

# **National Migration Policies in Destination Countries: Republic of Korea and Singapore**

Course Module on “Migration and Co-existence 2” at  
Sophia University, Tokyo: 27 October 2016

By

Piyasiri Wickramasekara

Global Migration Policy Associates (GMPA), Geneva

Hony. Associate, Department of Sociology and Social Policy,  
University of Sydney, Australia

[piyasiriw@globalmigrationpolicy.org](mailto:piyasiriw@globalmigrationpolicy.org)

# Structure of the presentation

- Key messages
- Context of ROK & Singapore
- Operational details of migr. policies & programmes
- Assessment
  - Governance
  - Protection
  - Development
- Lessons and issues for discussion

# Key messages

- The goal is: “Migration in conditions of dignity, equity, justice and security” - Not just “Safe’ or ‘Orderly’ migration”. SDG: “orderly, safe, regular and responsible migration and mobility of people”.
- Migration by choice, not by necessity-Global Commission on International Migration (GCIM)
- Good migration governance is essential to protect migrant workers, and to maximize development benefits from migration for all parties.
- International instruments provide a solid foundation for design & implementation of migration policy.
- Respect for migrant rights is essential for ensuring and sharing benefits from migration.
- Migration is not a long run solution to problems of development and poverty or employment. Decent work agenda.

# Let us get the terms right!

- ILO dictum: Labour is not a commodity; thus, labour exports-imports or exporting/importing inappropriate.
- Sending countries and receiving countries- more neutral: countries of origin or source countries; countries of destination or host countries
- Let us stop labelling migrants
  - Economic migrants; labour migrants; illegal migrants
  - Labour migration- migrant workers, migrant labour correct terms.
- Every worker has a skill- there are no unskilled workers. Low skilled or semi skilled.
- Irregular migration and migrant workers in irregular status are the correct terms – not illegal, clandestine, undocumented.
  - *Universal Declaration on human rights – Art. 6: Everyone has the right to recognition everywhere as a person before the law. Art. 7: All are equal before the law and are entitled without any discrimination to equal protection of the law....*

# Normative Foundations of International labour Migration

Taken together, instruments at four levels provide a solid basis for a rights-based approach to migration.

- 9 Universal human rights instruments and associated Protocols
- 8 Fundamental ILO Conventions (1999 ILO Declaration)
- 3 international Migrant worker Conventions:
  - ILO Migration for Employment Convention, 1949 (No.97)
  - ILO Migrant Workers Convention , 1975 (No.143)
  - (UN) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.
- All ILO labour standards apply to migrant workers (unless specified otherwise)

The “ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration” synthesizes principles & guidelines based on above instruments

<http://www.ilo.org/public/english/protection/migrant/areas/multilateral.htm>

# Criteria of good migration policy

- Consistency with international norms and rule of law
- Policy coherence – consistent with other policies.
- Transparency: clear rules & procedures
- Inclusive and participatory – consultative & consensus oriented
- Gender sensitive
- Legitimacy and accountability
- Based on cooperation – bilateral, regional and international
- Evidence based

# Objectives of migration policy in COD

- Developing innovative programmes for meeting labour market needs for both low and skilled workers.
- Cooperate with origin countries to maximise positive benefits and minimise its negative impacts.
- Minimising irregular migration including smuggling and trafficking of persons
- Achieving public consensus on the need for migrant workers through social dialogue with major stakeholders
- Decent treatment & protection of migrant workers;
- Economic and social Integration of migrants and their families.

# Demographic and migration profile

Item	Japan	Rep of Korea	Singapore
Population 2014 (million)	127.0	50.4	5.5
Pop growth rate %	-	0.5	2.7
Surface area (sq. kms)	378.0	100.3	0.7
Population density per sq. km	349	517	7,737
Labour force 2014 (millions)	65.3	26.4	3.1
Unemployment rate 2014 ( %)	3.7	3.5	1.9 (2015)
Age dependency ratio (%)	63.0	37.0	36.9
Per capita GNI current US\$: 2014	42,000	27,090	55,150
GDP growth annual 2011-14 in %	0.7	3.0	4.2
Immigrant stock thousands	2,437	1,232	2,323
As % of population	1.9	2.5	43.0
Stock of emigrants thousands	1,013	2,605	282
As % of population	0.8	5.2	5.2



# Comparison of migration policies

ITEM	ROK	SINGAPORE
Policy evolution	Recent; 1993 -2003 Industrial Trainee System; 2004 to date - Employment Permit System	Longstanding since early 1970s.
Dual policy	Skilled Workers preferential treatment; LSW temporary status.	Welcome Skilled workers with more rights: LSW strictly temporary
Bilateral MOUs	Mandatory for all origin countries	No G-G MOUs; recruitment left to private sector
Recruitment of workers	State-managed	Private sector driven
Admission system	Work permits based on country and sector annual quotas	Work permits and passes based on skills, sector and sources
Levy on employers for each worker hired.	No. Now under consideration.	Yes. Higher on LSW to reduce dependence
Migrant rights	On par with national workers based on labour law: gaps in enforcement	Labour law applies to workers other than FDW; low priority on enforcement
Development considerations for countries of origin	To some extent.	No. Primarily national and employer interests dominant.
Migration cycle considered	Yes. Happy return programme with skills training & networking	No. Returns enforced at end of contract
Circular migration	To some extent with return option provided.	No specific policy.

# Why Korean employers hire foreign workers?(based on KLI survey)

- Non-availability of national workers for 3D work (Japanese expression 3K: kitanai, kiken, kitsui) involving manual labour, even in recession times
- Frequent turnover of Korean workers;
- Lower wages of foreign workers;
- Better performance;
- Better compliance in the workplace;
- Preference for long work hours to earn more.

These in general indicate employers' preference for a more docile, hardworking and low wage workforce.

# ROK: Evolution of migration policy -1

- By early 1990s, long-term structural need for low-skilled foreign workers observed.
- Industrial Trainee System (ITS) modelled on Japanese trainee system introduced in 1993
- No. of trainees from 1994 and 2002: China (41,287); Indonesia (40,303) and Vietnam (26,615).
- ITS did not achieve its objectives
  - In reality a system of disguised cheap labour with no real training or good wages and benefits.
  - Resulted in a large volume of irregular migration as wages outside were higher, and workers could stay longer.
  - By 2002, 290,000 workers or 80 % of total foreign workers (363,000) in irregular status
- ROK policy makers under increasing pressure to develop an alternative system to replace ITS.

# ROK: Evolution of migration policy -2

- Factors considered in designing new policy
  - Demand for foreign workers and labour shortages of SMEs
  - Domestic economic & labour market situation -Protect jobs of national workers; labour market tests
  - Protect rights of foreign workers;
  - Minimise irregular migration
- Response: Act on Foreign Workers Employment - Aug. 2003
- Launching of Employment Permit System (EPS) in August 2004; continues to date.



