LESSON 9
A Global Perspective on Immigration

International migration is a fundamental attribute of our ever-shrinking world… Our societies would be poorer without the contributions of migrants. Today, as we celebrate those contributions, let us also resolve to safeguard the human rights of every man, woman and child who crosses borders in search of a better life.

Goal
» Understand immigration as a global phenomenon and analyze the ways that diverse countries have responded to immigration.

Objectives
» Students will recognize that immigration is a global phenomenon.
» Students will become familiar with patterns of immigration internationally.
» Students will compare how countries around the world have responded to immigration in their policies and practices.
» Students will learn to evaluate immigration systems from the point of view of both immigrants and receiving communities.

Essential Question
» How do immigration systems and patterns of migration vary between countries?

Key Skill
» Analyzing data using maps, charts, and fact sheets (Activities 1 & 2).

Materials
✓ Handout 1: Global Migration Worksheet
✓ Handout 2: Regional Migration Maps
✓ Handout 3: Migrant-sending Countries
✓ Handout 4: Country Presentations
✓ Handout 5: Ireland
✓ Handout 6: New Zealand
✓ Handout 7: Saudi Arabia
✓ Handout 8: South Africa
✓ Handout 9: South Korea
✓ Handout 10: Country Comparison Chart
✓ World political maps
✓ Colored pencils or markers

Time Frame
4-5 class periods

Vocabulary
✓ dual citizenship
✓ family reunification
✓ foreign-born
✓ integration
✓ migrant-receiving
✓ migrant-sending
(Additional vocabulary for this lesson can be found in Lessons 5, 6, and 7)
Procedure:

1. Review. To help students place this lesson in context, review the key features of U.S. immigration policy. Activity 5.2 on page 75 provides a brief background on the U.S. immigration system, and Activity 3.1 on page 45 analyzes some of the human rights issues affecting immigrants in the United States.

2. Form regional groups. Have students form five small groups. Assign each group one of the following regions:
   - Africa
   - Asia
   - Europe
   - Latin America
   - Middle East

Give each student a copy of Handout 1: Global Migration Worksheet and the appropriate regional map from Handout 2: Regional Migration Maps. Tell students they will be conducting research with their group on the migration patterns within their region of the world and then mapping the data that they find. To help students identify the countries on their regional map, provide political maps as a reference.

3. Research. The small groups should begin by researching the top three migrant-receiving countries in their region. The best source of information in terms of ease of use is the International Migration 2009 wall chart, found at http://www.un.org/esa/population/publications/2009Migration_Chart/ittmig_wallchart09.pdf. Using the wall chart, students should fill in Handout 1: Global Migration Worksheet with the names of the top three migrant-receiving countries in their region in terms of total number of migrants. In the wall chart, the Middle East is referred to as “Western Asia,” so the group studying the Middle East should look there, and the group studying Asia should make sure to exclude those countries from their analysis. Demonstrate how to use the wall chart by finding the top migrant-receiving country in Oceania (Australia) as a class. Once students have found the top three migrant-receiving countries in their region, they now need to research the top three countries of origin for immigrants to each of those countries. Give students Handout 3: Migrant-sending Countries. They should add this information to their worksheets.

4. Map. Once the small groups have filled in Handout 1, they should use the data to create a regional map showing immigration flows. On their regional map, students should color in the top three migrant-receiving countries, each in a different color. The next step is to show the origins of these migrants by drawing arrows between the sending and receiving countries. For instance, if students were mapping U.S. immigration, they would color the United States a certain color, such as blue, and then draw blue arrows to the United States from Mexico, the Philippines, and China, the top source countries for immigrants in 2010. In some cases, the migrant-sending countries are from the same region as the migrant-receiving countries, and the arrows can be drawn directly between the two countries. In other cases, migrants originate outside the region, and can be shown by writing the name of the sending country on the edge of the map and drawing the arrow from the name to the receiving country.

(continued on next page)
5. Present. After all groups have finished mapping their region’s migration patterns, have each group share its map and the following information with the class:

- The region of the world they researched.
- The top three migrant-receiving countries in that region.
- The top three migrant-sending countries for each of the receiving countries.

One great way to keep a class record of the information students found would be to create a large world map for the classroom showing the top migrant-receiving countries identified by the students and then adding the arrows from migrant-sending countries to show how people are migrating within and between regions. As a class, reflect on the information that the small groups shared.

Questions for Discussion

- What surprised you about migration patterns worldwide?
- Did you have questions about any of the information you learned in this activity?
Energy of a Nation: Immigrants in America

Procedure:

1. Set up. Divide the class into five small groups and assign each group to one of the following countries: Ireland, New Zealand, Saudi Arabia, South Africa, and South Korea. When students have arranged themselves by group, read the following script to the entire class:

“You are a group of people living in Antarctica. After discussions with the UN, you have decided that due to climate change, it is becoming too difficult to sustain your traditional livelihoods. You would like to find a new country to live in. You do not have any ‘technical skills’ and have never worked for a formal business or company. As a concerned Antarctican, you have come together with your fellow citizens to research some possible destination countries. Your concerns are the ease or difficulty of living legally in the country for an extended period of time and whether you think you would feel welcome in your new country.”

2. Research. Give every student Handout 4: Country Presentations and their assigned country handout (Handouts 5-9). Explain that students should use the handouts to research their proposed destination country’s laws and regulations regarding immigration. The small groups will be creating a presentation for the class on the immigration laws and treatment of immigrants in their destination country. Assign roles within the small groups to ensure that everyone has a chance to contribute equally to the research and presentation. The presentation should cover the following topics (also listed on Handout 4):

- **Immigration History of the Country**: Who came in the past and who is coming in the present? Has the country always been a destination for migrants?

- **Immigration Policies**: What are the primary ways people enter the country? How easy is it for people on temporary visas to become permanent residents? How easy is it for people to enter permanently to 1) reunite with family members, 2) work in a skilled job, 3) work as an unskilled worker, or 4) seek safety from persecution as refugees or asylum seekers?

- **Citizenship**: What is the process for becoming a citizen? How hard is it and how long does it take? Are there special barriers for certain kinds of immigrants?

