be reconsidered (T.-J. Kim, 2008).

However, the Ministry of Justice said the arrest investigation was conducted lawfully, and they were unable to accommodate the advice from the human rights commission as the recommendation was made after a deportation decision was made. The ministry also said that those who were deported were illegal migrant residents, and despite their illegal status, they even organized protests against the government policies. The government stated they would continue

the crackdown on illegal migrants to contain the soaring numbers of these undocumented migrants. As reported by The Korean Times, in January 2008, a total of 653,064 migrant laborers were living in Korea, including 202,817 undocumented illegal workers. The government estimates more than 20,000 illegal workers have resided in S. Korea for a decade or longer (T.-J. Kim, 2008). The issues facing the MTU establishment revolve around the undocumented status held by most MTU activists, a circumstance that many migrant workers in Korea experience.

5.3 2011-2013: The Recurring Crackdown on MTU Activities

In February 2011, another MTU President named Michel Catuira also faced deportation when the Korean Immigration Service revoked her visa and forced him to leave the country, accusing him of violating immigration laws. Catuira, a registered migrant worker from the Philippines, has been the president of MTU since July 2009 while working in a shoe factory in Seoul. Catuira was also the first president of MTU to enter South Korea using the Employment Permit System (T.-W. Park, 2015).

The labor ministry found that Catuira's workplace had little business after investigating him and his employer in 2010 and encouraged the employer to assist Catuira in finding a new job. Nonetheless, in February, the immigration office denied his plea for a stay extension, claiming that he lied about his company to stay in S. Korea for a labor movement. In addition, the office informed her that she needed to leave the country because she "pretended to work" at a "fake company" and violated her E-9 work visa terms. As a result of the ruling, he faces deportation due to his illegal status (S.-H. Han, 2011; T.-W. Park, 2015; Yonhap, 2011).

After that, Catuira filed a lawsuit against the Korea Immigration Office to the Seoul Administrative Court, and while the case was being heard, the court granted an injunction allowing Catuira to stay until the definitive verdict of her lawsuit with the Korea Immigration Office. Meanwhile, she continues to rally with the MTU on March 21, 2011, the International Day for the Elimination of Racial Discrimination. During a press conference at the NHRCK, Michel, as president of the MTU, and other civic organizations demanded that the government

and the Korean people change discriminatory policies and perceptions toward foreigners, including changes and even the elimination of discriminatory policies (S.-H. Han, 2011).

After months of litigation, Catuira was winning the suit in November 2011, when the Seoul Administrative Court decided in his favor, stating that his presence in Korea was legal (Hankyoreh, 2011a, 2011b). The Seoul Administrative Court's Judge Chang Sang-Gyun wrote in his decision:

"No illegal factors were found in the procedure of his landing a job and working at the factory, which was helped by the labor ministry, It is illegal for the immigration office to cancel his immigrant status before the three-month period passed, which should be guaranteed when migrant workers try to change their workplace." (Yonhap, 2011)

"Immigration has targeted Catuira just because he worked for a migrant workers' union," Catuira's lawyer Cho Hye-in said after the court judgment, calling on the government to ensure foreign workers' right to join trade unions. According to Yonhap, at least five senior MTU leaders, have been deported for their labor actions since 2005. (Yonhap, 2011). In another publication, Hankyoreh reported six straight MTU presidents from Anwar Hossain, who first filed the suit, to Michel Catuira have ended up being deported (J.-G. Lee, 2014). This situation is along with the fact that around 18,000 migrant workers annually have been deported in the 2008-2012 period (J.-G. Lee, 2013). Despite winning the case, Michel finally left Korea for the Philippines in 2012 and denied entry since then. Nepali's Udaya Rai replaced his position in 2014 (Hankyoreh, 2012a; T.-W. Park, 2012).

5.4 2014-2015: MTU Legal Authority After Supreme Court Trial

In 2014, a foreign performer at the Africa Museum of Original Art (AMOA) in Pocheon, Gyeonggi Province, protested their slave-like working circumstances, bringing attention to the issue of migrant worker exploitation. They recounted labor circumstances that amounted to virtual captivity. No legal labor rules were observed, such as minimum pay,

adequate food stipends, or vacation time. A total of 24 Africans was hired, but eight of them have since gone home, while four others have escaped. The monthly remuneration was 500,000 won (\$606), less than half the legal minimum wage of 1,269,154 won (\$1,183) in 2014. The workers were forced to sleep in rooms where mice nibbled at their clothing and ate spoiled rice (Bang, 2014; Hankyoreh, 2014c, 2014d).

The Supreme Court has been debating whether or not to recognize migrant worker unions for the past seven years in light of reports of migrant workers being exploited at a museum. In order to prevent future worker abuse at the African Museum of Original Art in Pocheon, Gyeonggi Province, labor organizations, including the Korean Confederation of Trade Unions (KCTU), urge the court to make a judgment right away. The migrant workers' union case was one of the longest-pending administrative matters when the Supreme Court published a list of cases waiting for a decision for more than a year in January 2013 (J.-G. Lee, 2014).

The Supreme Court responded to criticism that the judgment was made too late by stating that it "required a great amount of time to put in the effort to fully analyze the matter, including gathering documents, conducting research, and taking into account numerous factors" (K. Lee, 2015). The Supreme Court has been criticized by labor and legal analysts from MINBYUN- Lawyers for a Democratic Society for abdicating its duties by letting a case with fundamental concerns linger on for eight years.

"It took eight years in the Supreme Court alone for the clear verdict to be issued in this case, but there are no signs that the court was actually grappling with the issues. For eight years, the court ignored the appeals of migrant laborers - who occupy the bottom rung of the South Korean economy - for improved working conditions."

The union, which was established to promote the interests of foreign workers, has

theoretically been operating unlawfully for more than six years despite the High Court's injunction. "We have not heard anything for the past seven years. We do not even know if there will be a decision or even if they genuinely see us as employees," according to Udaya Rai, the migrant workers' emergency committee leader in the KCTU and later became the MTU President (J.-G. Lee, 2014). On April 2nd 2015, a source Supreme Court said to Hankyoreh that a decision may be coming. "There are a lot of complex legal issues involving things like whether to recognize basic constitutional rights for illegal workers, and it's taken some time to analyze overseas precedents. The examination is almost in its final stages now," (T.-W. Park, 2015).

One weekend before May Day, on April 26, 2015, MTU staged a rally in central Seoul with 200 migrant workers to demand that the government provide them with better labor rights. The three core labor rights that the Constitution guaranteed the demonstrators requested were the right to organize unions, participate in collective bargaining, and take collective action, as well as increased flexibility in changing employment and higher compensation. Nevertheless, as MTU President Rai said during the demonstration, the government must first acknowledge MTU as a legitimate labor union (M.-H. Jung, 2015).

After ten years of litigation, the Supreme Court ruled on June 25th that even undocumented migrant workers can create and join labor unions, practically granting MTU legal recognition as Korea's first independent migrant workers union in 2015 (K. Lee, 2015; Ock, 2015). The full bench of Supreme Court judge led by Justice Kwon Sun-il concluded, "Considering the intention of the Trade Unions Act, even foreigners who are not permitted to work fall under the definition of workers as defined by the Act. Consequently, they are free to form and join labor unions."

Moreover, the court stated:

“When workers are prosecuted and deported under the Immigration Control Act, this is only meant to prohibit the actual act of hiring foreigners who are not permitted act of hiring the actual act of hiring foreigners who are not permitted to work. It is unlikely that this was intended to prohibit the various rights entailed by the work of foreigners who are not permitted to work or the various rights detailed in the Labor Relations Act.” (Hankyoreh 2015)

Justice Min Il-Yeong, however, has expressed dissent, saying that it is "a logical contradiction to declare that the state, which is compelled to take different actions, including deportation to prohibit the employment of foreigners who are not entitled to work, must simultaneously safeguard those foreigners' engagement in labor unions." The Supreme Court made it clear that if the decision allows labor union activity, it does not guarantee undocumented migrant workers the capacity to obtain employment or register as legal residents. The court also highlighted that the Trade Unions Act forbids labor unions from participating in political activity. However, as The Korea Herald wrote, this legal status had no impact on MTU's reputation as an illegal organization, providing another example of the adage that "justice delayed is justice denied." (K. Lee, 2015).

Despite the ruling, the Ministry of Employment and Labor has yet to authorize the MTU's official registration, citing several conditions that must be met concerning the union's regulations. The government also asserted that the union's bylaws contained politically motivated language opposing the Employment Permit System and promoting the issuance of visas to illegal immigrants violating the law (S.-J. Kim, 2015; Ock, 2015). “The MTU’s statute still include content about ‘legalizing migrant workers,’ which potentially constitutes an ‘instance of having principally political goals’ that is banned as a union establishment goal by the Trade Union Act and we made a request for additional action in July 23rd 2015,” explained ministry labor-management relations law division chief Oh Yeong-min on July 24th, 2015 as reported by

Hankyoreh (Jeon, 2015b).

The MTU applied for registration in July 2015, following a landmark Supreme Court decision. However, on July 7th, the Ministry of Employment and Labor issued a new challenge, requiring the MTU to make some adjustments to its laws before the establishment notice can be validated (Jhoo, 2015). It urged revisions to the MTU provisions on resisting crackdowns and deportations, pushing for migrant worker legalization, and opposing the Employment Permit System, among other things. The government said that these words were "principally political purposes," as defined by Article 2, Item 4 of the Trade Unions Act, which might lead to the union's legal registration revoked. However, this ministry's demand was not found and was demanded when the first time MTU was first refused legal recognition in 2015 (Jeon, 2015a).

After that, the MTU held a general assembly to change some of the provisions the government had criticized. However, the labor ministry again rejected the updated version on July 20, 2015, which prompted the request for additional adjustments. According to Park Jin-woo, the MTU's deputy secretary-general at the time, "the labor ministry this time wanted a list of the union members who participated in our general meeting, stating it needed to evaluate whether the meeting followed authorized procedures." About 50 MTU members, including Park and the union's president Udaya Rai, prepared a protest rally on July 27, 2015, in front of the Seoul Regional Ministry of Employment and Labor offices in the city center (Jhoo, 2015). Udaya Rai later in a telephone interview with the Hankyoreh said, "that the terms in the regulations that the Ministry of Employment and Labor takes issue with are attempts to protect migrant worker rights and the reason the MTU exists in the first place. We are not going to make any more changes to the regulations" (Hankyoreh, 2015; Jeon, 2015b).