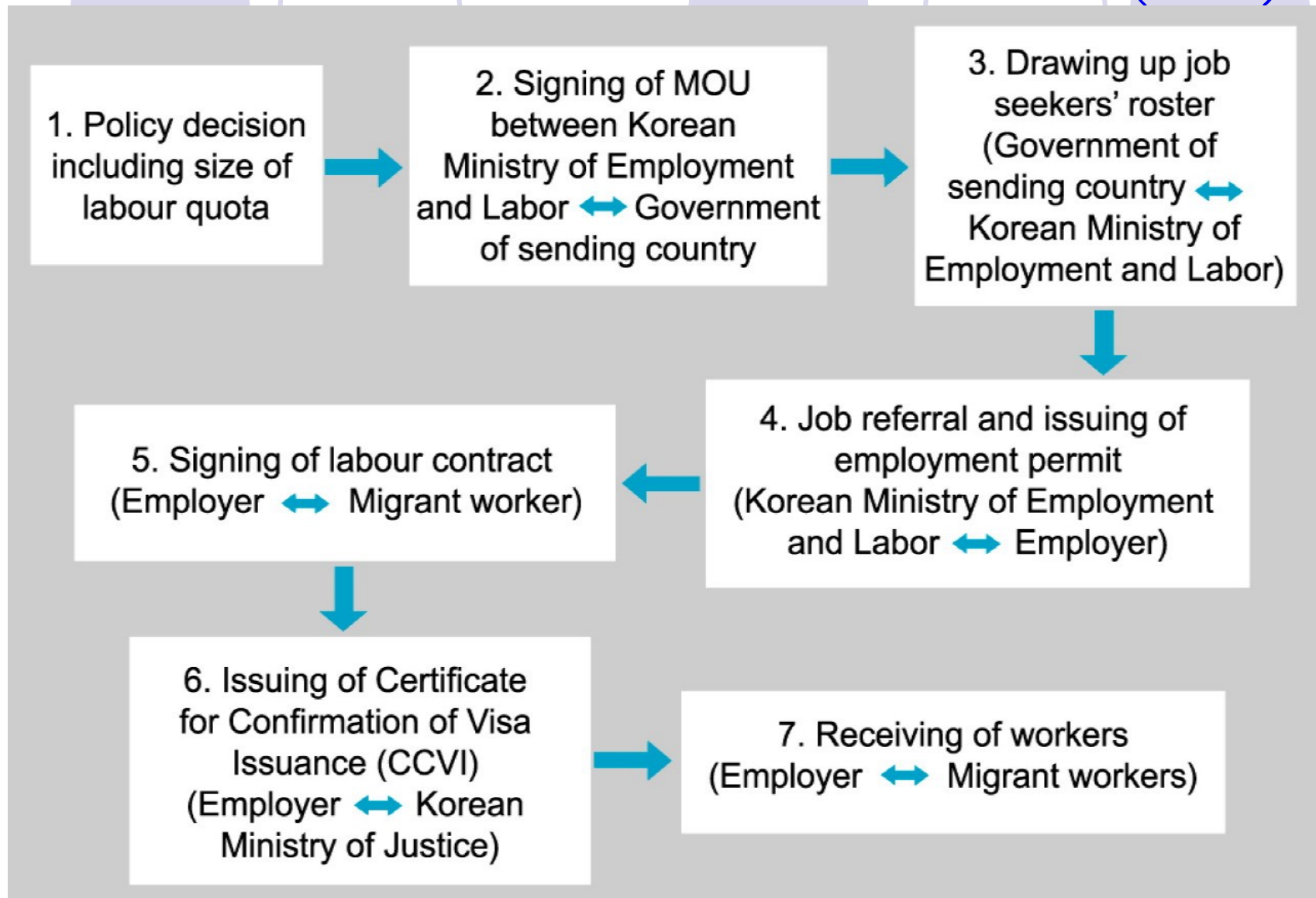
# EPS – Main features

- A State managed system with recruitment arranged only through public employment services in both ROK and countries of origin:
  - Mandatory bilateral MOUs with each participating country
  - Foreign Workforce Policy Committee (headed by Prime Minister) fixes annual quotas for each country and sector
- Strictly temporary worker programme: settlement and family unification not permitted.
- National labour laws and social security legislation equally apply to foreign workers under the EPS.
- Provision for ethnic Koreans (mostly from China) added to the EPS in 2007: they come under H-2 program

# EPS features - 2

- EPS Origin countries and MOUs:
  - Bangladesh, Cambodia, China, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Timor Leste, Uzbekistan, Vietnam
- Major stakeholders
  - Origin country; Public employment services; Migrant workers
  - ROK: Foreign Workforce Policy Committee; Ministry of Employment and Labour and its Job Centres; HRD Korea; Ministry of Justice
  - ROK Employers of Small & Medium Enterprises
  - Civil society for community support
- Stages
  - Pre-admission: Korean language test; skills test; roster of qualified applicants; employer applications and selections; visas
  - Post-admission: orientation training before deployment; Monitoring and support by MOEL and HRD Korea; Community support (MOEL and civil society)
  - Return and reintegration: Happy return program; skills training; networking of returnees