- **Undocumented Immigration**: Is there a large undocumented population? How does the country deal with undocumented immigrants? Can people legalize their status? Do undocumented immigrants receive any government protection from exploitation?

- **Treatment of Immigrants**: How are immigrants treated by the government? By the general population? Are policies designed to protect immigrants effective?

3. Present. Hold a “Migration Council” meeting with the entire class. Remind students that they researched their countries in order to decide where they as Antarcitcans should move. Give each student a copy of Handout 11: Country Comparison Chart. Students should complete the handout as they listen to the presentations from the other groups. Have the small groups take turns presenting the results of their research to the “Migration Council.” Allow time at the end of each presentation for the class to ask questions.
4. **Decide.** Once all country groups have presented their research, ask students to decide where they as Antarcticans will migrate. Students should consider what they learned about immigration processes, tolerance for newcomers, and other factors about each country after hearing the presentations. After discussing the various options, hold a vote with the entire class. Write the name of the winning country on the board.

5. **Reverse.** Now that students have decided which country would be the best country in which to be immigrants, reverse the question and pose this situation to the class:

   "Antarctica has just discovered massive deposits of natural resources and become very wealthy. People from around the world want to move to Antarctica to work in their new factories and enjoy the high standard of living. What immigration policies would the class want to adopt if they were Antarcticans? How can Antarctica protect its citizens while ensuring the human rights of migrants?"

6. **Create policies.** Have students get into the same small groups. Based on the different models that the class heard about during the small groups presentations, have students come up with five main goals or rules of their immigration policy. One idea would be to start from the idea that people have a right to migrate. What kinds of policies would Antarctica create with that as the starting point? After small groups have discussed their policy proposals, come back together as a whole group and have students share with the class the proposed policies they would want to adopt.

7. **Reflect.** To wrap up this activity, debrief as a class with the following discussion questions.

   **Questions for Discussion:**

   - What did you learn from this activity?
   - What were important considerations when you were deciding whether the Antarcticans should immigrate to the country you were researching?
   - What were important considerations when you were deciding on an immigration policy from the vantage point of an Antarctican whose country is starting to receive a lot of immigrants?
   - What are some important factors in determining a sound immigration policy that promotes national interests while protecting immigrants’ human rights?
GLOBAL MIGRATION WORKSHEET

Use the International Migration 2009 wall chart (found at http://www.un.org/esa/population/publications/2009Migration_Chart/ittmig_wallchart09.pdf) to figure out the top three migrant-receiving countries in your region (remember that the Middle East is known as “Western Asia” on the wall chart). Record the names of the countries and total number of migrants on the lines below.

Next, use Handout 3: Migrant-sending Countries to fill in the top three countries of origin for migrants to each of the top three receiving countries in your region. When you have entered in all the information, you are ready to use this worksheet to color in your map.

Region of the world to which your group was assigned: _________________________________

#1 Migrant-receiving Country: ______________________________________________________

How many migrants live in this country?_____________ Color of country/arrows______________

What are the top three countries of origin for migrants to this country?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

#2 Migrant-receiving Country: ______________________________________________________

How many migrants live in this country?_____________ Color of country/arrows______________

What are the top three countries of origin for migrants to this country?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

#3 Migrant-receiving Country: ______________________________________________________

How many migrants live in this country?_____________ Color of country/arrows______________

What are the top three countries of origin for migrants to this country?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________
REGIONAL MIGRATION MAPS

Africa

**Step One:** Color in the top three migrant-receiving countries in your region, each in a different color.

**Step Two:** Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
Lesson 9: Handout 2

REGIONAL MIGRATION MAPS

Asia

**Step One:** Color in the top three migrant-receiving countries in your region, each in a different color.

**Step Two:** Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
Europe

**Step One:** Color in the top three migrant-receiving countries in your region, each in a different color.

**Step Two:** Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
Latin America

**Step One:** Color in the top three migrant-receiving countries in your region, each in a different color.

**Step Two:** Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
**Step One:** Color in the top three migrant-receiving countries in your region, each in a different color.

**Step Two:** Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
<table>
<thead>
<tr>
<th>Migrant-receiving country</th>
<th>Migrant-sending countries*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>Paraguay</td>
</tr>
<tr>
<td>France</td>
<td>Algeria</td>
</tr>
<tr>
<td>Germany</td>
<td>Turkey</td>
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<tr>
<td>Ghana</td>
<td>Mali</td>
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<tr>
<td>India</td>
<td>Bangladesh</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>Burkina Faso</td>
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<tr>
<td>Jordan</td>
<td>India</td>
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<tr>
<td>Kazakhstan</td>
<td>Russia</td>
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<td>Mexico</td>
<td>United States</td>
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<tr>
<td>Pakistan</td>
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<tr>
<td>Russia</td>
<td>Ukraine</td>
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<tr>
<td>Saudi Arabia</td>
<td>India</td>
</tr>
<tr>
<td>South Africa</td>
<td>Angola</td>
</tr>
<tr>
<td>United Arab Emirates</td>
<td>India</td>
</tr>
<tr>
<td>Venezuela</td>
<td>Colombia</td>
</tr>
</tbody>
</table>

*Based on the number of nationals residing in the country during the 2000 round of census surveys, this is a multi-decade view of immigration, rather than a yearly snapshot. The number also excludes naturalized citizens.

COUNTRY PRESENTATIONS

Directions: Answer the following questions using the handout about immigration in your assigned country. You may want to divide the questions among group members, so that each person can focus on a certain topic.

1. Immigration History of the Country: Who came in the past, and who is coming in the present? How long has the country been a destination for immigrants?

2. Immigration Policies: How easy is it for people to enter permanently to:

   A) Reunite with family members?

   B) Work in a skilled job?

   C) Work as an unskilled worker?

   D) Seek safety from persecution as a refugee or asylum seeker?
3. *Citizenship*: What is the process for becoming a citizen? How hard is it and how long does it take? Are there special barriers for certain kinds of immigrants?

