Civil Society and Social Movements for Immigrant Rights in Japan and South Korea: Convergence and Divergence in Unskilled Immigration Policy*

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During the early 1990s, the two recent countries of immigration in East Asia, Japan and South Korea, adopted convergent immigration policies that resulted in gaps between official policies and their actual outcomes. These policies included admitting a variety of *de facto* unskilled immigrant workers, including industrial trainees and co-ethnics from abroad. By the early 2000s, immigration policies of the two countries began to diverge. In 2004 South Korea inaugurated the Employment Permit System by which unskilled workers arrived on contract and were guaranteed labor law protection. Two years later, it abolished the industrial trainee system.

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entirely. In contrast, Japan has not initiated the major immigration reform to this day. In this article, I examine the roles of civil society and social movements in shaping governmental policy in Japan and South Korea. Results indicate that differing histories of industrialization, democracy and civil society have created contrasting state-civic relationships in the two countries, leading to varying culture, organization and strategy for civil society, thus contributing to a divergence in immigration policies in the mid-2000s.

Key Words: Civil Society, Immigration Policy, Convergent Hypothesis, Gap Hypothesis, Democratic Transition, Regulatory Framework, Minjung Legacy

I. Introduction

With the advent of global immigration, in the early 1990s, Japan and South Korea (hereafter Korea) adopted very similar immigration policies for unskilled foreign workers. These policies were characterized by the state’s reluctance to import immigrant workers and by the absence of a contract labor system. As a consequence, the two countries employed large numbers of de facto immigrant workers with few entitlements. These workers included industrial trainees, unauthorized residents, and co-ethnics from abroad, such as in the case of Japan, Nikkeijin (people of Japanese ancestry), and in the case of Korea, Joseonjok (people of Korean ancestry from China). These contradictory immigration policies caused serious problems among immigrant workers in the area of social welfare, employment and documentation. In response, by the early 2000s each of the two governments began to address immigration reform.

In 2004, in an effort to make their policies consistent with the fact that there were already many immigrants employed in the country, Korea launched a labor contract system — the Employment Permit System — by which immigrant workers were legally employed and protected by labor law. Three years later, Korea terminated its indus-