# Recruitment Process - General EPS (E-9)



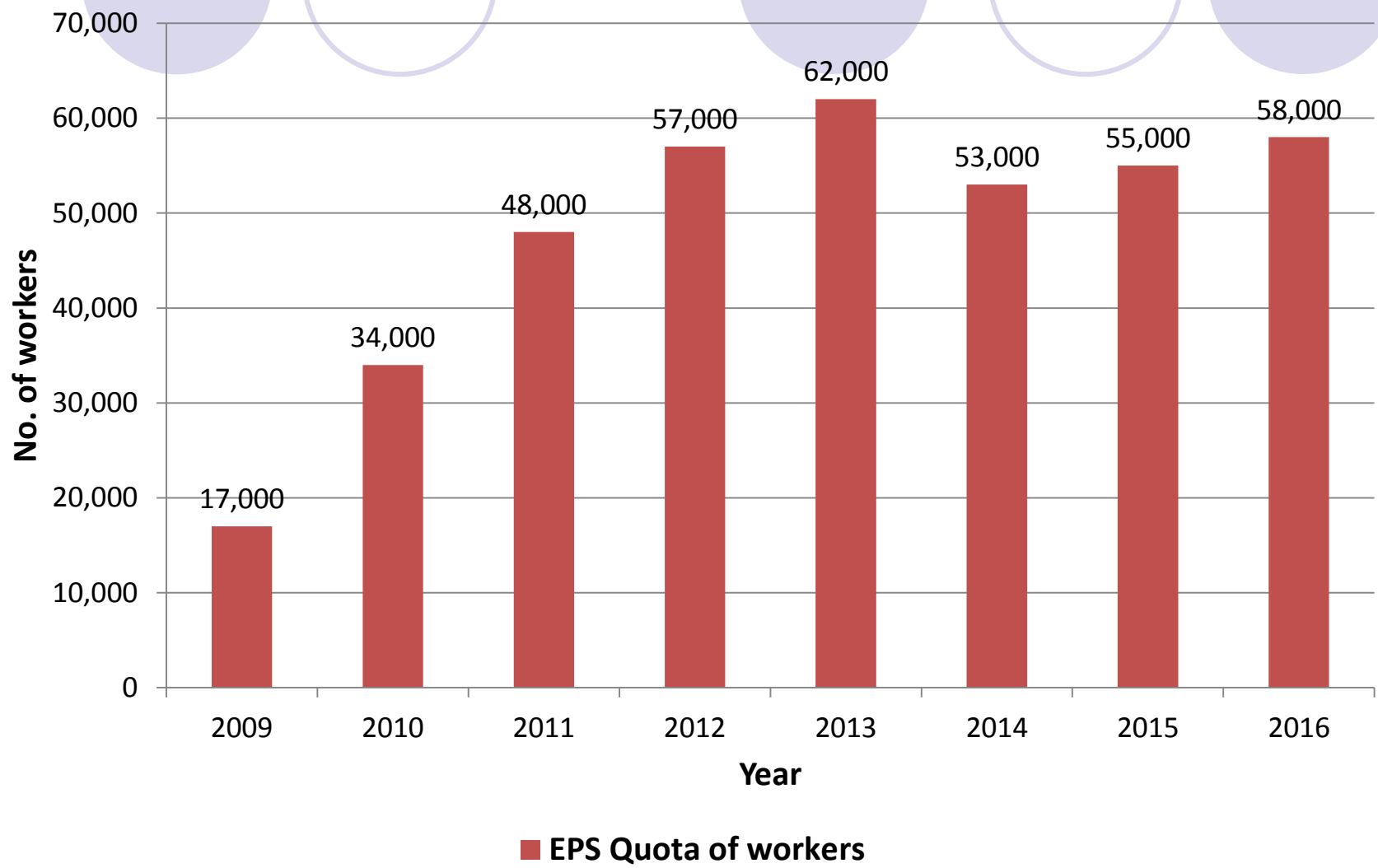
# EPS Operation



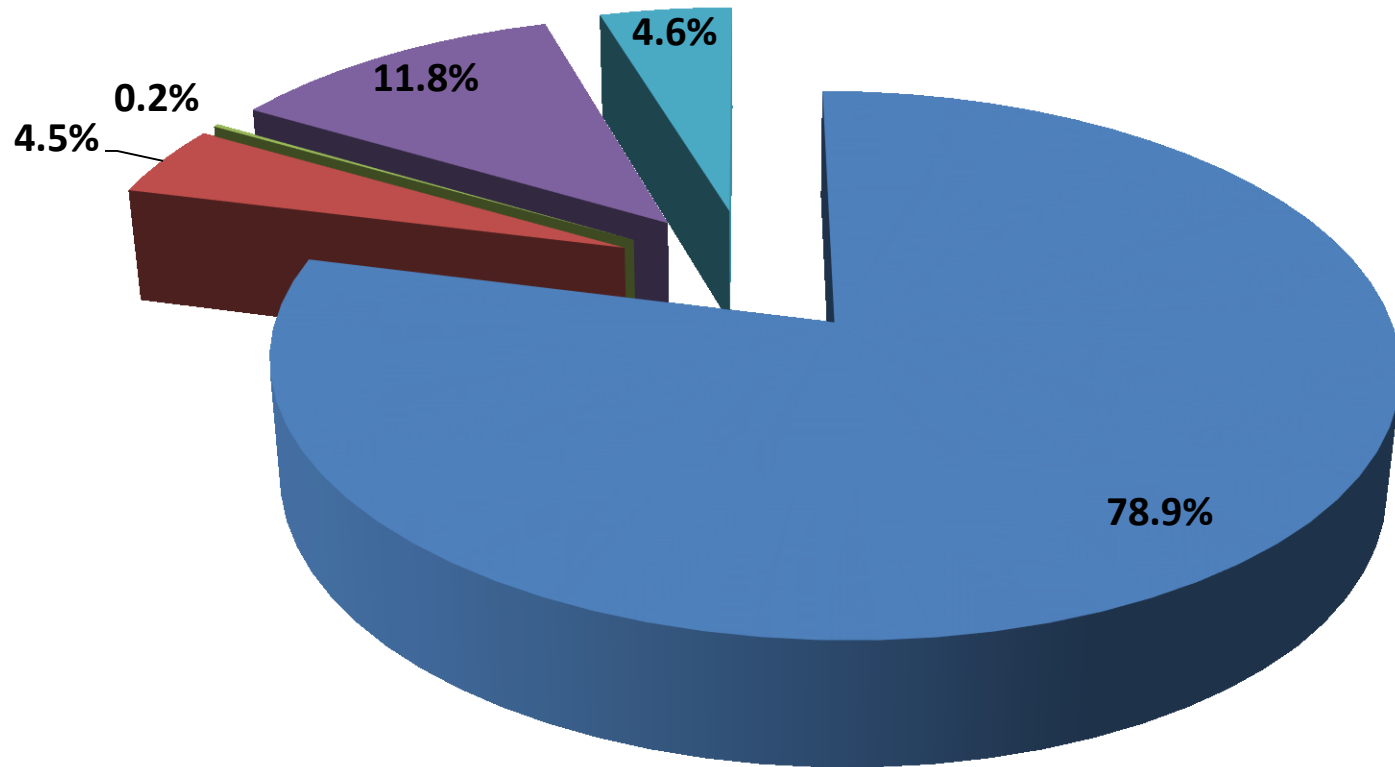
- Biggest quota is for manufacturing (80-85%) followed by agriculture (around 10%) and fisheries (5%).
- Re-entry is around 10,000 per year: (around 15-20% of total quota)
- Return is an integral part of the EPS: zero tolerance for overstays
- Circular migration or repeat migration by same worker allowed; max period 4 yrs and 10 months



## EPS Quotas, 2009-2016



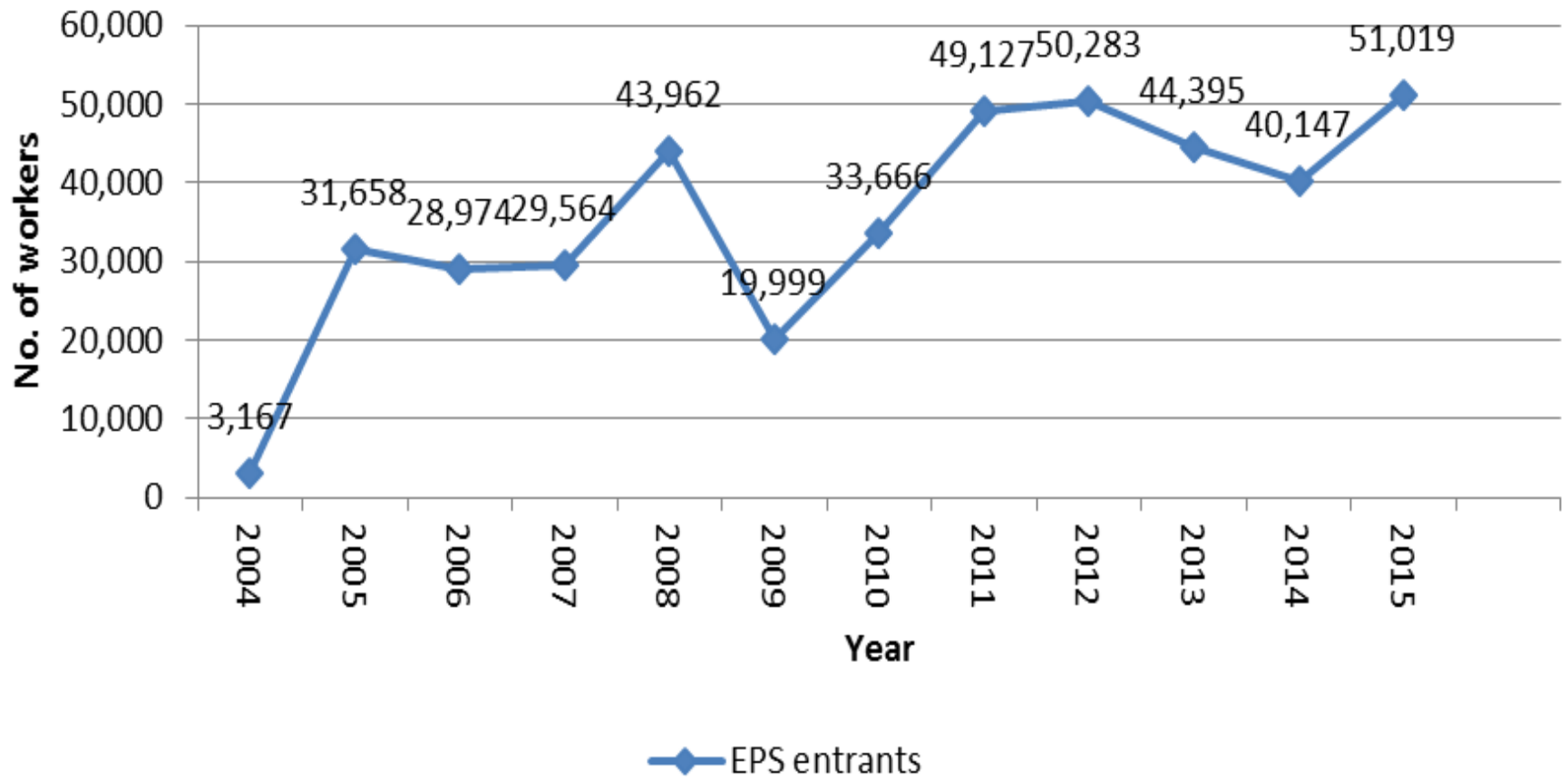
## 2016 EPS Quotas by sector % (n=56,000)