4. *Undocumented Immigration*: Is there a large undocumented population? How does the country deal with undocumented immigrants? Can people legalize their status? Do undocumented immigrants receive any government protection from exploitation?

5. *Treatment of Immigrants*: How are immigrants treated by the government? By the general population? Are policies designed to protect immigrants effective?
Background

Ireland is located on an island in the Atlantic Ocean off the northwest coast of Europe. Ireland shares a border with Northern Ireland, a separate country on the island. The entire country of Ireland covers approximately 27,000 square miles. Just to the east is the large island of the United Kingdom. The country has a temperate climate with mild winters and cool summers.

The country’s government is a parliamentary democracy with a president elected by popular vote. The president appoints a prime minister, who serves as the country’s executive power, along with an executive cabinet. Ireland also has two houses of parliament, the Senate (Seanad Eireann) and the lower house (Dail Eireann).

Approximately 4.7 million people reside in Ireland, with 40% of the population living in or around the city of Dublin. Both English and Gaelic are the official languages of the country.

Immigration History

Ireland was initially founded by Celtic tribes between 600 – 150 B.C. These settlers were followed by a flood of individuals from Norway in the 8th century, and the English in the 12th century. After Ireland gained its independence from the United Kingdom in 1922, Ireland’s immigration history was stagnant and unremarkable for hundreds of years.

Ireland has not seen a significant flow of immigrants until recently; instead, it had been known throughout its history primarily for its emigration. In the early 1800’s, Ireland suffered extreme population losses because of poor living conditions. Laborers in Ireland were paid low wages compared to other countries, such as the United States and other parts of Europe. Additionally, Ireland suffered an historic potato famine wherein crops suffered from disease, and healthy crops were forcibly sent to England as part of trade agreements that the Irish had to comply with. As a result, Ireland saw nearly half of its population disappear during that time.

In the 1990’s, Ireland experienced considerable economic growth, which brought workers back to the country. Because of Ireland’s supportive immigration laws for European Union (EU) residents, the first influx of workers to Ireland was made up of individuals of Irish descent who returned to the country to find jobs, followed by other immigrants from within the EU. In the early 2000’s, Ireland saw a rise in immigration from outside the European Union, as well, when its immigration laws became less restrictive. Beginning in 2004, however, Ireland’s immigration laws expanded the countries within the EU from which workers could easily enter. This influx of EU citizens reduced employment opportunities for those outside the region and slowed their arrival into Ireland.

In recent years, Ireland once again flipped, seeing a rise in emigration, based on lack of jobs in the difficult economy. Non-Irish residents account for approximately 12% of the total population of Ireland. EU citizens make up about 6.6% of the overall population of Ireland, and nearly half come from the United Kingdom.

Entering Ireland

There are two primarily ways for immigrants to obtain immigration status in Ireland – work-based permission (through work permits or green cards) and residence permits. Despite the influx of immigrants since the 1990s, Ireland still lacks sophisticated immigration laws. Particularly for non-European citizens, obtaining
IRELAND

long-term residence in Ireland can be difficult and time consuming.

Although there are several ways for immigrants to enter Ireland for work-related purposes, many of these processes are only available for highly-skilled workers. Ireland grants work permits based on an immigrant’s employment with a particular employer. Employers must demonstrate that they are unable to fulfill the position with an Irish or EU candidate. Overall, Ireland’s work permit structure favors highly skilled or specialized workers. Work permit applications can be obtained for long-term stays in Ireland for individuals who wish to live and work in the country. Obtaining a work permit generally takes about eight weeks.

Recently, Ireland introduced a new green card program as another method for foreign workers to reside in Ireland for a two-year period. The new green card program also is available only for highly skilled workers, their spouse, and their dependent children. Under this program, workers can apply for long-term residency at the end of the initial two-year period. The Irish government has also begun issuing two-year work permits for individuals who are not eligible for the green card program and who earn EUR 30,000 or more. These workers may also apply for a three-year extension. This is one of the few established methods of obtaining entry to Ireland for entry-level or low-skilled jobs, but does not provide a permanent option for immigrants to stay in the country.

Certain employees do not need to obtain a work permit before coming to Ireland. EU citizens do not need to have a work permit to work in Ireland, which often means that these workers are readily available for employers who need to fill lower skilled jobs that cannot be filled with non-European immigrants. Workers who will be in Ireland for less than 12 months for training purposes also do not to obtain a work permit. The Irish government has also issued special work visas or authorizations for workers in certain jobs where there are shortages in the available work force.

Residency permits, allowing immigrants to enter and live in Ireland temporarily, are available only to certain groups – workers and refugees. Workers with employment authorization may obtain residence permits and must register for residency within three months of coming to Ireland. For other immigrants, long-term residency is available, but they must have worked in Ireland for at least five years. Even if an immigrant is granted permission to enter Ireland for work purposes, it is difficult to obtain citizenship with Ireland’s lengthy process, high rejection rates, and lack of appeal process for naturalization applications. The Irish government seems particularly likely to reject applicants who rely on government benefits. For non-European citizens, there is no process for obtaining permanent residence status in Ireland. While new immigration legislation was introduced in 2010 to improve the process of obtaining visas and long-term residence in Ireland, the law has not yet passed.

Ireland is known as one of the most difficult countries in which to obtain refugee status. Ireland rejected a significant number of its asylum applications, and granted refugee status only to 10,000 of those who applied between 1992 and 2008. Asylum is technically available in Ireland for refugees who have a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” and are unable to take advantage of the protection of the country of his or her nationality. The Irish government has established a priority list for asylum applications, however, and has a list of “safe countries of origin” from which Ireland presumes asylum is not necessary unless the application establishes otherwise, which creates a high hurdle for immigrants in obtaining refugee status. Additionally, Ireland does not accept asylum applications from other European Union countries.

Applications for asylum in Ireland have grown significantly since the early 1990’s, but have declined again in the last few years. In 1994, only 400 people sought asylum in Ireland. That number climbed to over 11,000
in 2002, but by 2008, had dropped back down to 3,900. In 2008, most asylum-seekers were Nigerian, representing 26.1% of the total applications. Pakistani, Iraqi, Georgian, and Chinese applicants each make up about 5% of the total applications.