The ministry continued to order changes to the MTU's regulations, arguing that phrasing about "fighting to abolish the training system and gain legal status for migrant workers" suggested the union's goal was "political campaigning." Indeed, the union only received its certification after changing the phrasing in question to read "working to improve labor conditions for migrant

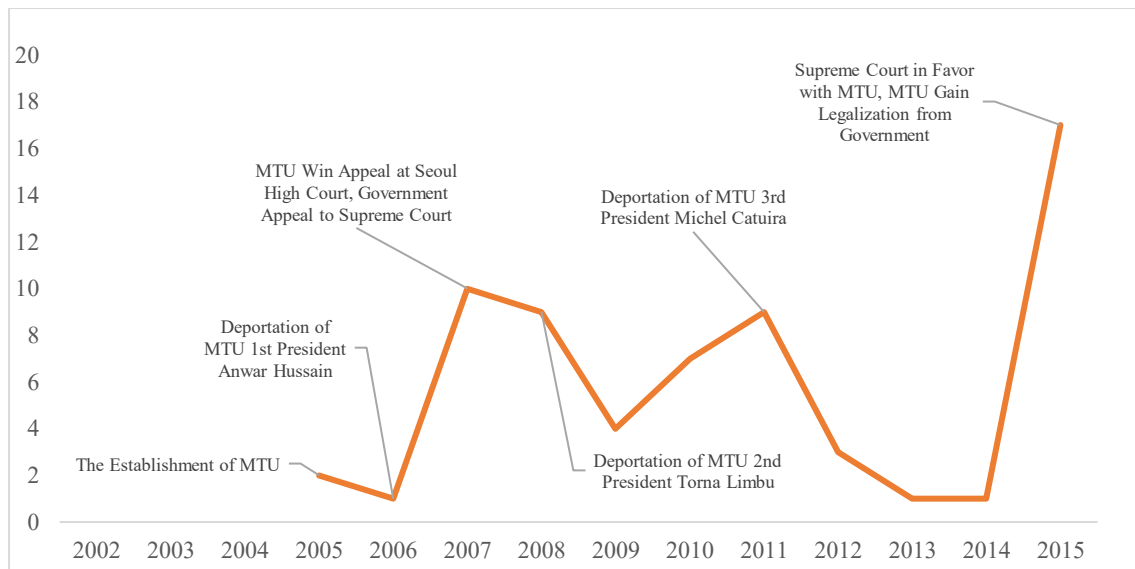
workers and elevate their political, economic social, and cultural standing." However, after two rejections, the union modified its rules, which The Seoul Regional Office of Employment and Labor finally accepted on August 20th, 2015, and later issued a license to the Migrants' Trade Union. After ten years, MTU's presence is officially recognized in Korea (M.-K. Kim, 2015; S.-J. Kim, 2015).

CHAPTER VI

MTU AS THE LEADING VOICES FOR MIGRANT WORKERS UNIONISM IN SOUTH KOREA

The MTU establishment dynamics can also be illustrated in Figure 6.1 on how the MTU's struggle for establishment is reported in the news publications analyzed in this research. MTU's initial establishment in 2005 is not well covered in the news publication; however, since MTU won an appeal at Seoul High Court regarding its registration as a legal union, MTU started gaining recognition. Another two pivotal moments that made MTU well covered are during the deportation of its second and third presidents. After the latest deportation of its leader, MTU is facing its downturn and steepest point. However, when Supreme Court finally favored MTU regarding migrant workers' unionism possibilities for undocumented migrant workers, MTU gained its publicity peaks in 2015 that ended with the legal recognition of MTU as a labor union from the government.

Figure 6.1 MTU's Establishment Coverage in News Outlet Publications (2002-2015)



Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

During its establishment, MTU frequently mentioned in the news reportages and the voices of MTU via its leaders and organizers also numerous cited by the news media outlet in South Korea concerning migrant workers' right issues in South Korea. As we can see from Table 6.1, there are 58 civic organizations in South Korea concerning migrant worker's issues and covered in news outlet publications from 2002-to 2015, with possibilities there are still many uncovered yet from other news outlets that were not selected in this research. However, we can see that MTU is a civic organization with the most frequency being presented in news outlet publications. It could mean that MTU is also playing the role of one of the leading voices of the civic organization concerning migrant workers' issues that, even during this research timeframe, are still struggling with their legal recognition.

Table 6.1 Civic Organization on Migrant Workers Issues on Publications (2002-2015)

No	Name	Frequency
1	Migrants' Trade Union	64
2	The Joint Committee for Migrant Workers in Korea	23
3	Earthians' Station	6
4	Association for Migrant Workers' Human Rights	5
5	Seoul Migrant Workers Center	5
6	Migrant Worker's House	4
7	Shalom House	4
8	Global Sarang Center	3
9	Korea Migration Foundation	3
10	Korea Support for Migrant Workers	3
11	Center Supporting Migrant Workers	2
12	Gyeongnam Migrant Worker's Council	2
13	Human Rights Organization for Migrant Workers	2
14	Korean Migrant Laborers' Rights Center-Incheon	2
15	Migrant Worker Campaign Support Association	2
16	Migrant Workers' Hospital	2
17	Namyangu Workers' Welfare Center	2
18	The Migrant Health Association in Korea	2
19	After-School Center for Migrant Workers	1
20	Alliance of Migrant Labors	1

21	Ansan Migrants Center	1
22	Asan Migrant Workers' Center	1
23	Chinese Resident's Association	1
24	Citizen's Solidarity for Human Rights	1
25	Civic Group for Migrant Workers	1
26	Collective Action to Abolish Discrimination Against Migrant Workers and Assert Human and Labor Rights	1
27	Committee on the Elimination of Discrimination against Migrant Workers	1
28	Daejeon's Migrant Workers Center	1
29	Emergency Support Center for Migrant Women	1
30	Foreign Labor Rights Group	1
31	Foreign Laborers' House	1
32	Foreign Worker's Counselling Office-Incheon	1
33	Gimhae Support Center for Foreign Workers	1
34	Gwangju Migrant Workers' Center	1
35	Gwangju Migrant Workers' Missionary Association	1
36	Gyeonggi Institute of Research and Policy Development for Migrants' Human Rights	1
37	Gyeongnam Migrant Community Center	1
38	Gyeongnam Migrant Community Service Center	1
39	Gyeongnam Migrant Workers' Counsel Office	1
40	Hwaseong Foreign Workers' Center	1
41	Incheon Migrant Labor Union	1
42	Korea Migrant Human Rights Center	1
43	Korea Migrant Workers Human Rights Center	1
44	Korea Migrants' Center	1
45	Korean Migrant Workers Human Rights Center	1
46	Migrant Worker Film Festival	1
47	Migrant Workers Television	1
48	People's Solidarity for Social Progress	1
49	Seongnam House for Foreign Workers	1
50	Seoul City Migrant Workers Center	1
51	Solidarity for Migrants	1
52	Solidarity for Worker's Health	1
53	The Joint Measures Committee to Oppose Forced Deportations, Abolish the Training System, and Guarantee Human Rights for Foreign Laborers	1
54	The Movement of Extradition of Illegal Workers	1
55	Women Migrants Human Rights Center	1
56	Yangcheon Global Migrant Center	1
57	YMCA	1
58	Yongin Migrant Shelter	1

Source: Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

From the framing analysis conducted in this research, there are three main aspirations that dominating the news discourses that mentioning and citing MTU in their articles: migrant workers right issues in general, MTU's legalization trials, and critics of the EPS.

6.1 Migrant Workers' Right Issues in South Korea According to the MTU

Since most undocumented migrant worker cases in Korea began during the employment phase rather than the pre-departure phase, as occurred in the example of the Mexico-United States corridor or the Indonesia-Malaysia corridor, the phenomena of undocumented migrant workers in Korea is unique. The method through which foreign workers enter employment in Korea is lawful, thoroughly recorded, and strictly governed by a G-to-G arrangement and a specific visa. (M.-J. Kim, 2015). Migrant workers later prospectively becoming undocumented after they started working in South Korea and facing rights issues in their employment or having problem before their transition or returning home phase because of incomplete fulfilment of rights as delayed wages, workplace incident's insurance claiming or confirming their payment of severance pay. Indeed, there are also cases migrant workers that refusing to go home because of the reasons other than failure worker's right fulfilment.

MTU is frequently raising its aspiration's voice regarding migrant workers issues in South Korea especially the recurring crackdown of undocumented migrant workers and later cited by news media outlet. However, regarding this protest on the crackdown and other migrant workers issues MTU is not alone and frequently releasing joint statement with other civic groups or even the employers that also facing problem of labor shortage due to the recurring crackdown. For example, in July 2010, at the National Human Rights Commission of Korea in Seoul's Jung-gu, JCMK, KCTU, and MTU launched "Cat's Eye," a group to monitor human rights infringements against migrant workers during migrant worker crackdowns, which have suddenly shot up in numbers in 2010 (Hankyoreh, 2010c). Or during the aftermath of the crackdown in Maseok and Gimhae in 2009, undocumented migrant workers and business owners have joined together to sue the state for the way it has conducted its recent arrest campaigns against illegal aliens. As

reported by Hankyoreh, the Joint Committee with Migrants in Korea (JCMK) and the self-styled Korean public interest lawyers' group Gong-Gam announced in March 2009 that they are filing a lawsuit for compensation by the state with the Seoul Central District Court on behalf of fifteen "illegal crackdown victims" in Gimhae, South Gyeongsang Province (Hankyoreh, 2009d).