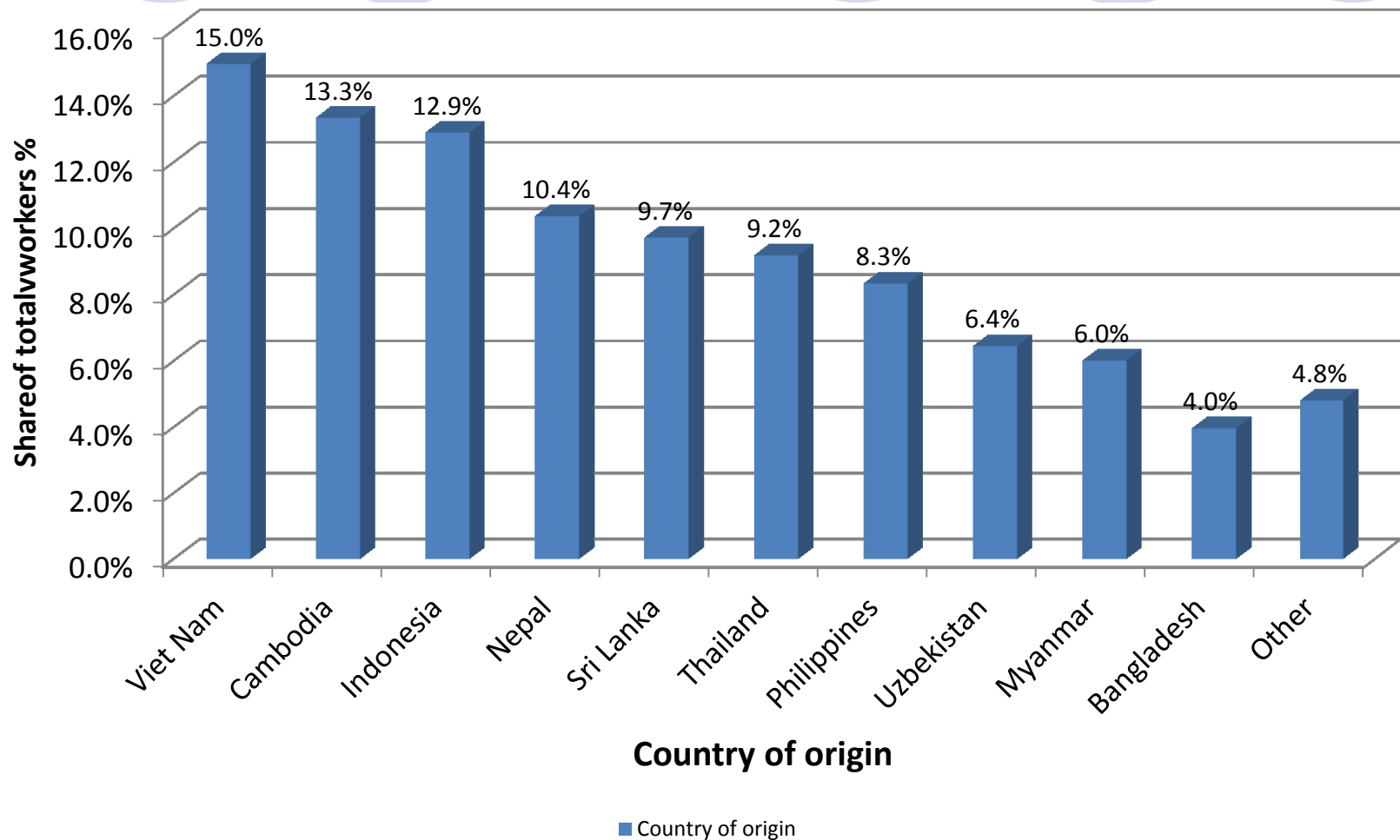
■ Manufacturing ■ Construction ■ Service ■ Agriculture ■ Fishery

# Republic of Korea

**Chart 1: Admission of workers under the Employment Permit System, 2004-2015**



## EPS worker shares by country of origin, March 2015 % (n=176,109)



# EPS Assessment: Improving migration governance

- Successful in regulating migrant labour recruitment, ‘pioneering migrant management system in Asia’ (ILO)
- An innovative system of governance of migration flows based on a state-managed or Gov-Gov system
- Good bilateral cooperation with countries of origin through MOUs
- Cost paid by worker reduced from \$3500 to about \$900
- EPS now sustained over 12 years (2004 to date)
- ILO –ROK cooperation in monitoring EPS

# Migration governance - Concerns

- EPS designed as a core temporary migration programme, but labour market gaps are long-term and structural.
- Migration costs still high for workers in some countries: ranging from \$ 552 to \$1740 (ILO surveys)
- Country quotas not always filled
- Lack of social dialogue and consultation
- Prolongs labour-intensive industries in ROK: worker levy being considered
- Irregular migration still persists: close to 200,000 in 2015; Ban on Vietnam now lifted.
- Ethnic Korean visas (H-2) reduce opportunities to other countries

# Protection of migrant workers- positives

- EPS is a major advance compared to worker rights violations experienced in private sector driven migration flows to the Gulf region, Malaysia, Singapore and Thailand.
- Labour laws and social security laws apply to migrant workers equally.
- Ministry of Employment and Labour conducts regular workplace inspections and checks on violations of immigration laws; errant employers blacklisted
- Ministry of Empl & Labour granted the Korean Migrants' Trade Union (KMTU) official legal registration in August 2015, based on a Supreme Court ruling, following a ten-year legal battle.