Ireland does not have a significant undocumented immigrant population, based primarily on the fact that it has a limited border with other countries. Additionally, Ireland has recently established laws to assist in fighting illegal immigration within its borders. The few issues Ireland sees with undocumented populations primarily stem from asylum-seekers who do not leave the country after their applications are denied and workers who continue to stay in the country after their permits have expired.

**Immigrant Rights**

Prior to the 1990’s, Ireland had few established laws that protected the interest of immigrants. One of the only existing laws was the Prohibition of Incitement to Hatred, which was a broad and ineffective law that was rarely used. More recently, Ireland has put several laws in place to prevent discrimination against immigrants who come to the country, such as the Equal Employment Act of 1998 and the Equal Status Act of 2000. The Equal Employment Act prohibits discrimination against individuals based on race in employment, including in hiring and advancement. The Equal Status Act expands upon the Equal Employment Act, and prohibits discrimination based on race in public services, such as retail establishments that provide goods and services and access to educational opportunities.

Ireland has only recently established a number of agencies whose goals include preventing discrimination and providing assistance to immigrants, including the Office of the Director of Equality, the National Consultative Committee on Racism and Interculturism, and the Immigrant Council of Ireland.

Ireland has also experienced issues with human trafficking, which involves the sale of human beings for either sex or labor – a serious violation of human rights. The majority of human trafficking victims in Ireland come from Eastern Europe, Nigeria, and Asia. In the past, the Irish government has not taken significant steps to eliminate human trafficking into Ireland, and has even denied that a human trafficking problem exists. In 2008, however, the government passed a law making the practice of human trafficking a crime.

**Living in Ireland**

In general, Ireland is seen as a welcoming place for immigrants. This attitude may be changing, however, in light of the immigration boom in recent decades. Some immigrants feel that Irish residents resent their presence in the country. Stricter immigration and citizenship laws have received strong support from Irish voters. Additionally, research studies have reported that violent, racist behavior has a strong presence in Ireland, particularly against non-EU immigrants. The black immigrant population experiences the most racial discrimination according to these studies. Although significant issues of violence against immigrants have been prosecuted by the government, less severe and isolated incidents of racism seem to go largely unaddressed.

Despite the presence of discrimination laws and protective agencies, individuals who are not of Irish decent experience significantly more discrimination in work applications, as well, and immigrants have been more likely to lose their jobs during the recession. Because of the structure of the country’s immigration laws, this has made it difficult for those immigrants to remain in Ireland.

Prior to 2004, individuals who were born in Ireland to non-Irish parents were automatically granted Irish
citizenship, but this is no longer the case. Irish-born individuals are now granted citizenship only if one of their parents was a lawful resident for at least three out of the four years prior to the individual's birth, excluding time during which the parent was a student or was seeking asylum. This law provides a disincentive for immigrants to establish roots in Ireland with their families.

Endnotes

3 CIA, “Ireland.”
5 Ibid.
7 CIA, “World Factbook”
8 Ibid.
9 Ibid.
10 Ibid.
11 BBC News, “Ireland.”
13 Ibid.
16 BBC News, “Ireland.”
17 Helm, “Ireland Struggles With Immigration Issue.”
20 Ibid.
21 McDonald, “Ireland’s Immigrants.”
22 Ibid.
23 Ibid.
24 Ibid.
25 Ibid.
27 Ibid.
28 Ibid, 41-42.
29 Ibid, 42.
30 Ibid.
31 Ibid, 41; MIS, “Ireland.”
32 Aon Hewitt, “Ireland,” 42.
33 Ibid.
34 Ibid.
35 Ibid.
36 Ibid.
37 Ibid.
40 Ibid.
42 Residence Rights of Non-EEA Nationals in Ireland.
44 Ibid.
47 MIS, “Ireland.”
48 MIS, “Ireland.”
49 Ibid.
50 Ibid.
51 MIS, “Ireland.”
52 Ibid.
53 MIS, “Ireland.”
54 Ibid.
55 McDonald, “Ireland Struggles”; MIS, “Ireland.”
56 Mac, “Immigration into Ireland.”
57 Ibid.
58 Ibid.
59 Ibid.
61 MIS, “Ireland.”
63 Cos Tine, “Human Trafficking.”
65 Ibid, McDonald, “Ireland Struggles.”
66 McDonald, “Ireland’s Immigrants.”
69 Ibid.
70 Ibid, 10.
71 Cosgrove, “Living in Limbo.”
73 Ibid.
Basic Information

New Zealand is an island nation about the size of the state of Colorado located in the southwest Pacific Ocean, about 1,400 miles east of Australia. The weather is varied, from warm and subtropical in the far south and harsh conditions in the mountainous areas. It is a parliamentary democracy in which political power is held by a popularly elected parliament, representing the people. The leader of the majority party in parliament serves as the prime minister. The population of New Zealand is about 4,360,000, with principal ethnic groups being European (76.8%), indigenous Maori (14.9%), Asian (9.7%), and Polynesian peoples from neighboring Pacific island groups, such as the Cook Islands, Fiji, Samoa, and Tonga (7.2%). English and Maori are the official languages of New Zealand, with English being the most widely used.

Immigration History

New Zealand was originally settled 900 – 1,000 years ago by Maori people who made their way to New Zealand in voyaging canoes from Polynesian islands in the South Pacific. An Englishman first extensively explored the islands in 1769. After that time, European (mostly British) settlers began to come to New Zealand, primarily involved in whaling and sealing. In 1840, the Treaty of Waitangi was signed by the British and the Maori, making New Zealand a British colony, but also guaranteeing Maori authority over their land and possessions and the rights and privileges of British citizenship. Status as a British colony led to a significant increase in immigration from Britain, with colonial companies often paying for colonists’ passage from Britain.