Other example is on during the wake of crackdowns on undocumented migrant workers and the detention of 33-year-old Nepali musician and cultural activist Minu (real name Minod Moktan) by the Korea Immigration Service in 2009. At a press conference in October 2009 in front of the Hwaseong Immigration Detention Center in Gyeonggi Province, a coalition comprised of 23 groups, including the MTU, declared that South Korea, which proclaims itself to be a 'warm multicultural society,' must immediately release Minu. Prior to this recent target crackdown, the Korea Immigration Service had arrested and deported undocumented migrant workers who had served as leaders of the MTU named Torna Limbu and Abdus Sabur in 2007 and 2008. (Hankyoreh, 2009f).

Table 6.2 MTU's Aspiration on Various Migrant Workers' Issues in South Korea

Code	Quotation
HK-07-36	"We just wanted to be treated like human beings..."
KT-08-43	"With the worsening economy, not only foreign workers overstaying their visas but also those with proper working visas are being forcibly laid off. Most legal workers landed here at their company's invitation. In this case, their company is obliged to pay a minimum allowance. But they rarely do,"
KT-10-32	"Migrant workers are often harmed during crackdowns, but there is no concrete evidence except for the person's statement to prove the violation of human rights. We will keep a lookout for raids on illegal foreigners to protect their human rights," "We also plan to collect examples of unlawful crackdowns and file petitions to the NHRCK,"
KT-10-38	"The Korean government is using the G20 Summit as an excuse to trouble minorities. We want the government to end their oppressive behavior. End the crackdown!"

KT-11-17	“Many migrant workers are vulnerable to industrial accidents. It is a combination of many reasons, including the lack of training, language barriers and inexperience of migrant workers.”
KT-11-18	“And industrial accidents, including fatal ones, are disproportionately greater among migrant workers than among South Korean workers as most of them are engaged in 3-D jobs — difficult, dirty and dangerous.”
HK-15-21	“We will fight to improve poor working conditions and guarantee basic labor rights in workplaces where even the Labor Standards Act is a dead letter.”
HK-15-23	“Fight throughout the country to break the bonds of slavery for migrant workers exposed to suppression of their human and labor rights through non-payment of wages, violence, and verbal abuse.”
TKH-15-07	“How can human beings be illegal?”; “We were just unregistered, not illegal, and demanded our fair share of rights.”
TKH-15-20	“(As the union is now officially registered,) let’s not hesitate to mobilize ourselves to fight abusive employers and discriminatory treatment,” “Now, the day to achieve basic labor rights for migrant workers is nearing. Let’s fight together through collective action.”
TKH-15-29	“We have fought hard, but could not reach out to migrant workers from various backgrounds, though a trade union is driven by the power of union members.”
TKH-15-30	“We will continue the fight until the day we are recognized as part of society by more actively raising voices for migrant workers as well as the marginalized in society,” “We have a long road ahead.”
KT-15-18	"The Korean government invited migrant workers because there is no one else to do these jobs. Migrant workers are an important part of the Korean society. They are more important than many people think,"

Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

There are several most frequent occurred keywords from the MTU’s aspiration above regarding migrant issues listed above: “migrant workers”, “labor rights”, “crackdown”, “basic labor rights”, “human rights”, “industrial accident”, “Korean government”, and “human being”. Back to migration's aspiration by Boccagni (2017) definition, which is aspiration in migration as *aspirations are emotionally thick representations of what one's future might and should look like, given the present circumstances and the experience of the past as re-codified from the "here-and-*

Gyeonggi-Incheon Migrants Trade Union (MTU) constitutes a denial of the rights to freely form and join trade unions, a right protected in the Korean Constitution and international human rights law,” (Jeon, 2014; S.-S. Park, 2008).

Amnesty International also stressed that the labor ministry violates domestic law and international conventions to which Korea is a state party. The International Convention on the Elimination of All Forms of Racial Discrimination stipulates that all member states must protect the right to freedom of association workers irrespective of their immigration status. Amnesty stated, "The Constitution provides that treaties duly concluded and promulgated under the Constitution and generally recognized rules of international law should have the same force and effect of law as domestic laws. Therefore, the Korean government is obliged to protect the rights outlined in international conventions that it has ratified," (S.-S. Park, 2008).⁴

Beforehand in late August 2006, the Asian Regional Meeting of the International Labor Organization (ILO), which takes place every four years held in Busan, South Korea. Approximately 600 representatives from labor, business, and government have come from approximately 40 countries. A fact-finding group representing the international labor community in Korea criticized the government for failing to keep its failure to adopt repeated recommendations by the ILO for improving labor policy. Typical examples would be its failure to fully guarantee civil servants the "three labor rights" - freedom of association, the right to bargain collectively, and the right to strike. During the event, as Hankyoreh reported, a migrant worker who represents fellow foreign laborers in the Korean Confederation of Trade Unions

⁴ In December 2009, there was a formation of the first trade union of foreign workers reported by Chosun Ilbo. Five foreign instructors at an educational institute in Incheon, west of Seoul, obtained approval from local authorities to launch the union on November 23, 2009. The union met all legal requirements, since members being legal residents and covered by national insurance. This situation is different to MTU, when their attempt was to legalize the union is recurrently failed because most members were undocumented migrant workers. On another occasion, 38 foreign lecturers at a language institute in Gangnam, Southern Seoul, attempted to form a union but omitted to draw up proper regulations (Chosun Ilbo, 2009).

(KCTU) was kept away from the proceedings because he is currently an illegal alien. He was on his way to a session discussing ways to protect migrant laborers, and he was an official delegate from KCTU, and the government was as inflexible and intolerant as could be in preventing him from attending (Hankyoreh, 2006b).

In addition, until the MTU legal recognition in 2015, South Korea also still not signed and ratified “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families” which stipulated on Article 26 regarding several rights of migrant workers and their families to be actively in trade union, including: (a) To take part in meetings and activities of trade unions and of any other associations established in accordance with law, with a view to protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned; (b) To join freely any trade union and any such association as aforesaid, subject only to the rules of the organization concerned; (c) To seek the aid and assistance of any trade union and of any such association as aforesaid (Hankyoreh, 2012; United Nations, 1990).

In 2014, a UN's special rapporteur on racism and discrimination said that Korea needs to ratify the international convention protecting migrant workers. During his first visit to the country, Mutuma Ruteere said Seoul has made substantial progress over the years but still needs to address its influx of foreigners and confront emerging challenges. He emphasized that cases of racism cannot be neglected and highlighted the importance of raising awareness through education, keeping appropriate data on the issue, and improving domestic legislation on employment (Arirang News, 2014).

Choi Jong-jin, chief vice chairman of the second-largest umbrella organization in the country, the Korean Confederation of Trade Unions, declared that the union would work with the MTU to enhance migrant workers' working conditions (M.-H. Jung, 2015). This support is getting along with increasing calls for Korean labor union reform coming in 2005 from various parts of society. Hankyoreh reported that unionists should ask themselves what they have done for irregular and

migrant workers, who are little different from the domestic workers in the 1980s and 1990s (Hankyoreh, 2005b). More moves were shown in 2007 when the metalworkers union under the KCTU decided to include migrant laborers as union members. The union's central committee decided to conduct a comprehensive field study of migrant workers in workplaces under KCTU membership. The idea is to look into their pay and other working conditions and see what obstacles they face in joining unions. The metalworkers union has already changed its organizational rules to allow migrant workers to join as full members and allot a specific ratio of union positions to them (Hankyoreh, 2007k, 2009a).

Table 6.3 MTU's Aspiration on Migrant Workers Unionization

Code	Quotation
KT-11-14	“It's so tiring and disappointing. They don't recognize the union, which is the only place migrant workers can come for help, guidance and support, and say they need Koreans to explain everything.”
HK-12-03	“A union where workers can discuss [issues] and make decisions themselves is absolutely necessary for the sake of migrant workers' rights,”
HK-15-03	“All workers have the right to join a union, and the South Korean Constitution and labor law guarantee it.”
HK-15-04	“While workers can join company and industry unions, most migrant workers work at small-scale work places,” “Only when legal status is granted to a general union like the MTU will we get collective bargaining rights for individual workplaces and promote the labor rights of migrant workers.”
HK-15-11	“We have been waiting for this moment for a long time. We had such a hard time with the deportation of union leaders while the government was repressing us as an illegal union. We will keep fighting the good fight for the rights of migrant workers.”
HK-15-16	“The Ministry of Employment and Labor must immediately issue the Migrants Trade Union's certificate of registration!”
KT-15-22	"We first went to the court for the same reason 10 years ago, and the court finally ruled in favor of us last month. I think the labor ministry is just making excuses to reject the establishment of the migrant workers' union."

TKH-15-06	"I was so delighted when I heard that the court finally legalized our union," "The victory is solely a result of the MTU's years-long fight against the government to earn equal rights for migrant laborers here,"
TKH-15-27	"We have fought for 10 years, and if we didn't compromise, it could take 10 more years to establish a trade union,"
KT-15-25	"The Supreme Court already paved the way for the establishment, saying that we have equal rights to join and set up a union regardless of the legal status."

Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

The MTU argues that the situation in South Korea leaves no reason to block its legal status. Ten years of waiting to have legal recognition of its union show that MTU has consistent and robust urgency to be unionized based on human and workers' rights issues that are still rampant during its legal status struggle. As Gray (2007) defined the aspiration for migrant workers to be unionized as follow *the conscience on the urgency to be unionized is mostly come after the belongingness on the human rights protection, and after the human rights issues accomplished, the demands moreover running into the workerness issues, on how the activism is primarily motivated by the desire to improve migrant employment conditions and opportunities, especially the free movement of employability or working mobility.*

Despite that human rights issues and protection were not yet fully addressed and accomplished during its MTU period of the legal establishment (see Table 6.2), nevertheless, MTU has already shown that MTU as an independent migrant workers union can achieve status as the first legally recognized migrant workers' union in South Korea that never been achieved before. Indeed, the human and worker rights issues are still going to be the focus for MTU after gaining legal recognition; however, MTU also already having of one's future might and should look like aspirations of the self to which a particular view of the future which is the abolishment of EPS and the proposal of WPS/LPS that will be deliberated in the next sub-chapter.