# Protection concerns

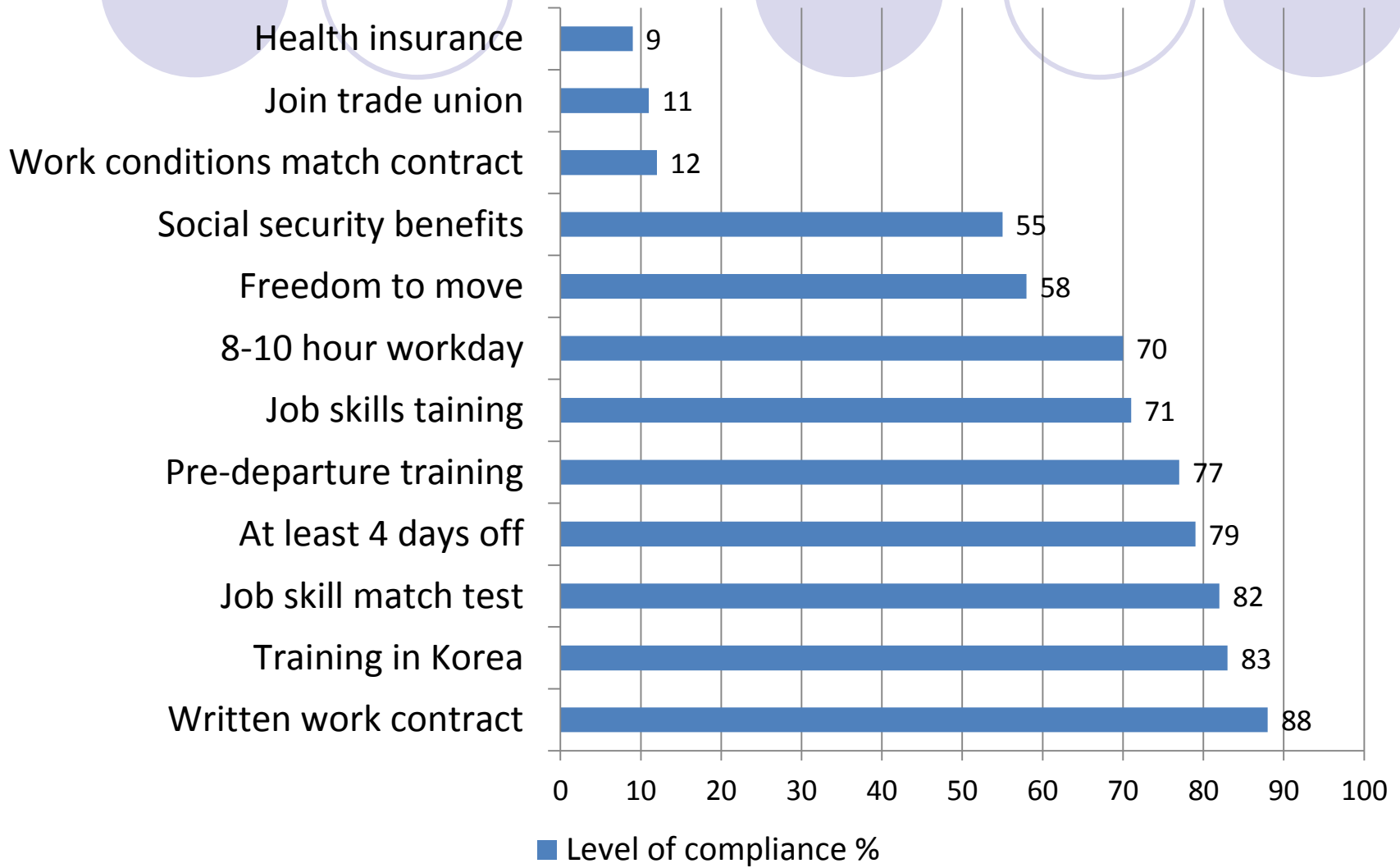
- Employer violations frequent: In 2013, 952 out of 3,048 companies inspected (almost one third) were found to be in violation of the foreign worker employment law, while 207 companies were in violation of the minimum wage law (Abella & Kouba, 2016).
- Amnesty International highlighted recruitment, health and safety, detention and working conditions as areas of particular concern (AI, 2009).
- Workers tied to their employers. Although there is provision to change, difficult for workers to do so.
- Discriminatory wages: foreign workers on average earn 70-80 per cent of that of national workers according to survey data



# Protection concerns - 2

- Common issues
  - Contract violations; working conditions differ in 82% cases.
  - Compulsory overtime and work during holidays;
  - Frequent occurrence of industrial accidents;
  - Routine confiscation of passports and identity documents by employers;
  - Forced labour practices, esp. in agriculture (Amnesty International, 2014);
- Employer power and control over worker rights; redress difficult.
- Undocumented workers suffer serious violations of human rights but cannot seek recourse to justice.
- No possibility of permanent residency under the system.
  - The cut off period of 58 months for one work cycle makes it below 5 years – the minimum number of years for qualifying for applying for permanent residency status

## EPS: Level of compliance %



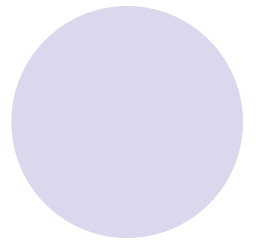
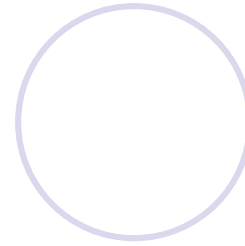
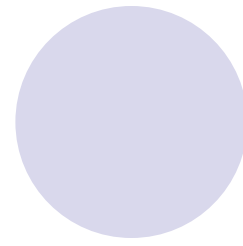
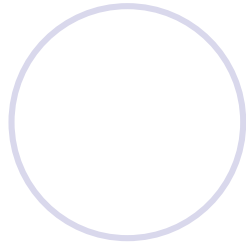
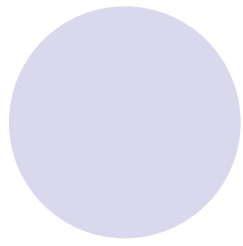
# Development implications of EPS

- Employment opportunities to origin country workers: limited as quotas spread over 15 countries
- Remittances
  - Bulk of the remittances (76 per cent) have gone to China (EPS and Ethnic Koreans) followed by Vietnam (10.5 per cent).
  - Use of remittances
    - Pay for the “living expenses” of the beneficiaries back home (46.0 per cent).
    - Multi-purposes - savings, living expenses, investment, pay debt, etc. (21.3 per cent). Primarily put towards savings (14 per cent) or investment (9 per cent)
- Return migration
  - Happy return programme; Networking of returnees; Recruitment fairs
  - Skills training prior to departure
- Promotion of circular migration for committed workers: benefits workers and employers. Open for committed workers.