Until the 1970’s, the vast majority of immigrants coming to New Zealand were from Europe, with most of the rest coming from Pacific islands. This largely reflected government policies that favored what were believed to be more easily assimilated Europeans. During the 1970’s, attitudes on immigration began to change in New Zealand, a change that was ultimately reflected in the passage of the Immigration Act of 1987, which emphasized selection on the basis of personal merit, as opposed to nationality or ethnicity. The same time, the Immigration Act of 1987 also sought to recognize the humanitarian goals of reuniting families and admitting refugees. This policy shift led to greater and more diverse immigration, as the number of immigrants from countries such as China, India, South Korea, Japan and the Philippines increased significantly. By 2006, 22.9% of New Zealand’s population was born in another country, one of the highest percentages in the world.

Entering New Zealand

New Zealand operates a comprehensive visa system that applies to individuals who seek either a temporary or permanent stay in the country. Temporary visitor visas are available to applicants of good health and character who have adequate resources to support themselves while in the country and have arranged transportation out of the country at the end of their visit. Travelers from Australia, the United Kingdom, and countries on the “visitor waiver list” do not require visitor visas if their stay will not exceed a specified minimum period (generally three months). Temporary visa opportunities are also available for workers who engage in seasonal agricultural work; who want to gain work experience after studying in New Zealand; or who are between the ages of 18 and 30 and participate in the “working holiday” program.
New Zealand has a special category of temporary visa for people who want to work in New Zealand for several years before applying for permanent residency. These temporary residence visas are available to eligible applicants who: 1) have a job offer from a New Zealand employer, preferably in an occupation that is on the government’s long-term skill shortage list; 2) have a recognized talent in the arts, culture, or sports; or 3) want to establish a business in New Zealand. A person who has obtained such a temporary residence visa may usually apply for a permanent residence visa after two years.

For those who want to immigrate permanently to New Zealand, admission is determined through a point system that emphasizes skills and qualifications. Visas for permanent residence are available in the “skilled migrant category” to eligible applicants who are age 55 or less and who receive a sufficiently high score in the points system, with points awarded based on age, experience, qualifications, educational level, and employability in industries experiencing high growth or a skills shortage. Permanent residence in New Zealand is also available in the “migrant investment category” to eligible applicants who are age 65 or less and invest at least NZ$1.5 million in New Zealand.

To be eligible to apply for a visa for either temporary or permanent residence, an applicant must generally be able to speak English and furnish proof of both good health and good character. For the financial year from July 1, 2010 to June 30, 2011, the maximum number of applicants that could be approved for permanent residence was set at 50,000, or a little over 1% of the total population.

In addition to providing permanent residence opportunities to immigrants who will bring valuable skills or qualifications, start a business, or make a financial investment, New Zealand also provides programs by which New Zealand citizens or permanent residents can sponsor family members (spouses, children, parents, and siblings) for permanent residence status. Spouses and children can generally come individually, while parents and siblings face one to two year waiting times for visas. New Zealand also runs a visa lottery through which up to 1,100 people from Samoa and 400 people from other Pacific islands may apply each year for permanent residence. New Zealand accepts up to 750 refugees each year through the United Nations High Commission for Refugees resettlement process. Asylum seekers who arrive in New Zealand can apply for refugee status upon arrival. From July 1994 through June 2010, between 15% and 30% of refugee status applications were approved each year. Qualifying refugees and asylum seekers are considered permanent residents of New Zealand, enjoying the same rights as any other permanent resident.

Permanent residents of New Zealand who have been physically present in New Zealand for five years are eligible for New Zealand citizenship if they intend to continue to reside in New Zealand, are able to understand and speak English, are of good character, and understand the responsibilities and privileges of New Zealand citizenship.

Due in large measure to New Zealand’s geographic isolation, illegal entry into the country is not a significant factor in New Zealand. Instead, the undocumented population is mostly “overstayers,” people did not leave when their temporary visas expired. An estimated 20,000 people live in New Zealand on expired visas.
Immigrant Rights

The Immigration Act of 2009 maintained New Zealand’s commitment to the UN Refugee Convention and incorporates the country’s obligations under the UN Convention Against Torture and the International Covenant on Civil and Political Rights. Migrants who are granted permanent resident status generally qualify immediately for publicly funded health and disability services, free primary and secondary school education, and hardship financial benefits from the Ministry of Social Development, but generally must be a resident in New Zealand for two years before becoming eligible for unemployment benefits and government assistance with housing.

Permanent residents who are at least 18 years old are permitted to vote in New Zealand elections after they have been in New Zealand for one year, but are not permitted to stand as a candidate for Parliament until they have achieved New Zealand citizenship.

The New Zealand Human Rights Commission, in a series of studies and annual reports, has provided its assessment of immigrant rights in New Zealand. Discrimination on the grounds of race, color, and ethnic or national origins is prohibited by law, and the rights of immigrant workers and their families are generally well protected by New Zealand legislation and policy, including effective enforcement mechanisms for employment laws.

New Zealand’s immigration system is not perfect, however. The Human Rights Commission expressed concerns that the current standards for admission are still biased against people from non-English speaking countries, especially applicants from Asia and the Pacific islands. Another concern is the treatment of arriving asylum seekers, who are automatically detained while their case goes through preliminary processing, generally for several weeks. Detained asylum seekers face limited access to health care, inadequate legal representation, overuse of solitary confinement, and threats to their personal safety from other inmates.

Living in New Zealand

Recognizing the importance of maintaining a socially inclusive society in the face of increasing diversity, the New Zealand Settlement Strategy was launched by the government in 2004. The stated objectives of this strategy are to assist immigrants in obtaining employment appropriate to their qualifications and skills; achieving English language proficiency; forming supportive social networks and a community identity; participating in civic, community and social activities; expressing their ethnic identity; and accessing necessary information and services. As part of this strategy, migrant resource service centers have been established in cities throughout the country.