[illegible]

6.3 Migrant Workers Admission System Transformation Campaign from the MTU

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In this WPS campaign, it was claimed that EPS is to blame for the exile of migrant workers from the system, where they are subjected to low pay and human rights abuses or overstay their visas. As a result, they cannot possibly earn enough money in the limited three years they have to pay off debts and sustain their families back home. MTU believed that if the system were modified to give migrants the right working circumstances, they would not need to become undocumented (Liem, 2007).

6.3.1 The EPS Problem from MTU Perspective

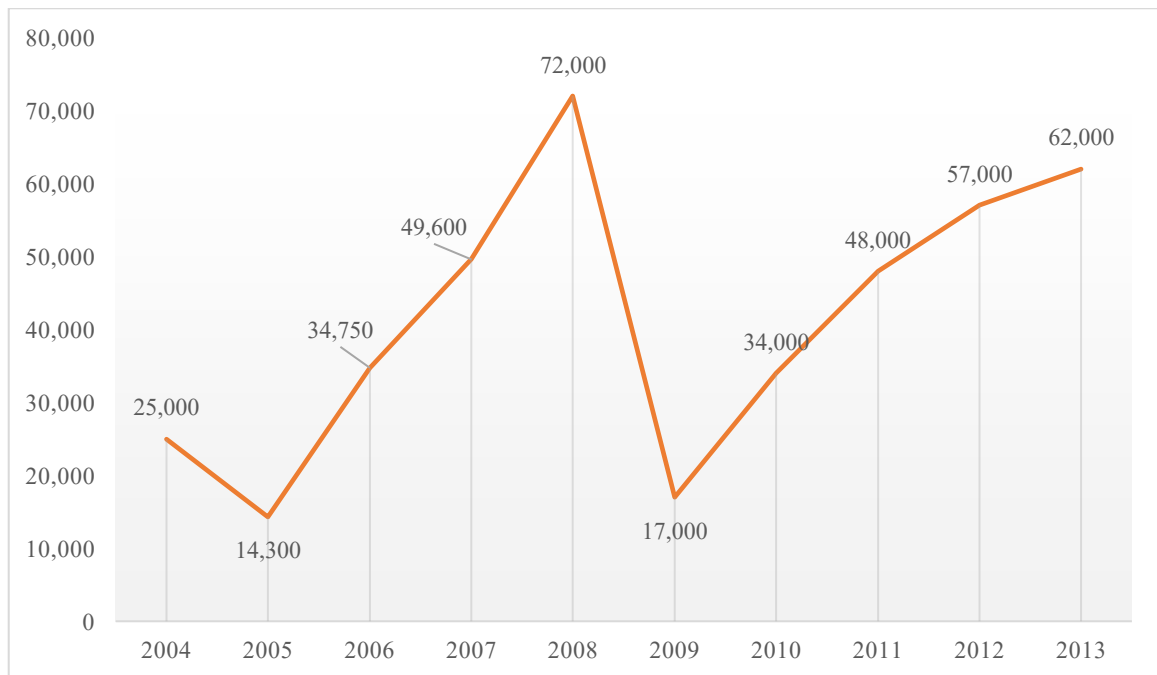
As mentioned in the introduction chapter, the migrant workers' problem in South Korea is a concoction of the severe shortage of laborers in the industrial sector and human rights concerns, which earned international notoriety the migrant workers' cry for a "win-win policy" that could reduce illegal immigrants by humanitarian means and fill up the shortage of workers in small and mid-size management companies (Chosun Ilbo, 2002b). Due to a lack of low-skilled workers for the so-called "3-D" professions — filthy, arduous, and dangerous labor — often in industries like construction, manufacturing, and agriculture, Korea began to accept migrant laborers under the Industrial Trainee System in 1993. However, because the employees entering the system were treated more like "trainees" than as "workers," the system came under heavy fire in Korea and abroad for violations of human rights like forced labor and confinement, the emergence of "a black market" among agencies, and poor working conditions.

The government declared in 2003 that it would increase the scope of the Industrial Technical Trainee Program and provide human resource firms the authority to bring in foreign workers in response to criticism of its program. However, human rights advocates disagree, arguing that the government must be in charge of importing and managing foreign labor to address underlying structural issues. Moreover, the government needs to develop more proactive and persuasive ideas to avoid the embarrassment of being branded a country that suppresses human rights by the world community. President Roh Moo-administration Hyun later implemented a new migrant worker program called the Employment Permit System to cut down on the number of foreign

workers who remained in Korea without legal documentation in the face of growing criticism of the system. Additionally, these actions help the workforce for SMEs, whose reliance on foreign labor has grown over time.

When the legal cap of up to six years on their employment here ended before the maximum length of stay was shortened to four years and ten months in 2012, approximately 67,111 foreign migrant workers left Korea, demonstrating the over-reliance of Korean SMEs on the presence of migrant workers. The migrant workers who left included 100,000 first-generation foreign migrant workers who arrived in Korea between 2004 and 2006 and 33,938 people whose work permits expired in 2011. The productivity of small and medium-sized businesses, which frequently use foreign labor, is particularly threatened by this circumstance because it will be impossible to replace such a significant number of workers swiftly (Hankyoreh, 2007d). According to the administration, approximately 10,000 fewer migrant workers will be allowed in 2012 than will be leaving. As a result, small and medium-sized business owners have been waiting in line overnight at the 51 job centers across the country to apply for their quota. In addition to labor scarcity, SMEs are entirely accountable for the cost of hiring new employees whenever there is a changeover (Chosun Ilbo, 2012; Hankyoreh, 2006a).

Figure 6.4 EPS Employment Quota (E-9 Visa, 2004-2013)



Source: Ministry of Employment and Labor (2010), as cited by Kim (2013)

The passage of EPS is widely commended for its innovative shift away from the trainee-based system and toward the guest-worker or temporary labor migration system for migrant workers' admittance schemes. In addition, the EPS was created to stop the extortion, corruption, and recurring human rights violations associated with private-sector hiring, such as in Taiwan and Southeast Asia. The EPS even received the United Nations Public Service Award in June 2011 in recognition of its efforts to promote openness, fight corruption, and, ultimately, for its unique government-to-government labor mobility arrangements (M.-J. Kim, 2015). The key features of the EPS as examined by the International Labor Organization (ILO) are as follows (Abella, 2009):

- Government-to-government (G to G) agreements include the employment of migrant employees. Bangladesh, Cambodia, China, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, Timor-Leste, Viet Nam, and Uzbekistan are among the 15 nations with whom the government of Korea has already signed Memorandums of Understanding (MOUs);

- EPS is governed and overseen by public agencies, while businesses have a big say in who they hire from abroad;
- The Labor Standard Act provides equal protection for native and migrant workers. migrant employees are entitled to collective action and collective bargaining, as well as a minimum wage that is guaranteed;
- Based on reciprocity between the signatories to the Memorandum of Understanding, migrant workers are entitled to the same benefits as local workers, including employment insurance, accident compensation insurance, national health insurance, and the national pension.
- The migrant workers' work permit is valid for 3 (three) years and renewable for a further 3 (three) years, provided they spend the year between their initial and renewal periods outside of Korea. This requirement was then changed to 1 (one) month only if the employee receives an explicit request from the employers to extend the contracts promptly;
- It is forbidden for family members to reunite with the workers in the country where they are employed.

If companies cannot find South Korean citizens to fill positions in physical labor, the EPS allows unskilled migrants from 15 countries—mainly from Southeast and Central Asian nations—to enter Korea and work there for up to three years. To begin with, the EPS laborers get here without knowledge of their position or employer. Only employers are provided a list of potential employees from whom to choose. While EPS businesses are permitted to fire migrant workers without cause, EPS employees are not permitted to leave their jobs or change jobs without a release form that their employers have signed. "Runaways" are foreign workers who quit without permission and risk imprisonment or expulsion. Unless their contracts are extended, the EPS workers must leave Korea, which has been bound to their first employers for three years. The migrant workers on the visa are forced to put up with exploitative conditions in order to avoid being dismissed because there are few opportunities for them to earn money at home.

The Korean government permits employees to switch employment without their employers' consent and obtain past-due compensation if they notify the situation to Labor Ministry. However, it is challenging for them to come out due to their limited command of Korean, challenging legal procedures, and worry of losing their employment (see Chapter IV). While Amnesty International criticized the program for making migrant workers vulnerable to "abuse" and "exploitation" in its 2008 and 2009 reports, the International Labor Organization praised Korea's worker scheme as "a better conceived, funded and implemented foreigner worker program than most in Asia." (Amnesty International, 2009; Hankyoreh, 2008e). Another issue raised by these workers is a revised rule passed in 2009 that mandates businesses to give migrant workers their severance compensation when they leave Korea. According to the authorities, the action is intended to discourage migrant workers from exceeding the validity of their visas.

Indeed, for MTU, the EPS is still not labor-friendly and more business-friendly, with employer monopolizing all the rights to hire and fire migrant workers. The system is also regularly amended for business easiness. For example, one year of its launching, the government said that foreigners who had worked in Korea for three years must leave and could not return for one year, but then revised the law to allow them to come back after six months or, if their employer wants to rehire them, after one month. The Labor Ministry decided to treat rehired workers the same as Korean workers in that their work experience in the country will be recognized, and they will be exempt from Korean language tests and job training for foreigners (Chosun Ilbo, 2005a; Moon, 2005).

The majority of EPS laborers initially arrive in Korea without knowing what they will be doing or for whom, according to Udaya Rai, the MTU President from 2012 to 2015. Only the employers are provided with a list of job applicants from which they can select the migrant employees they desire (Ock, 2015).