# Traffic Light Summary (ILO survey 2014)

Phase	EPS Element	Employers	Migrant Workers
Recruitment	Overall Performance	Amber	Amber
	Recruitment and cost	Red	Red
	Training and Job Skills Match	Amber	Red
	Employment contracts	Amber	Red
Employment	EPS Services	Green	Green
	Rights violations & complaints	Amber	Red
	Wages	Green	Red
	Working conditions	Green	Amber
	Union membership	Amber	Red
Return	Happy Return Program	Green	Green
	Re-entry: Committed Workers	Amber	Green
	Re-entry: EPS TOPIK (language test)	Amber	Green

Red = Urgent action needed for improvement: Amber = Generally satisfactory but can improve: Green = Performance is seen to be good



# **Singapore migration policy**

# Reasons for demand for foreign workers

- The transformation of Singapore into a high tech manufacturing and services hub requiring professionals, managers and executives from overseas.
- Serious labour shortages for low and semi-skilled workers in construction, domestic services and other services
- Reluctance of native workers to engage in 3D work
- High labour participation rates of educated female native workers creating strong demand for migrant domestic workers for household work and child care.
- Ageing of the population leading to higher demand for care work for the elderly

# Overview of policies

- Non-resident labour force has risen from 301,000 in 1991 to about 1.4 million in 2015. The share of foreign labour in total labour force has also more than doubled from 18 per cent to 38 per cent
- Dual policy – encourage skilled workers and professionals for long term residence and admit low skilled workers strictly on temporary basis; different rights
- Employer driven system with private sector based recruitment
- Regulation of inflow of migrant workers by the government through quotas and levies.
- Public concern on high share of migrant workers
  - Immigration restrictions have accelerated after the 2011 general elections

## Share of foreign labour force: Singapore

<b>Year</b>	<b>Labour force (1,000s)</b>	<b>Foreign (Non-resident) labour force (1,000s)</b>	<b>Share of foreign (Non-resident) labour force %</b>
<b>1991</b>	1,673.7	300.8	18.0
<b>1996</b>	2024.9	513.4	25.4
<b>2001</b>	2,330.5	686.2	29.4
<b>2006</b>	2,594.1	713.3	27.5
<b>2009</b>	3,030.0	1,044.3	34.5
<b>2010</b>	3,135.9	1,088.6	34.7
<b>2015</b>	3,610.6	1,378.3	38.2



# Migration control instruments

- Legislative framework
  - Employment Act, 1968 amended 2009 & 2016 (excludes FDW)
  - Employment of Foreign Manpower Act, 1990 amended in 2009 & 2012
- A sector or industry level quota expressed as a dependency ceiling (ratio of foreign to local workers)
- A levy on employment of each foreign worker paid by employers.
- No family unification for Work permit holders
- Security bond for Work Permit holders.
- Domestic workers:
  - Excluded from national labour laws.
  - Pregnancy testing of female domestic workers every six months with immediate deportation if tested positive
  - A mandatory weekly rest day or compensation in lieu of same introduced recently

# Singapore migration - features

- Low skilled workers employed in 3D jobs ((Dirty, Dangerous and Demanding), which are shunned by local workers.
- They mainly work in construction, manufacturing, maritime and service industries, domestic work, healthcare, retail services, and entertainment and hospitality industries.
- Workers drawn mainly from Bangladesh, India, Malaysia, Myanmar, and People's Republic of China, Philippines, and Thailand.
- Foreign domestic workers (FDWs) usually live in households. The main countries of origin: Indonesia, Philippines and Sri Lanka. One in five families in Singapore currently hires one.

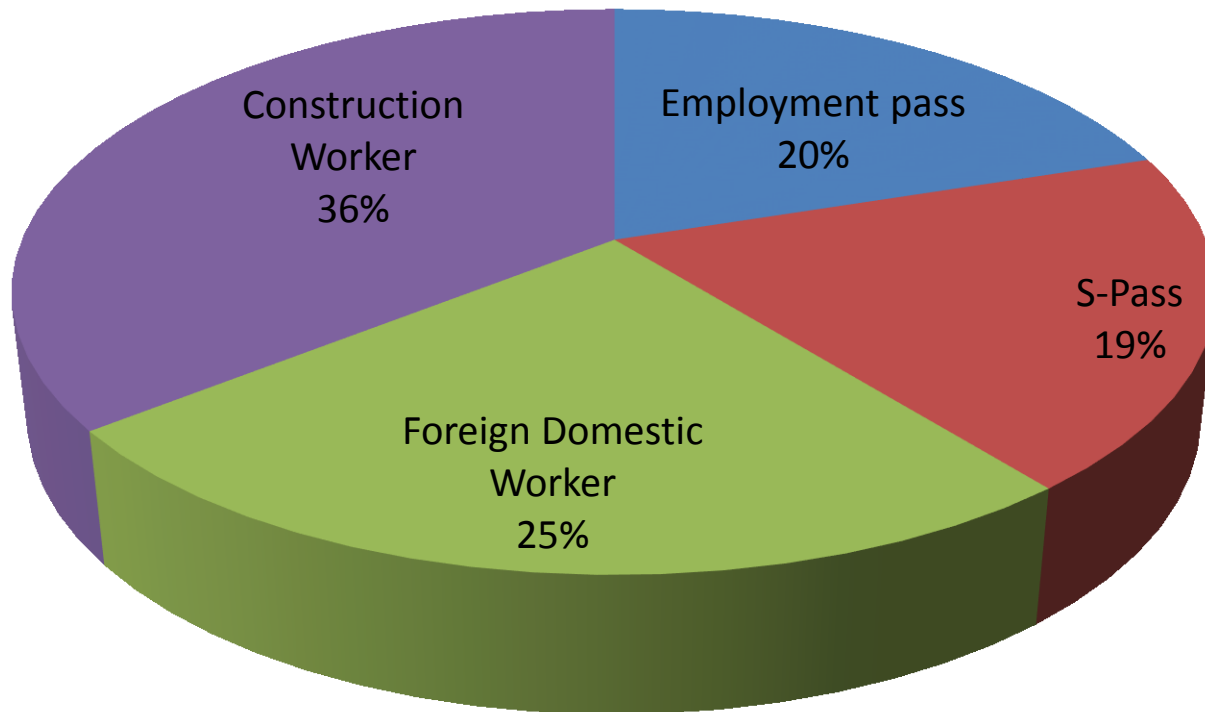
# Foreign work force statistics, Singapore, 2010-2015

Pass Type	Dec-10	Dec-12	Dec-15	June-16
Employment Pass (EP) (skilled S\$3,300 salary)	143,300	173,800	187,900	189,600
S Pass (Mid-skilled S\$2,200 + salary)	98,700	142,400	178,600	179,400
Sub-total skilled workers	242,000	316,200	366,500	369,000
Work Permit (Total) (low & semi-skilled)	865,200	942,800	997,100	1009,300
- Work Permit (Foreign Domestic Worker)	201,400	209,600	231,500	237,100
- Work Permit (Construction)	248,000	293,300	326,000	326,700
Sub-total FDW & Construction	449,400	502,900	557,500	563,800
Other Work Passes	6,000	9,300	23,600	26,300
Total Foreign Workforce*	1,113,200	1,268,300	1,387,300	1,404,700

\* Includes other categories not spelled out in MoM data.