While living conditions and opportunities for immigrants are fairly positive, the New Zealand Human Rights Commission notes that many new immigrants report having experienced racial discrimination and harassment, particularly international students and Asians. It also observed that well developed settlement strategies are not in place in all areas of the country with significant numbers of new immigrants; that immigrants have difficulty accessing culturally appropriate health and welfare services; and that new immigrants need better access to English language training and information about New Zealand society and their rights.
Endnotes


14. Ibid.


Basic Information

Situated in the Middle East, Saudi Arabia is the largest country in the Arabian Peninsula, with a population of roughly 27 million people. Saudi Arabia’s government is a monarchy based on Islam. It is ruled by a King, who appoints a Crown Prince to help him with his duties. Saudi Arabia’s judicial system is based on Shari’ah, or Islamic law. The national language is Arabic, although English is widely spoken in urban areas.

Immigration in Saudi Arabia

Immigration into Saudi Arabia has historically been for purposes of seeking work. Though foreign workers have been a mainstay in Saudi Arabia since the country first began its oil operations in the 1930s, “it was not until the oil price boom of 1973 that the country started to receive large inflows of workers.” With new projects to build roads, buildings, and other infrastructure, the demand for labor in Saudi Arabia increased dramatically. As it became apparent that Saudi’s own workforce would be unable to support the work load, employers began to recruit workers from abroad.

During this boom period tied to Saudi Arabia’s oil industry, a number of South and Southeast Asians migrated to the country looking for work opportunities. From the perspective of the Saudis, the migration of Asian workers into the country was encouraged “as they thought that, compared to Arab foreign workers, [Asians] would be less likely to settle, less likely to organize, and hence more easy to control.” According to a recent United Nations study on immigration policies in the Middle East, the majority of immigrants entering Saudi Arabia are from India, Pakistan, Bangladesh, Sri Lanka, and Indonesia, though many also come from Yemen, Jordan, Syria, and Kuwait.

The number of foreign workers in Saudi Arabia has steadily increased. In 1985, it was estimated that there were 4.6 million foreigners in Saudi Arabia. In 1990, just five years later, the number of foreigners had risen to 5.3 million. In 2010, according to a government census, that number again rose to 8.4 million, or thirty-one percent of Saudi Arabia’s total population.

Entering Saudi Arabia

There are a number of requirements one must meet to gain entry into Saudi Arabia. At its most basic level, a foreigner must possess a valid passport for at least six months and must obtain an entry visa. Entry visas are issued for business and work, to visit close relatives, and for transit and religious visits by Muslims. As of 2010, Saudi Arabia does not issue visas solely for tourism purposes.

Saudi Arabia imposes specific requirements for different categories of entry visas, as well as general requirements for all visitors. For instance, business visas are only issued to individuals traveling for the express purpose of visiting the country on a business basis. For a woman traveling alone to Saudi Arabia, she must be met by her sponsor or a male relative and have confirmed accommodations for the entirety of her stay. Moreover, the Saudi Kingdom may refuse any visitor it judges to be behaving indecently, according to Saudi Arabian law and custom. In addition, all Saudi visas require a sponsor.
Permanent residency in Saudi Arabia is largely nonexistent. Though such status can be conferred by the King, Saudi Arabia otherwise does not provide permanent residence status to foreign workers or other long-term residents, who instead remain on residency visas tied to a particular employer.\textsuperscript{34}

Acquiring citizenship in Saudi Arabia, much like securing an entry visa or permanent residency, is difficult and is limited in its opportunities. Unlike the United States,\textsuperscript{35} being born in Saudi Arabia does not automatically confer citizenship on an individual. Rather, they must meet the requirements as set out in the Saudi Arabian Nationality Regulations. Based on the Saudi Arabian Nationality Regulations,\textsuperscript{36} there are three avenues to gain citizenship in Saudi Arabia: (1) descent, (2) marriage, or (3) naturalization.\textsuperscript{37} First, whether one can get citizenship through descent depends on your parents and where you were born. There are three ways to get citizenship by descent:

- being a “child of a Saudi father, born in wedlock, regardless of the child’s country of birth;
- being the foreign mother of a child from a Saudi father born out of wedlock;\textsuperscript{39}
- being a child born in Saudi Arabia to a Saudi mother and an unknown father.\textsuperscript{40}

The rules make clear that a child born to a Saudi mother out of wedlock and outside the country will not be granted citizenship by descent.\textsuperscript{41}

Second, though marriage provides a possibility to gain citizenship, it is generally decided on a case-by-case basis. With regards to a woman who marries a Saudi citizen, she may apply for citizenship by registration, but citizenship is not automatically granted. In making the citizenship determination, the state may vary the residency requirements case to case, with a maximum of up to five years.\textsuperscript{42} For a man who marries a Saudi citizen, he is able to apply for citizenship, but it is only granted on a case-by-case basis.\textsuperscript{43}

Finally, naturalization, like marriage, does not automatically confer citizenship. Rather, for persons who otherwise qualify for permanent residency, there are additional naturalization requirements, which include: residence in the country for at least five years, having no criminal record, and having renounced one’s previous citizenship (Saudi Arabia does not recognize dual citizenship).\textsuperscript{44}

Perhaps because of its restrictive immigration policy, Saudi Arabia has a sizable undocumented immigrant population.\textsuperscript{46} People illegally enter and stay in Saudi Arabia for a number of reasons. Many illegally enter Saudi Arabia to secure work and a better livelihood for themselves and their families than they would get in their country of origin.\textsuperscript{47} Others, according to recent news reports, come for the Hajj festival—festivities that follow the Islamic holiday of Eid al-Adha—and simply do not return to their native countries.\textsuperscript{48} According to one report, Saudi authorities have sought to expel over 27,000 Nigerians that have overstayed their visas after the Hajj.\textsuperscript{49}

**Immigrant Rights**

The Saudi Labour Law is the primary law governing the treatment of foreigners working in Saudi Arabia.\textsuperscript{50} The Saudi Labour Law covers work permits and visas for foreigners, employment contracts, trade unions, termination of employment, and contractual disputes.\textsuperscript{51} For instance, Article 147 of the Labour Law states that “a workman shall not be employed for more than eight actual working hours in any one day, or forty-eight hours a week…”\textsuperscript{52} However, these laws are often not enforced with regard to foreign workers,
especially low-skilled foreign workers. “Case after case demonstrates that the Saudis are turning a blind eye to systematic abuses against foreign workers,” according to one Human Rights Watch official.\textsuperscript{53}