Table 6.4 MTU's Aspiration on Problem of EPS

Code	Quotation
TKH-15-10	"As I was a trainee, not a laborer, I was not entitled to any rights to change jobs, join a union or receive compensation for industrial accidents from the government."
TKH-15-31	"The EPS laborers, tied to their initial employers for three years, must leave Korea unless they extend their contracts. With little opportunity to make money at home, the migrant workers on the visa are coerced into putting up with exploitative conditions not to be fired."
TKH 15-32	"The Korean Government allows the workers to change jobs without employers' approval and receive an overdue payment if they report the case to the Labor Ministry. Nevertheless, lack of fluency in Korean, complicated legal processes, and fear of losing their jobs make it difficult for them to come forward. Migrant labors who quit without permission are labelled "runaways" and becoming undocumented, facing arrest or deportation."
KT-07-18	"EPS does not sufficiently protect the human and labor rights of migrant workers because it ties migrants to their employers, limits residence terms to three years and prohibits migrants from bringing their families to Korea."
KT-07-20	"This is because migrants flee from the current system where they face low-wages and human rights violations or overstay their visas because it is not possible for them to make enough money to repay debts and support families in the short three years currently allowed."
KT-07-21	"Migrants would not need to become undocumented, if the system were changed to provide them decent working conditions."
KT-15-13	"Under the current system, we are bound to be blindly submissive to our employers," "Not only do we need permission from the employers for the change. We demand our basic rights including more freedom to choose the companies they want to work at."
KT-15-03	"Violations of the basic rights of 700,000 migrant workers are still rampant," "The law should be revised to guarantee their rights, severance pay and more freedom to choose the companies they want to work at." the first thing the government should do is to recognize the MTU as a legitimate trade union."
HK-15-18	"Under the employment permit system, in which migrant workers don't have the right to switch companies, the three basic labor rights cannot be guaranteed even if the union is given legal status. There is a desperate need for a work permit system that would enable workers to move freely between jobs,"
TKH-15-12	"But the EPS is still business-friendly, not labor-friendly, with employers monopolizing all the rights to hire and fire migrant workers."
TKH-15-13	"The employers have no legal duty to sign a release form for workers to change a job or renew their contracts to let them stay longer here."
TKH-15-14	"The problem lies in the legal structure that forces migrant workers to keep quiet out of fear, but there is nothing we can do about the law aside from raising awareness of the issue."

Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

The first MTU President, Anwar, claimed that the Korean government had pushed its EPS without coming up with any real solutions to the issues faced by undocumented migrant workers. Instead, the government continued to use repression firmly and forced deportation. As a result, according to Anwar, the number of undocumented migrant workers increased to over 200,000 after the EPS was implemented, and they continue to experience even worse conditions like cheap and delayed wages, ongoing layoffs, and deteriorating working conditions (Anwar, 2005).

6.3.2 The WPS/LPS Proposal from MTU

The MTU has suggested that the government issue the "Labor Permit System" instead of the current EPS (LPS, or WPS). According to the new system proposed by MTU, the LPS would give migrant workers the freedom to select and switch employment, permit family reunions, and work in Korea for more than five years before letting them apply for permanent residency. The government only permitted EPS workers to stay for a maximum of four years and ten months until 2015, which MTU viewed as a "gimmick" to prevent them from asking for permanent residencies. However, the Ministry of Labor and Employment initially rejected the EPS by rejecting the LPS, claiming that the MTU bylaws already contained politically-oriented measures. In addition, before it was formally recognized, the Ministry had already demanded several adjustments to its union regulations (Ock, 2015) (see Chapter V).

The calls to replace the Employment Permit System with a labor permit system could hardly be called "antisocial." The chief reason legislators put Item 4 in the Trade Unions Act was that unions could be influenced by political groups and lose their autonomy. Improvements in working conditions are a lost cause without reconfiguring the political system along more democratic lines. This explains the International Labor Organization's frequent insistence that unions' ban on ordinary political activities runs counter to the principle of freedom of association (Jeon, 2015a).

In order to prevent the EPS workers from asking for permanent residence, the government only permits them to stay for a maximum of four years and ten months up until 2015. Rai regards this

restriction as a "gimmick." A residence application can be made by anyone who has lived in Korea for at least five years. Back in 2000, only 34 foreigners became naturalized Korean citizens each year. However, since 2001, the number has soared to 9,800. Most of them are ethnic Koreans from China and foreign women who married Korean men. Some 79,163 Chinese women, 9,207 from Vietnam, 5,233 from the Philippines, 2,093 from Taiwan, and 785 from Mongolia gained Korean citizenship through marriage. Chosun Ilbo reported that foreigners say it is difficult to gain permanent residency in Korea and that the status lacks advantages. There are around 45,000 permanent foreign residents in Korea, less than half the number of naturalized citizens (Chosun Ilbo, 2011).

In 2011, the government also offered foreign workers with specific qualifications to change their visa status from Non-Professional Employment (E-9) to an upgraded General Work visa (E-7). According to the revised guidelines by the Ministry of Justice, E-9 visa holders who meet specific qualifications can apply for an E-7 visa, which is commonly issued to professionals or highly-paid foreign employees in Korea. The E-7 also makes it easier for foreign workers to obtain permanent resident status. However, only those under 35 years old and who have a college diploma and at least four years of work experience in the country within the last decade can apply. The ministry expects the new measure will help meet the continued demand for highly-skilled migrant workers (Arirang News, 2011).

Table 6.5 MTU's Aspiration on EPS and LPS/WPS Proposal

Code	Quotation
KT-07-19	"A work permit system that would allow migrants to stay in Korea for up to 10 years, guarantee their freedom to choose employers and provide various other social protections, is key to reducing the high number of undocumented workers."
TKH-15-15	"The proposed Labor Permit System would enable migrant laborers to choose and change jobs, invite their families and work here for longer than five years so that they can apply for permanent residence."

Source: Chosun Ilbo (2002-2015), Hankyoreh (2005-2015), The Korea Times (2007-2015), The Korea Herald (2011-2015)

Public opinion in Korea is still divided about migrant workers, with many accusing them of snatching employment from Koreans with low incomes. Despite Korea's low birthrate and aging population, the MTU leader claimed that foreign workers were "essential" to support the country's export-driven economy. The migrants' union has requested a "Labor Permit" in place of the current EPS system, which it has urged for revision. As soon as the MTU received official recognition, it became the voice for the 208,778 undocumented immigrants, primarily from Southeast and Central Asia, and the approximately 553,000 migrant workers legally in the country on the EPS visa. (Ock, 2015). The number of MTU registered members had grown from 80 when the organization was founded to over 500 in 2015 (T.-W. Park, 2015). Members are from Bangladesh, Nepal, Vietnam, the Philippines, Sri Lanka, and Indonesia, most reportedly lacking legal status. The National Statistical Office (NSO) estimates that in 2015 there were roughly 700,000 migrant laborers in Korea. Around 15 percent, or 105,000 of them, are listed to be undocumented (Jhoo, 2015).

CHAPTER VII

CONCLUSION

The system for admitting migrant workers has undergone numerous changes over the years in South Korea in order to keep migrant workers coming to the country and to meet the needs of small- to medium-sized businesses (SMEs) that need workers for 3D (dirty, dangerous, and complex) industries that local workers avoid. Due to South Korea's low birth rate and aging population, which would result in a future labor shortage, migrant workers were also seen as essential support for the country's export-driven economy, particularly for SMEs. However, the ongoing changes to South Korea's migrant workers' admittance system created several concerns with human and workers' rights violations that eventually gave rise to the undocumented migrant worker issues that the migrant workers union is attempting to address.

The topic of migrant workers' unionism is significant in South Korea since the number of migrant workers in the nation has steadily increased over the past three decades as a result of an undiminished trend of migrant workers' inflows into the country since the 1990s. This thesis investigates the formation of the Migrants' Trade Union (MTU) in South Korea as a case study Korean's media coverage on migrant workers' unionism. The founding of the MTU, which was finally given legal status in 2015, is notable since it was one of Korea's first migrant labor unions and served as a metaphor for a new wave of autonomous migrant worker organizing. MTU is also recognized as necessary in the fight for migrant workers' union rights in South Korea because of its tenacity in obtaining legal status as the first Korean migrant labor union that even allows undocumented migrant workers to join and run it. Therefore, the case of MTU in the unionization of migrant workers can be further helpful in analyzing the current migrant workers movement in South Korea.

The research questions are why and how the MTU was established, and what factors led to the MTU's establishment? In addition, what are the main aspirations of MTU in their struggle in South Korea, and are there any policy changes driven and achieved by the MTU's struggle during its period of the establishment according to the Korean's media coverage? While migrant workers' unionism in South Korea has been difficult for several reasons, the study case of the MTU's establishment as the country's first legally recognized independent migrant labor union offers insights into migrant workers' struggles there. In particular, it helps raise awareness of the problems with undocumented migrant workers' unionism in South Korea through the mass media, as seen through a qualitative media observation inquiry and framing analysis conducted for this research.

The findings present that the main aspirations of the MTU have been circled through the currently adopted Employment Permit System (EPS) in South Korea's migrant workers' admission system, which MTU argues to be the main source of a latent problem of migrant workers' rights issues in the country and MTU aspired that the system should be changed. Perceived as convoluted with political agenda, the strong aspiration to change the EPS has then tampered the legalization process of the MTU. The MTU establishment itself is the fruit of the migrant workers' rights issues that occurred before and after the enactment of the EPS, especially the crackdown on undocumented migrant workers. During its establishment, three MTU leaders have also been forcibly deported from South Korea.

According to the qualitative framing analysis used in this study, the main goals and roles of MTU during its establishment from 2002 to 2015 in Korea's migrant workers' unionism rights struggle were the legalization of MTU as a labor union and protesting on EPS with the struggling aspirations for its transformation called LPS/WPS. According to the MTU, the transition from the EPS system to the LPS/WPS system may result in a decline in the number of unauthorized migrant workers in South Korea. However, the MTU's battle to convert the EPS to WPS/LPS

was unsuccessful during its establishment. Even having this goal is one of the biggest obstacles to MTU receiving official legal recognition from the government.

Nevertheless, MTU had achieved and driven one of its aspirations as MTU was finally legally recognized as a labor union after struggling for a decade. MTU believed that all workers have the right to join a union, and the South Korean Constitution and labor law guarantee it. As MTU president Udaya Rai stated in one of his rallies, “Only when the legal status is granted to a general union like the MTU will we get collective bargaining rights for individual workplaces and promote the labor rights of migrant workers.”