Source: Ministry of Manpower, Singapore

# Singapore: Share of work permits of selected categories, December 2015 (n=904,100)

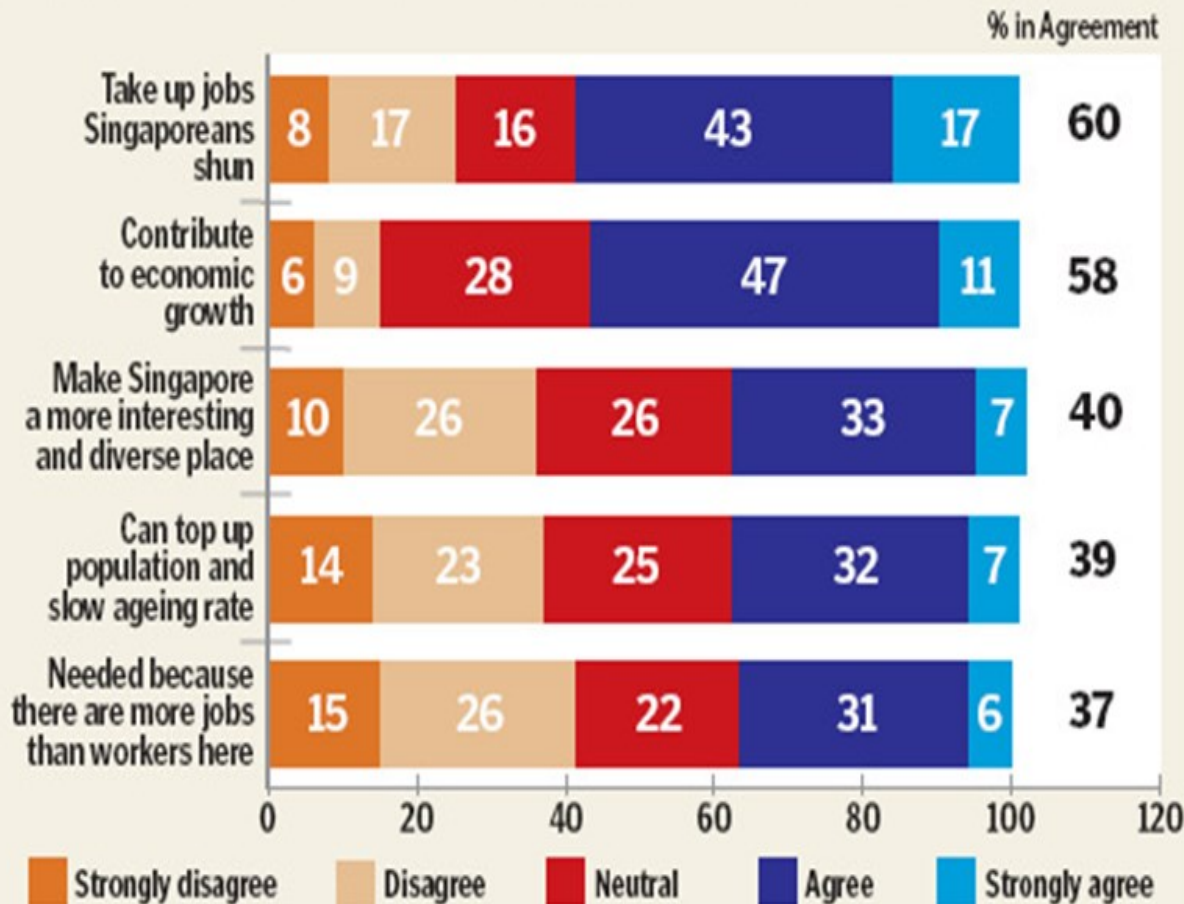


June 2015: based on Ministry of Manpower data

# Singapore Assessment: Governance

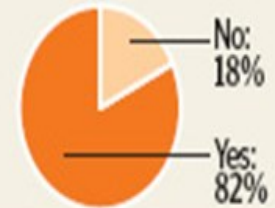
- Known as an authoritarian state, reputation for strict enforcement of legislation and policies. Policies mostly top down and unilateral – not a feature of good governance.
- National legislation is not guided by international instruments concerning migrant workers, and in fact a number of provisions violate such norms (caning, pregnancy testing of domestic workers and related deportations, tied visas, among others)
- No broad-based consultations or social dialogue with major stakeholders of migration decisions – employers, workers and concerned NGOs.
- No cooperation with origin country governments: No MOUs
- Objective of reducing migrant worker dependence over the years not successful with closer to 40 per cent of the work force now being foreign.
- Public dissent: Singapore is for Singaporeans. Foreigners take jobs argument. Against skilled workers as well.

# SINGAPOREANS' VIEWS OF FOREIGNERS AND THEIR CONTRIBUTIONS

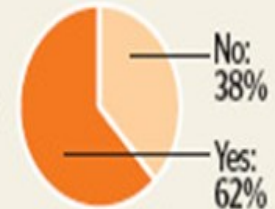


NOTE: The percentage in agreement is the sum of those who said they strongly agreed or agreed with the statements.

Do you think Singapore needs foreigners?



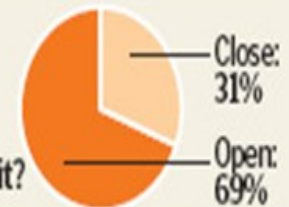
Do you have foreigners working here as friends?



Do you agree that Singaporeans and foreigners have trouble getting along?



Should the Government keep the door open to foreigners or close it?



NOTE: Excludes "Don't know" or "Refused" replies.

Singapore Straits Times Survey June 2012

<http://ifonllysingaporeans.blogspot.com/2012/06/singaporean-foreigner-divide.html>



# Singaporean Voices of dissent against immigration policy



# Singapore: Protection of migrant workers -1

- Protection of workers is only a secondary concern for Singapore policy makers.
- Major gaps in the policy and regulatory framework. Almost at the bottom-line together with Gulf countries and Malaysia.
- Workerslack basic labour protections such as minimum wages, standardized work hours and freedom of association.
- The New York Times Editorial Board rightly observed: “If Singapore is to preserve its high standard of living, it must ensure that the millions of transient workers who contribute so much to the economy are not marginalized and abused”