At one end of the spectrum is the exploitation of foreign workers through the Saudi visa sponsorship program. In that program, foreign workers are effectively tied to their employers, who “must grant explicit permission before the worker can enter Saudi Arabia, transfer employment, or leave the country.”\textsuperscript{54} In effect, this system provides the employer extreme control. Even when the employee is abused, he or she may be unable to escape the situation because the employer can deny them permission to leave.\textsuperscript{55}

Reports have documented foreign workers in Saudi Arabia having been subjected to torture and forced confinement at the hands of their employers, and then having received unfair trials at the hands of the state.\textsuperscript{56} One report that documented the lives of Kenyan workers in Saudi Arabia stated the following: “A working day of 18 to 22 hours, constant threat of sexual abuse from employers and beatings, sometimes with the use of hot irons, by the wives of employers characterize an ordinary life of a domestic worker from Kenya in Saudi Arabia.”\textsuperscript{57}

### Living as an Immigrant in Saudi Arabia

Life in Saudi Arabia as a foreigner can be difficult. However, low-skilled workers are much more likely to suffer abuses than high-skilled workers. High-skilled workers tend to be well treated, both by their employers and the government. For instance, Saudi Arabia’s labor secretary recently made the comment to his Filipino counterpart that Filipino skilled workers in Saudi Arabia will not be subject to Saudi’s recent “Saudization” law, which seeks to remove foreigners so as to provide a greater number of jobs to Saudi nationals.\textsuperscript{58} In addition, these workers, ranging from mechanics to engineers, can command the “highest comparative salaries” to Saudi nationals.\textsuperscript{59}

In contrast, for low-skilled workers, life in Saudi Arabia can be extremely difficult, if not outright dangerous. Female foreign workers, most notably, are subject to not only beatings, but also rape and sexual abuse at the hands of their Saudi male employers.\textsuperscript{60} The UN Refugee Agency documented in 2004 the prison-like confinement many of these women suffer while working in Saudi Arabia. Whereas the women enjoyed “unrestricted freedom of movement in their home countries,” in Saudi Arabia they experienced “locked doors and gates . . . that kept them virtual prisoners in workshops, private homes, and dormitory-style housing that labor subcontracting companies provided to them.”\textsuperscript{61} In one account, “[s]killed seamstresses from the Philippines [reported] that they were not permitted to leave the women’s dress shop in Medina where they worked twelve-hour days, and were forbidden to speak more than a few words to customers and the Saudi owners.”\textsuperscript{62}

In that regard, it appears different populations of foreigners have different experiences in Saudi Arabia. Filipinos in Saudi Arabia, for instance, are primarily highly skilled workers and thus enjoy a higher standard of living in the country. By contrast, Kenyans, who make up a portion of the low-skilled workers in Saudi Arabia,\textsuperscript{63} have experienced much more dire living situations.\textsuperscript{64} And even more so, low-skilled female workers from many different countries appear to receive the worst treatment of all, being subject to physical violence, rape, sexual abuse, long work hours, a prison-like living environment, and so on. One’s educational background in many ways determines one’s treatment as a foreign worker in Saudi Arabia, thereby creating an almost caste-like system in the kingdom of Saudi Arabia.
Endnotes

3. Ibid.
5. Ibid.
6. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid.
14. Ibid.
17. Ibid.
18. Ibid.
19. Ibid.
20. Ibid.
23. Ibid.
24. Ibid.
26. Ibid.
29. Ibid.
31. Ibid.
32. Ibid.
38. Ibid.
39. Ibid.
40. Ibid.
41. Ibid.
42. Ibid.
43. Ibid.
44. Ibid.
45. See U.S. Const. amend XIV, § 1, cl. 1 (“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.”); see also United States v. Wong Kim Ark, 169 U.S. 649 (1899) (holding that the first clause of the Fourteenth Amendment confers citizenship upon a person born in the United States).
49. Ibid.
51. Ibid.
55. Ibid.
56. Ibid.
60. Ibid.
61. Ibid.
62. Ibid.
64. Ibid.
Basic Information

South Africa is located at the southern tip of Africa. It borders Lesotho, Botswana, Namibia, Zimbabwe, Mozambique, and Swaziland. South Africa had its first democratic elections in 1994, and today is a constitutional democracy with a multiparty national government. The population of over 50 million people is diverse, with eleven official languages spoken (IsiZulu, IsiXhosa, Afrikaans (based on the Dutch language), Sepedi, Setswana, English, Sesotho, Xitsonga, SiSwati, Tshivenda, IsiNdebele).

Immigration in South Africa

Between the late 15th century and the early 19th century, immigration consisted mainly of white Europeans settlers interested in wine, wheat, and the slave trade. In 1795, South Africa became part of the British trading empire.

Generally, migration of black Africans was controlled through the slave trade and labor requirements. In the late 1800s, black immigrants came to South Africa to work in the diamond mines and gold fields. In order to assert political and economic dominance, the white Europeans segregated themselves from the non-white Europeans. This segregation became known as the apartheid. During the apartheid era, black migration was highly regulated and severely limited.

With the end of apartheid, temporary immigration permits granted annually have increased from 3 million to 9.9 million people in 1999. In 2007, South Africa had 1.2 million foreign-born residents (almost 3 percent of its population) and between 9 and 10 million and temporary residents (20 percent of its population) respectively. Currently, immigration includes mostly investors and skilled workers (interested in mining, commerce, industry, and finance), refugees, and migrants seeking socioeconomic relief.

Entering South Africa

Assuming the migrant is not a refugee or an asylum seeker, any person wishing to migrate to South Africa as a foreigner must first apply for a temporary residence permit. In most cases, foreigners must have a temporary residence permit before they can apply for permanent residency. Some exceptions are workers with a permanent offer of employment, investors, and spouses or children of citizens or permanent residents.

The success of the applications depends mostly on the type of the visa and the type of applicant. Generally, the higher skilled the applicant then the easier and quicker the process. South Africa is currently suffering a ‘brain drain,’ where its professionals are leaving the country to find work elsewhere. The government estimates a 1.2 million person gap in skills by 2014, and has developed programs to speed up the migration process for skilled workers.

