Korea’s Policy towards the Ethnic Koreans Abroad: Issues and Implications

Decision (November 29th 2001) of “constitutional discord” by the Constitutional Court of Korea towards the Act on the Immigration and Legal Status of Overseas Koreans of 1998 resulted a hot debate again on the policy of the Koreans abroad. According to the decision, the legal provision excluding overseas Koreans who moved to China and the former Soviet Union before 1948 and their descendants from receiving legal benefits is unconstitutional and the provision will remain effective only through 2003. The Act divides Koreans abroad into Korean citizens living abroad and Koreans with foreign citizenship. It grants various benefits to them while staying in Korea and the right to get jobs and do business in Korea.

The question of The Act is an indicator of the legal, political, societal and even conceptual discrepancies of the South Korean society. Issues related to the Act can be divided into four categories; 1) immigration and legal status, 2) foreign intervention, especially China’s deep concern, 3) labour market, and 4) existence of The Act.

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This paper discusses these issues above and adds some more normative questions on the policy towards the Koreans abroad. These are mainly conceptual issues related to ethnicity and nationality. Also, a positive way of inter-relations among the ethnic Korean groups in the world is addressed.

These issues are fairly new in the Korean academic circles. Therefore, the basic studies are woefully inadequate. Meanwhile, development of the issues are moving faster and faster. Legal, political, economic, social and industrial relations approaches are being developed in recent years. But, it is very rare to see the development in a wider sense such as an international or an East Asian context.

In coping with issues arising from the encounters with foreign workers as well as ethnic Korean migrants in their country, South Koreans have begun to rethink about their concepts of nation and ethnicity. As their society becomes rapidly open in the context of globalization, South Koreans are trying to find a solution to embrace national unity as well as global standard at the same time. Here, nationalism and globalism cannot contradict each other. However, to accept an ethnocentric view on nationalism is likely to cast away the notion of global standard in South Korea. Thus, the case of Chosonjok in Korean society is a good indicator to see development of the society, internally as well as internationally.

Key words: overseas Koreans, policy, nationality, foreign workers, ethnicity, globalism

I. 문제의 제기

2001년 1월 1일 현재 재외동포는 전세계 151개국에 총 5,653,809명이고, 이 중 미국, 중국, 일본, 구 소련지역 등 4대 강국에 전체의 91.48%인