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APPENDIX

A. Articles Indexed from Chosun Ilbo

No.	Year	Publication Date	Title
1	2002	24/01/02	[Editorial] Foreign Workers Rights
2	2002	08/02/02	Illegal Workers File Group Suit for Wages
3	2002	18/03/02	Ministry to Ease Foreigner Employment Regulations
4	2002	15/05/02	Ministry to Adopt New Foreign Employee System
5	2002	21/05/02	Local and Foreign Worker Protection Steps Announced
6	2002	01/10/02	Bucheon Holds Foreign Laborers Festival
7	2002	09/10/02	Doctors Set Up Medical Insurance for Illegal Immigrants
8	2002	21/10/02	Foreign Entertainers File Lawsuit Against Agency
9	2002	30/10/02	A Win-Win Immigration Policy
10	2002	29/11/02	Foreign Worker's Rights Groups Rally
11	2002	13/12/02	Daehan President Named Exemplary Foreign Worker Employer
12	2002	17/12/02	Migrant Workers Complain Sexual Harassment
13	2003	09/01/03	Foreign Entertainers Abused by Employers
14	2003	28/01/03	Ethnic Korean Chinese Appeal to Presidential Committee
15	2003	31/07/03	Assembly Passes Foreign Workers Bill
16	2003	29/10/03	Missing the Content of Their Character
17	2003	04/11/03	Work Permit System Causing Manpower Shortage
18	2003	10/11/03	Labor Shortage Hitting Small Manufacturers
19	2003	18/11/03	Korea Seizes 70 Illegal Foreign Workers on First Day of Crackdown
20	2003	28/11/03	Foreign Workers Struggle to Make Sense of Deportations
21	2004	16/01/04	Medical Mutual-Aid Union for Migrant Workers in Korea
22	2004	04/03/04	Gov't to Take Full-Scale Measures on Controlling Illegal Foreign Workers
23	2004	06/04/04	Despite Crackdown, Illegal Migrants Continue to Multiply
24	2004	05/07/04	Shalom House Reaches Out to Migrant Workers in Korea
25	2004	15/07/04	Gov't to Punish Illegal Foreign Workers and Their Employers
26	2004	26/07/04	Number of Illegal Aliens Drops in First Half
27	2004	17/08/04	Work Permit System Launches on Tuesday
28	2004	01/12/04	Illegal Foreign Workers Continue Protest Against Deportation
29	2004	27/12/04	Government Tightens the Screw on Alien Workers
30	2005	03/01/05	Seoul Eases Re-entry Permit Laws for Asian Workers
31	2005	05/01/05	Seoul to Overhaul Work Permit System

32	2005	18/03/05	Foreign Migrant Workers Must Pass Korean Language Proficiency Test
33	2005	27/03/05	Worker's Health Organization Publishes Safety Manual for Migrant Workers
34	2005	30/05/05	Laws on Migrant Workers to Be Relaxed
35	2005	18/07/05	Illegal Migrant Workers Calling for Change
36	2005	22/07/05	Migrant Worker Hospital Waits for Miracle
37	2006	12/06/06	UN Migrant Workers Point Man Wraps Up Korea Visit
38	2007	23/02/07	Nearly 110,000 Foreign Workers to Be Allowed into Korea
39	2007	06/04/07	4 Mongolian Samaritans Get Permission to Stay
40	2007	10/08/07	Banks Tighten Rules for Foreigners
41	2007	20/08/07	UN Concern at 'Ethnocentric' Korea
42	2007	22/10/07	Migrant Workers Receive Free Medical Checkups
43	2008	21/01/08	Rotten Employers Give Korea Bad Name
44	2008	24/03/08	Ansan Migrant Community Service Center Opens
45	2008	30/07/08	Number of Foreign Residents Rises 23 Percent
46	2008	20/10/08	Korea's Migrant Workers Feel the Economic Pinch
47	2008	08/12/08	Short-Handed SMEs to Get Help Replacing Foreigners
48	2009	20/07/09	OECD: Korea Should Open More Doors to Migrant Workers
49	2009	09/12/09	1st Union of Foreign Workers Formed
50	2010	06/04/10	Korean Population Sees Unexpected Increase of 500,000
51	2011	25/01/11	Can Korea Become a Multicultural Society?
52	2011	18/03/11	Seoul Supports Migrant Workers with Job Centers
53	2011	21/04/11	Free Health Checkups, Counseling Service for Foreigners
54	2011	19/05/11	Counseling on Accidents at Work Offered for Foreigners
55	2011	08/08/11	Foreign Laborers May Cause Minimum Wage to Sink
56	2011	13/10/11	E-7 Visas Available for Qualified Migrant Workers
57	2012	22/02/12	Small Businesses Worry as Migrant Workers Leave en Masse
58	2013	18/06/13	Foreign Workers Earn W1.6 Million a Month
59	2013	03/07/13	Korea Now Home to 1.45 Million Foreigners
60	2013	08/11/13	Employment of Foreigners Drops
61	2014	07/10/14	UN Official Urges Seoul to Further Address Racism
62	2015	04/11/15	Korea on the Brink of Becoming a Multicultural Country

B. Articles Indexed from Hankyoreh

No.	Year	Publication Date	Title
1	2005	04/01/05	[Editorial] Crack Down on 'Illegal Industrial Training'
2	2005	15/01/05	[Editorial] Let's Put an End to 'Ugly Korea'
3	2005	19/01/05	[Editorial] Labor Ministry Negligent in Normal-Hexane Case
4	2005	11/04/05	Civil Rights More Important than Illegal Labor
5	2005	24/05/05	[Editorial] Democracy Within the Labor Movement
6	2005	10/08/05	[Editorial] Abolish 'Industrial Trainee' Program
7	2005	21/11/05	[Editorial] Human Rights Commission Says No to Migrant Workers
8	2006	12/01/06	[Editorial] Abolish 'Industrial Trainee' Program
9	2006	27/05/06	[Editorial] New "foreigner policy" is not enough
10	2006	26/06/06	Thai workers return home healthy after laboratory poisoning
11	2006	13/08/06	Income of foreign workers sits at banks, unclaimed
12	2006	28/08/06	Foreign workers behind manufacturing slump: managers
13	2006	30/08/06	[Editorial] Meeting sheds light on plight of Korean workers
14	2006	31/10/06	Foreign laborers often denied pension payments
15	2006	10/11/06	Warm meals for children of migrant workers
16	2007	01/02/07	Court allows illegal aliens right to form union
17	2007	02/02/07	Court says illegal workers can set up union
18	2007	12/02/07	Fire at immigration detention center points to rights abuses
19	2007	12/02/07	Chinese ambassador calls for shedding light on detention center fire
20	2007	14/02/07	Illegal workers often face withheld wages
21	2007	15/02/07	Illegal workers often consider Korea a 'second home'
22	2007	24/02/07	After Yeosu conflagration, immigrant workers raise their voices
23	2007	19/03/07	Undocumented foreign workers, fearing capture, flee hospital
24	2007	31/03/07	[Editorial] In undocumented worker debate, we must look at our own past
25	2007	01/05/07	Three Thai farm workers die in fire
26	2007	25/07/07	Life is still difficult for migrant workers in Korea
27	2007	25/07/07	[Editorial] The miracle of the Migrant Worker's Hospital
28	2007	19/10/07	[Editorial] Metalworkers union's embrace of migrant workers
29	2007	29/10/07	A time to mourn
30	2007	28/11/07	[Editorial] Stop the crackdown on migrant workers
31	2007	19/12/07	[Editorial] Ensuring the rights of migrant workers
32	2008	21/03/08	Exposure to heavy metals increases risks for migrant workers in S. Korea
33	2008	08/05/08	Conditions for S. Korea's migrant workers see little improvement

34	2008	06/05/08	Migrant Trade Union leaders arrested for holding demonstrations
35	2008	27/05/08	Increase in industrial accidents inspires new book for migrant workers
36	2008	29/05/08	Law on public assembly violates constitution: Amnesty Int'l
37	2008	30/07/08	Foreign population reaches 1.8 percent
38	2008	26/09/08	Police and Justice Ministry intensifies law enforcement tactics
39	2008	14/11/08	[Editorial] Stop the crackdowns on migrant workers
40	2009	19/01/09	In Daegu, metal workers take unique approach to labor losses
41	2009	05/02/09	Migrant workers missing out on unemployment benefits
42	2009	06/03/09	Small business closures put migrant workers at risk of becoming undocumented
43	2009	11/03/09	In Maseok, unhealed wounds after 'human hunt' for migrant workers
44	2009	12/03/09	Migrant workers sue the state for illegal crackdowns
45	2009	21/03/09	Migrant worker's death raises questions about rehiring limit
46	2009	09/04/09	Small business advances on exploitation of migrant workers
47	2009	27/04/09	Migrant workers' struggle to maintain minimum wage
48	2009	05/10/09	South Korea prepares October crackdown on overstaying foreign workers
49	2009	16/10/09	Voices raised against target crackdown on undocumented migrant workers
50	2009	19/10/09	Free Minu, stop crackdown petition
51	2009	19/10/09	[Editorial] Addressing abuse of migrant workers
52	2009	26/10/09	[Editorial] Recognizing migrant worker's human rights
53	2009	13/11/09	CESCR draws a grim picture of human rights in South Korea
54	2009	26/11/09	Civil society presses South Korean government to carry out UN articles
55	2010	08/03/10	NHRCK recommends regulating crackdowns on unregistered migrant workers
56	2010	10/05/10	Migrant workers find success in South Korea
57	2010	01/07/10	Government crackdown on migrant workers escalates prior to G20
58	2010	04/08/10	[Editorial] Human rights abuses behind a G20 smokescreen
59	2010	18/10/10	Migrant workers receive free health checkups
60	2010	10/11/10	South Korea receives unfavorable human rights assessment
61	2010	08/12/10	Immigration raid fatalities
62	2011	03/03/11	[News Briefing] Court suspends deportation of migrant union chairperson
63	2011	16/09/11	Court overturns deportation of migrant union president
64	2011	06/10/11	[Editorial] End exploitation of migrant workers
65	2011	16/12/11	[News Briefing] Foreign residents make up 3 pct of S. Korean population
66	2012	21/01/12	Migrant labor organizer bids bittersweet farewell to Korea
67	2012	02/05/12	Former migrant union organizer denied entry
68	2012	18/07/12	Life about to get enough tougher for migrant workers