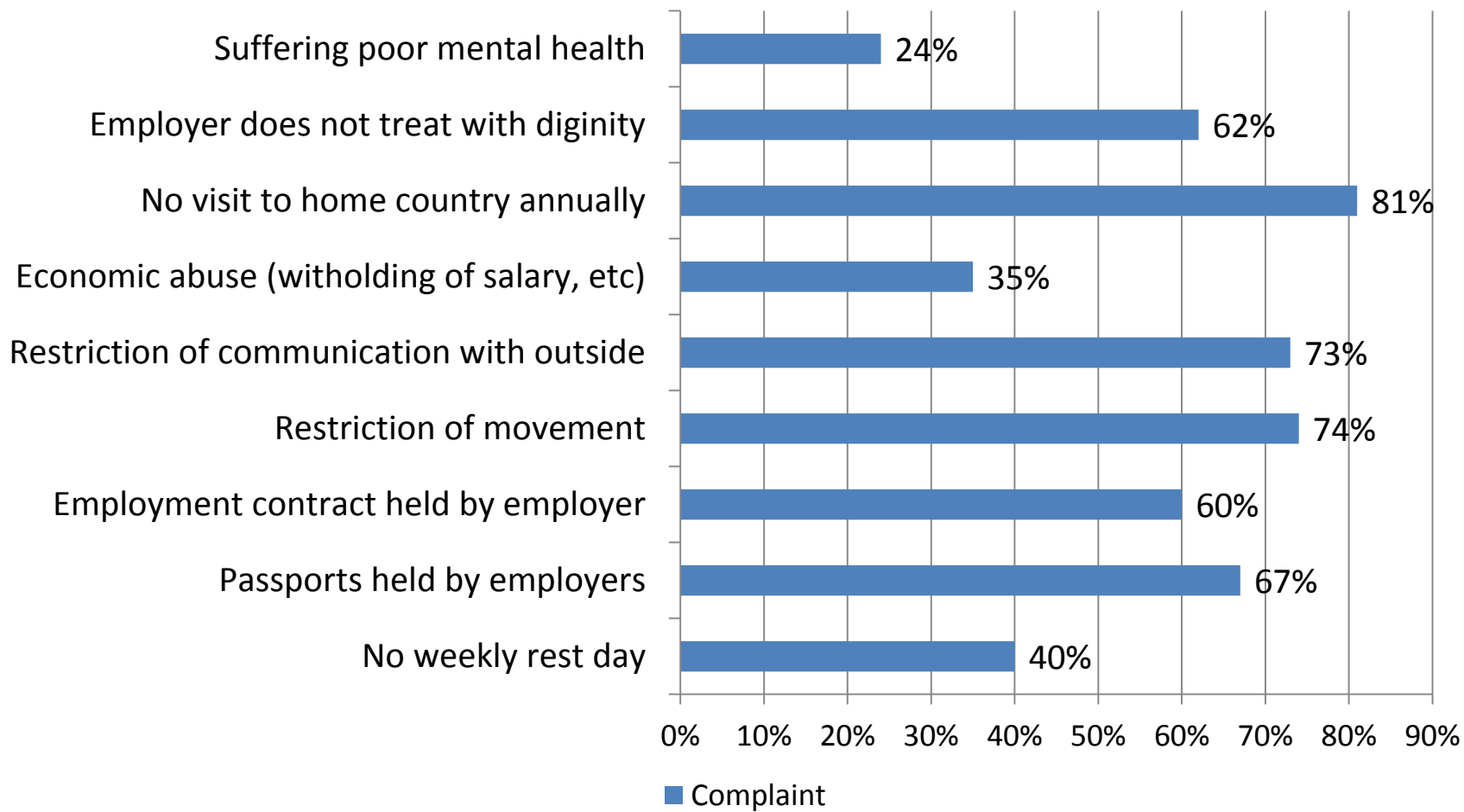
# Main protection issues -1

- High recruitment fees by foreign and local recruitment agencies, resulting debt bondages and low wages lead to forced labor practices.
- Wages: no minimum wage; low and discriminatory wages; default or irregular salary payments; unlawful deductions;
- Unsafe work environments and overwork; physical, emotional, and sexual abuse.
- Unsafe and unhygienic living conditions; overcrowded & unclean dorms
- Limited access to redress and justice; employer can cancel work permit
- Limited right to union activity and public demonstrations
- Poor enforcement of the Employment Act.

# Main protection issues - 2

- Special problems of female domestic workers
  - Not covered by the Employment Act: the Ministry of manpower states on its website that “it is not practical to regulate specific aspects of domestic work”
- Serious gaps in health and insurance coverage for work related injuries (Above S\$30,000 employer not liable). Long waiting times for compensation if at all.
- Forcible repatriation of workers to avoid costly work injuries or employment disputes.  
Unregulated forced repatriation companies.

# Working conditions of Female Domestic Workers



# Development impact on source countries

- Unlike ROK, the Government of Singapore not concerned with the impact of their immigration policies on source countries.
  - Not signed any bilateral labour agreements or MOUs with origin countries.
  - Its immigration policies are driven by “very strict selective criteria based on economic needs above all else”.
- While properly managed return migration can be a development resource for COO, Singapore’s sole interest in return is to ensure that temporary workers leave at the end of their contracts even forcibly.
- No provisions to provide them training or promoting their reintegration back at home
- Potential remittances affected by the low wages and high debt burdens of the majority of low skilled migrant workers. No policies to facilitate low cost remittances
- Serious brain drain from origin countries with Singapore attracting ‘the best and the brightest’ of their human resources without any compensation,

## Remittances received by countries of origin

Remittance-receiving country	Republic of Korea. US\$ million	% of total	Singapore US\$ million	% of total
Bangladesh	25	0.5%	221	3.7%
Cambodia	6	0.1%	0	0.0%
China	4,146	75.5%	2,790	46.7%
India	28	0.5%	828	13.9%
Indonesia	77	1.4%	409	6.9%
Malaysia	0	0.0%	1,047	17.5%
Mongolia	99	1.8%	0	0.0%
Nepal	35	0.6%	0	0.0%
Pakistan	30	0.6%	456	7.6%
Philippines	215	3.9%	76	1.3%
Sri Lanka	80	1.5%	43	0.7%
Thailand	173	3.2%	102	1.7%
Vietnam	575	10.5%	0	0.0%
Sub-total	5,488	100.0%	5,973	100.0%
World	5,887		6,095	
Share of Asian countries	93.2%		98.0%	

# Summary

- The migration regimes of the two countries for admission of low skilled workers stand in marked contrast.
- Both have used migrant numbers as a cushion during recessions/downturns.
- Both countries have not ratified any of the three international migrant worker Conventions. Still the Republic of Korea has better protection standards for low skilled migrant workers. In Singapore worker welfare is secondary.
- Regarding skilled workers, both countries have welcome policies. Singapore has a fast track citizenship policy for highly skilled workers whereas policies are less clear cut in the case of ROK.



# Lessons -1

- There is growing international concern that high income Singapore owes a better deal for migrant workers who have contributed significantly to its growth and prosperity.
- Good intentions on paper can make little difference to the dignity and welfare of migrant workers unless there is political will to enforce them.
- While state managed migration systems score well on many points, the numbers involved are generally limited. They cannot replace private sector recruitment and placement fully, but should act as models for their improvement.



## Lessons - 2

- Destination countries need to build up public consensus on the need for migrant workers and their contributions.
- Current policies discriminate against low skilled workers, but they have the biggest impact on poverty reduction in origin countries.
- Governments need to actively intervene to prevent exploitation of migrant workers and promote development benefits of migration.
- Effective cooperation between COO and COD are needed to promote migration and development linkages.



# What lessons for Japan?

- Ageing population; Labour shortages in care work, nursing and farming; 2020 Olympics
- Admission of persons of Japanese descent from Latin America (Nikkeijin): trapped in low paid jobs in informal sector
- Japan trainee system often criticised
  - *The Worst Internship Ever: Japan's Labor Pains*  
[https://www.youtube.com/watch?v=wt\\_\\_lHCuH5g](https://www.youtube.com/watch?v=wt__lHCuH5g)
- Is Japan ready to change immigration policy?
  - Is cultural homogeneity argument valid. Very small share compared to GCC, Malaysia, Singapore, Switzerland. Japan foreigners only 1.4% of workforce



## Issues for discussion

- How to improve development impact of COD immigration policies for temporary low skilled workers?
- How can Singapore provide a better deal for low skilled migrant workers?
- Implications of these experiences for Japan?