69	2012	23/07/12	Industrial accidents cause migrant worker deaths
70	2012	03/10/12	Foreign fishermen report abuse, exploitation by Korean firms
71	2012	29/10/12	Revised rules restrict migrant workers' rights to choose jobs
72	2012	17/12/12	International Migrant Workers Day
73	2012	18/12/12	Migrant workers report physical abuse, wage discrimination
74	2013	20/04/13	[Special series- part II] Immigrants to S. Korea live with public insults
75	2013	06/07/13	[Reportage] Arrested migrant workers face rushed deportation
76	2013	19/08/13	Guarantee migrant workers' rights
77	2015	03/04/15	Migrants Trade Union stuck waiting more than ten years to be recognized
78	2015	26/06/15	After 10 year struggle, Migrants' Trade Union wins official status
79	2015	15/07/15	[Reporter's notebook] Ministry throws another bump in migrant union's path to official status
80	2015	25/07/15	Ministry still dragging its heels in recognizing Migrants' Trade Union
81	2015	28/07/15	After apparent victory, migrant union leader left shouting the same old slogan
82	2015	21/08/15	Migrant union finally wins ten-year battle for official certification

C. Articles Indexed from The Korea Herald

No.	Year	Publication Date	Title
1	2011	14/01/11	[Editorial] Immigration
2	2011	21/02/11	S. Korea may face internal terrorism from frustrated minorities: scholar
3	2011	15/03/11	Tougher penalties for hiring illegal foreign workers
4	2011	03/04/11	Ministry cold to amending foreign worker laws
5	2011	12/04/11	Korean schools mulled to teach migrant workers
6	2011	19/04/11	Trade union head faces deportation after filing lawsuit
7	2011	29/04/11	1 in 4 migrant workers overstays visa
8	2011	14/06/11	Nepal worker found dead after losing job
9	2011	26/06/11	Racial discrimination complaints rise sharply
10	2011	04/08/11	[Editorial] Illegal immigrants
11	2011	09/08/11	Falling through the cracks: Turned away for lack of ID
12	2011	07/10/11	Restaurateurs strike to protest card commissions
13	2011	01/11/11	Falling through the cracks: Migrant workers
14	2011	22/11/11	Multicultural center offers free social support classes
15	2011	06/12/11	Migrant workers flock to Gimhae
16	2011	16/12/11	Foreign residents make up 3 pct of S. Korean population
17	2011	25/12/11	Diplomats seek parade, pact for migrants
18	2011	28/12/11	Foreign residents experiencing Korea's growing pains of diversity
19	2011	29/12/11	Quota for foreign laborers raised for 2012: ministry
20	2012	17/01/12	[Editorial] Fighting prejudice
21	2012	19/01/12	Smaller firms demand more foreign workers: survey
22	2012	07/02/12	Free education program on Sundays
23	2012	09/02/12	Ministry to give work permits to 16,300 more migrant workers
24	2012	26/02/12	[Herald Interview] Philippine envoy welcomes speedy return for migrant workers
25	2012	27/02/12	Filipino workers tell of discrimination
26	2012	07/03/12	Medical support set for undocumented migrants
27	2012	23/03/12	SC Bank Korea offers fees exemption for migrant workers
28	2012	15/04/12	Foreign workers given unsuitable jobs
29	2012	17/04/12	Measures toughened on illicit workers
30	2012	17/04/12	Korean society ambivalent about foreign labor
31	2012	09/05/12	Seoul eases rehiring rules for foreign workers
32	2012	20/05/12	Bangladeshi vice minister seeks better EPS
33	2012	04/06/12	Crackdown on relocation of foreign workers
34	2012	05/06/12	Filipinos honor migrant workers
35	2012	08/07/12	Diplomats discuss migrants' welfare
36	2012	06/08/12	Majority of foreign workers receive reemployment permit

37	2012	09/08/12	Foreign resident numbers hit 1.4m
38	2012	14/08/12	Cultural tensions surface at Haeundae
39	2012	23/08/12	Dissonance hinders aid to small businesses
40	2012	11/10/12	131 foreign workers rehired in new scheme
41	2013	03/01/13	Migrant worker supply plan confirmed to ease shortage
42	2013	04/03/13	10% of female migrant workers face rape, sexual harassment
43	2013	25/03/13	[Voice] Is immigration at sustainable levels?
44	2013	02/04/13	Foreign residents eligible for debt relief program
45	2013	24/04/13	Will to change key to migrant policy
46	2013	24/04/13	Migrant workers were not 'aliens,' after all
47	2013	18/06/13	[Graphic News] Migrant workers' pay much higher than at home
48	2013	22/12/13	Korea to permit 53,000 foreign laborers next year
49	2014	23/06/14	Dying for health care: Refugees, illegal workers face few options
50	2014	02/07/14	Foreign residents make up 3 pct of S. Korean population: data
51	2014	29/07/14	Migrant workers can receive severance pay only after departure
52	2014	04/09/14	Defining racism in Korea
53	2014	06/10/14	U.N. official urges Seoul to further address racism
54	2014	09/10/14	[Editorial] Racial discrimination
55	2014	13/10/14	30% of firms break law on migrant workers
56	2014	19/10/14	Envoys come out for multiculturalism
57	2014	22/10/14	English leaflet on sexual harassment for migrant workers
58	2014	24/10/14	'1 in 10 foreign female workers sexually harassed'
59	2014	30/12/14	Ministry to slap fine on firms violating minimum wage law
60	2015	27/01/15	Number of illegal migrants rises
61	2015	28/01/15	[Graphic News] S. Korea sees illegal migrants increase
62	2015	15/02/15	Firms breaching labor rules to face direct sanctions
63	2015	12/03/15	Free labor standards guide for foreign workers published
64	2015	25/06/15	Court backs illegal immigrants' union
65	2015	28/06/15	[Editorial] A just ruling
66	2015	05/07/15	No. of foreign residents more than triples over 10 years
67	2015	07/07/15	[Editorial] Multicultural population
68	2015	21/07/15	[Herald Interview] Only the beginning for Korea's migrant workers' labor movement
69	2015	20/08/15	Korea authorizes first migrant workers' union
70	2015	23/08/15	Long road ahead for migrant workers' union
71	2015	09/09/15	Korea's wage gap between local, foreign workers largest in OECD
72	2015	18/10/15	Korean TV networks move to oust discrimination against gender, race
73	2015	19/10/15	Korea to restrict inflow of 'unskilled' migrant workers
74	2015	22/10/15	Foreign worker population grows 10%
75	2015	27/10/15	Foreign construction workforce increases

D. Articles Indexed from The Korea Times

No.	Year	Publication Date	Title
1	2007	25/04/07	Skilled Foreign Workers to Get Permanent Residency
2	2007	12/05/07	Forum Calls for Rights of Foreign Workers
3	2007	29/05/07	Life as Foreign Migrant Worker
4	2007	19/06/07	A Mongolian Migrant Worker's Story
5	2007	24/06/07	Foreign Dancers Highlight Plight of Migrant Workers
6	2007	25/06/07	Foreigners to Top 3.6 Million by 2020
7	2007	28/06/07	Forcing Food Against Religion Ruled Illegal
8	2007	03/07/07	Korean Life Challenges Migrant Workers
9	2007	11/07/07	Commission to Strengthen Human Rights of Foreigners
10	2007	23/07/07	Foreigners Face Restricted Banking
11	2007	29/07/07	Collaboration in Helping Thai Workers
12	2007	03/08/07	Number of Foreigners Rises 35% to 700,000
13	2007	14/08/07	Crackdown Against Migrant Workers Threat to Human Rights
14	2007	15/08/07	Ward for Migrant Workers Opens
15	2007	21/08/07	History of Migrant Workers Trade Union
16	2007	21/08/07	Migrant Workers to Get Pension Refund
17	2007	12/12/07	NGO Seeks to Drive Out Illegal Aliens
18	2008	09/01/08	Warehouse Fire Highlights Plight of Foreign Workers
19	2008	17/01/08	Translation Works Help Immigrants
20	2009	21/01/08	GNP Lawmakers Vow More Support for Migrant Workers
21	2008	11/03/08	Foreign Teachers Launching Association
22	2008	20/03/08	Seminar Sheds Light on Migrant Workers
23	2008	04/04/08	Foreigners Criticize National Pension
24	2008	14/04/08	Foreign Workers Helpful
25	2008	29/04/08	Foreign Workers Seek Legal Exit of Sexual Desire
26	2009	29/04/08	Many Foreign Workers Unaware of Jobless Claims
27	2008	30/04/08	May Day Blues
28	2008	07/05/08	2 Heads of Migrants Union Face Deportation
29	2008	16/05/08	2 Migrants Union Leaders Deported
30	2008	22/05/08	Inhumane Crackdown
31	2008	28/05/08	Amnesty Intl Backs Candlelight Vigils
32	2008	23/06/08	Illegal Foreign Worker Wins Compensation Case
33	2008	01/07/08	Most Migrant Workers Suffering From Illnesses
34	2008	01/07/08	Social Security Is Right of Migrant Workers
35	2008	13/07/08	Thai Workers Want More Protection From Korea
36	2008	29/07/08	Foreigners Approach 2 Percent of Population
37	2008	14/08/08	Foreign Workers Are Assets for the Nation

38	2008	23/09/08	Govt Told to Respect Migrant Workers Rights to Form Union
39	2008	25/09/08	Zone for Peaceful Protests Planned
40	2008	30/09/08	Economic Slowdown Also Troubles Foreign Workers
41	2008	03/10/08	Over 200 Migrant Workers Dead Over Last Three Years
42	2008	06/10/08	Immigrant Workers Suffer Overdue, Unpaid Salaries
43	2008	27/11/08	Pain of Workers
44	2008	30/11/08	Economic hard times have cornered migrant workers in...
45	2008	04/12/08	Lee Vows Special Treatment of Foreign Farm Workers
46	2008	08/12/08	Incentives Planned for Foreign Workers in Farmland
47	2008	10/12/08	Minimum Wage Cuts
48	2009	23/01/09	Health Test Result to Be Translated in 10 Languages
49	2009	10/03/09	Minister Meets Envoys Over Illegal Sojourners
50	2009	26/03/09	Dark Side of Global Labor Protectionism
51	2009	10/04/09	Harsh Crackdown on Migrant Workers Draws Protest
52	2009	31/05/09	[Exclusive] Seoul to Promote Illegal Foreigners Rights
53	2009	18/06/09	Lawmakers Team up for Better Multicultural Society
54	2009	15/07/09	Migrant Workers Fest to Promote Multiculturalism
55	2009	15/07/09	Immigrant Workers Undergo Job Training
56	2009	21/07/09	Hospital for Immigrant Workers Closing Wards
57	2009	27/07/09	Health Checkup for Migrant Workers Available in Mother Tongues
58	2009	21/08/09	Foreigners' Crimes Outgrow Interpreters
59	2009	17/09/09	Foreigners Insurance Rights Underused
60	2009	27/09/09	Filipinos Sacrifice Family to Achieve Dreams in Korea
61	2009	30/09/09	On-Job Deaths of Foreign Workers Rising Sharply
62	2009	16/10/09	Detention of Unregistered Nepalese Draws Protest
63	2009	21/10/09	Migrant Workers Abused in S. Korea: Amnesty
64	2009	21/10/09	Amnesty Raps Korea Over Plight of Female Workers
65	2009	25/10/09	Nepalese Activist Deported
66	2009	27/10/09	Minister Committed to Open Society for Foreigners
67	2009	11/11/09	Korea Criticized by Global Human Rights Committee
68	2009	12/11/09	Better Treatment for Migrant Workers
69	2009	24/12/09	Korea Urged to Upgrade Rights Agency
70	2010	04/01/10	Think Tank Calls for Redefinition of Diversity in Migrant Policies
71	2010	07/01/10	Court Rejects Minu's Suit Against Deportation
72	2010	14/01/10	Migrants Center Mired in Turf War
73	2010	01/02/10	Consider Immigration Reform to Combat Falling Birthrate
74	2010	05/02/10	Migrant Workers Excluded From Health Benefits
75	2010	09/02/10	Foreigner Detention Centers Get Worse
76	2010	18/02/10	Immigration Makes New Year Raid on Nepalis
77	2010	15/03/10	Pastor Kim Hae-sung, Godfather to Migrant Workers
78	2010	30/05/10	Migrant worker shelter opens in Yeongdeungpo

79	2010	01/06/10	Migrant workers to get free vocational training
80	2010	14/06/10	Migrant workers struggle for overdue wages
81	2010	28/06/10	Seoul bolsters medical service for foreigners
82	2010	29/06/10	Cats Eye to monitor unlawful crackdown on migrant workers
83	2010	20/07/10	Migrant workers decry crackdown
84	2010	03/08/10	Tight security for G20 Summit to deepen woes for minorities
85	2010	05/08/10	Migrant workers in Seoul to be given free mobile TB checkups
86	2010	12/08/10	Legal aid available to low-income foreigners from September
87	2010	16/08/10	Story of Indonesia in Korea
88	2010	17/08/10	Migrant workers suffer abuses
89	2010	10/10/10	Injury due to lack of communication ruled industrial accident
90	2010	31/10/10	70 % of Koreans hope to embrace multicultural society
91	2011	18/01/11	Southeast Asians feel discriminated against in Korea
92	2011	28/01/11	Seoul expands counseling for foreigners
93	2011	05/02/11	Difficulty of Korean language test for migrants to increase
94	2011	16/02/11	E-9 visa produces more unregistered migrant workers
95	2011	18/02/11	Migrant union leader balks at departure order
96	2011	24/02/11	Vietnamese workers rights violated during clampdown
97	2011	21/03/11	Migrant workers call for fairer treatment
98	2011	20/04/11	Disabled migrant workers unprotected
99	2011	01/05/11	3rd labor umbrella group in making
100	2011	17/05/11	Undocumented foreign workers expected to surge
101	2011	21/06/11	All migrant workers entitled to severance pay
102	2011	30/06/11	Counseling call center for migrant workers to open
103	2011	26/07/11	Petitions of racial, religious discrimination double in 5 years
104	2011	26/07/11	Xenophobic groups grow more vocal
105	2011	12/08/11	78% of foreign workers verbally abused at work
106	2011	15/09/11	Court rules against deportation order for leader of migrants' trade union
107	2011	29/09/11	Constitutional Court rejects petition by migrant workers
108	2011	20/10/11	Bill submitted to improve migrant worker visa rules
109	2011	16/12/11	Foreign residents make up 3% of Korean population
110	2012	02/01/12	Seoul to ease visa rules for migrant workers
111	2012	15/01/12	Koreans worry about possible immigrant riots
112	2012	01/02/12	Rules on rehiring migrant workers eased
113	2012	12/02/12	Police to crack down on foreign criminals
114	2012	20/02/12	'Living in Korea health hazard for immigrants'
115	2012	07/03/12	Migrants to get translations for hospital care
116	2012	18/04/12	Korea needs pro-expat law
117	2012	18/04/12	'We are unkind hosts to foreigners'

118	2012	21/05/12	Anti-racism law in the making
119	2012	19/06/12	Anti-foreigner groups on rise
120	2012	22/07/12	Small firms urged to hire Koreans over foreigners
121	2012	05/08/12	Majority of foreign workers receive reemployment permit
122	2012	19/08/12	Migrant workers chant, "Oh, boss! Please give us our overdue ...
123	2012	22/08/12	Employment permit system benefits migrants
124	2012	04/09/12	Bangladeshi worker's dream ripped apart by ill health
125	2012	13/09/12	Foreign workers' quota to rise next year
126	2012	12/10/12	Filipino unable to return home despite death
127	2013	01/01/13	3 of 10 migrant workers hit by extreme financial difficulties
128	2013	02/01/13	'Improve migrant fishermen's conditions'
129	2013	03/01/13	Immigrant workers' quota rises to 62,000
130	2013	13/01/13	37% of migrant workers stay illegally
131	2014	28/01/14	Steps urged for exploited foreign workers at farms
132	2014	14/03/14	Pastor arranges funerals for migrant workers
133	2014	13/06/14	Pastor reopens migrant workers' shelter
134	2014	29/07/14	Foreign workers upset by severance pay formula
135	2014	20/10/14	Migrant farm workers face systemic abuses: Amnesty International
136	2014	21/10/14	Korea, Amnesty at odds over migrant rights
137	2014	23/10/14	Amnesty seeking UN help on abuses of migrant workers
138	2015	19/03/15	Free legal services eyed for foreigners
139	2015	27/04/15	Migrant workers call for equal treatment
140	2015	11/06/15	MERS leaves migrant workers out of loop
141	2015	25/06/15	Illegal aliens will be allowed to set up unions
142	2015	06/07/15	Rising foreign residents
143	2015	12/07/15	Migrant workers decry discriminative wage plan
144	2015	27/07/15	Migrant workers decry denial of labor union
145	2015	21/08/15	Migrant workers' union recognized

Abstract (in Korean)

국문 초록

이 논문은 한국에서 영어 온라인 미디어 출판에 국한된, 한국에서 이주 노동자들의 노조 문제를 다루는 한국의 대중 매체가 어떻게 설명되고 분석하는 것을 목표로 합니다. 이주노동자 노조 문제는 1990년대 이후 한국으로의 이주노동자 유입의 감소 추세가 지속되어 지난 30년 동안 이주노동자 수가 꾸준히 증가해 왔기 때문에 한국에서 매우 중요합니다. 그럼에도 불구하고, 한국의 이주노동자 입회제도의 잦은 변화는 한국에서 이주노동자들이 직면하는 몇몇 인권과 노동자들의 권리 문제를 가져왔고, 이것은 나중에 이주노동자 노조가 다루려고 하고 한국의 대중매체에 의해 다루려고 하는 문서화되지 않은 이주노동자 문제를 낳았습니다. 이주민노동조합(MTU) 설립 사례는 대한민국 최초의 합법적 독립이주노동조합이 되기 위한 투쟁이 문서화되지 않은 이주노동자들도 포함된 조합원 자격으로 인해 한국 정부에 의해 인정받는 데 10년 이상이 걸렸고, 나아가 어떻게 이주민조합 설립 사례가 본 논문에서 선택되었습니까. 한국에서의 드문 이주노동자 노조주의는 계속해서 나타나고 있습니다. 정성적인 미디어 관찰 조사와 프레임 분석을 통해, 본 연구는 2002년부터 2015년까지의 설립 기간 동안 MTU의 주요 포부와 과제를 더욱 구체화하고 파악합니다. 한국의 4개의 영-중 온라인 미디어로부터의 발견은 MTU의 주요 열망이 현재 채택되고 있는 한국의 이주 노동자의 입학 제도의 고용 허가제(EPS) 안에 동그라미 쳐져 있다는 것을 보여줍니다. MTU는 EPS가 이주 노동자의 권리 문제와 불법 이주 노동자의 국내 존재의 잠재적 문제의 주요 원인이라고 주장했고, MTU는 시스템이 바뀌어야 한다고 열망했습니다. 하지만, EPS를 바꾸려는 MTU의 확고한 열망은 이 열망이 정치적 의제와 복잡하게 인식되기 때문에 연합의 합법화 과정을 방해했습니다. 이것은 또한 MTU가 이 연구에서 한국에서 이주 노동자들의 권리 문제에 관해 가장 목소리를 높이고 잘 다루어진 시민 단체로 확인되었다는 것을 기억합니다.

주요어:

한국언론학, 이주노동자연맹, 이주노동자, 한국노동시장, 이주노동자 권리입니다.

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