For less skilled migrants, it is much more difficult. The South African migration policy does not accommodate this type of migration, and because of this many African migrants are attempting instead to enter via the asylum route. This has lead to severe backups in the system. Roni Amit, a Post-Doctoral fellow at the African Centre for Migration and Society, looked at 324 asylum rejection letters dating between January
and April 2009, and found that ‘they were characterized by errors of law, a failure to give reasons, a lack of individualized decision making and a widespread failure to ’apply the mind’ or to use sound reasoning.’

Migration policy has focused on getting through the applications quickly, rather than looking at the legitimacy of the asylum claims.

A large number of Zimbabweans have been attempting migration to South Africa over the past few years. Civil unrest in Zimbabwe and severe economic difficulties have forced many to seek refuge elsewhere. They are, however, routinely denied permits. Out of 275,000 applications only 50,000 have been processed at the end of the year, and in 2007 of 33,351 applications by Zimbabweans for refugee status only 477 were granted.

The final step in South African migration is citizenship. Gaining this legal right, however, can be quite difficult, and especially for the unskilled and asylum seekers. Claims are also being made that the migration system in South Africa is corrupt, and that “almost anyone with money to secure South African citizenship and documentation” can do so.

**Immigrant Rights**

South Africa has many laws to protect its immigrants. It has the Constitution Act 108 of 1996, and within it a Bill of Rights. South Africa is a signatory to the 1951 Convention Relating to the Status of Refugees, and also the 1967 Protocol Relating to the Status of Refugees. South Africa also has the Refugees Act of 1998 which protects against refoulement, which is the involuntary return of the migrant to a place where his or her life or safety may be endangered.

More specifically, section 33 of the Bill of Rights says that administrative action (by the government and public institutions) must be lawful, reasonable, and procedurally fair. This would include the grant or rejection of permit applications and social rights for example. These rights are not only for citizens, but for “all people in our country and affirms the democratic values of human dignity, equality and freedom.”

Unfortunately, despite the laws and conventions many foreigners within South Africa live without protection. The United Nations South Africa Case Study found that “inadequate documentation, ignorance, and outright discrimination, prevents many non-nationals who are legally in South Africa from accessing” social services.

As discussed above, Amit’s analysis of the rejection letters found that the principles of section 33 of the Bill of Rights had not been upheld and that justice had not been administered.

In the majority of cases people are detained or deported by the police without respect for the rule of law. Of those deported most are Zimbabweans who are arrested after crossing the border and are then left on the other side of it.

Recently, a case regarding Mozambican citizens who were challenging the denial of the benefits under the Social Assistance Act reached the South African Constitutional Court. Grants for child support and social grants for the aged were denied because the Mozambicans were permanent residents and not South African citizens. The Court found, however, that this denial was an unreasonable breach of the equality and social rights provisions in the South African Bill of Rights and that the application for social security should be approved.
Living as an Immigrant in South Africa

South Africa has had a relatively violent recent history, with the apartheid and its aftermath. In many cases the sole purpose of the looting and the murders was to instill fear into foreigners. This is evidenced by the fact that the killings were public and knives were used rather than guns. In May 2008 foreigners and their property were violently attacked by South African citizens. In the International Organization for Migration (IOM) 2009 report it was found that 62 people were killed, 670 were wounded, dozens of women raped, hundreds of thousands of people were displaced, and millions of Rand worth of property was stolen or destroyed.

The IOM investigated the 2008 attacks and their response. It found that the government and the police responses were slow and ineffective. In Alexandra, the police took longer than 24 hours to respond to the violence. Some members of local government actually participated in the attacks, and others did nothing to support the foreigners. An election was scheduled for 2009 and politicians did not want to lose favour with the voters.

Although there have been many attacks to foreign nationals in South Africa’s recent history, as of 2009 not one person has been held accountable – and although some have been arrested they have all been let off.

Citizens in South Africa are generally not very welcoming. Citizens are concerned that they will be financially responsible for foreigners unable to support themselves. They also believe foreigners are taking their jobs, illegally accessing social services, and illegally owning social housing.

The government and police say that foreigners are entering South Africa illegally to commit further crime. Although there is no evidence of this the United Nations study shows that many South African citizens believe the government and the police and think this is the reason why the foreigners were attacked (rather than xenophobia).

Acclimation is also not easy for foreign nationals. They find it difficult to obtain social services and cannot get bank accounts. Foreigners are blamed for violence and are considered a threat to South Africa.

The migration system in South Africa has been greatly criticized. Civil society groups and the United Nations High Commission for Refugees (UNHCR) have put pressure on South Africa to address xenophobia. The South African Police Services now have prevention and report mechanisms. There are also public service announcements to promote tolerance. In 2010, the UNHCR reports a decrease in xenophobic violence.
Endnotes

3. Ibid.
5. Landau and Segatti, “Human Development.”
11. Landau and Segatti, “Human Development.”
17. See Khosa v. Minister of Social Development, Mahlaule v. Minister of Social Development 2004(6) BCLR 569 (CC) (S. Afr.).
20. Landau and Segatti, “Human Development.”
22. Ibid.
South Korea is a country in East Asia located on the southern half of the Korean Peninsula. Its neighboring countries are China to the west, Japan to the east, and North Korea to the north. Its official name is the Republic of Korea and its president, who is democratically elected by its citizens for a 5-year term, appoints its prime minister (with the consent of the National Assembly). South Korea’s population totals almost 49 million people, with almost 10 million people living in its capital city of Seoul. Korean is the main language, although English is widely taught in junior high and high schools.

Immigration in South Korea

In the 19th century, Korea was nicknamed the “Hermit Kingdom” by some Westerners due to its reluctance to engage in dialogue with the outside world. However, after the Japanese occupied and colonized Korea in the early part of the 20th century, millions of Koreans left the country. This led to large Korean communities in China, Japan, Russia, and Hawaii that still exist today. After the defeat of the Japanese in World War II, the country was divided into North Korea, which has been governed by a communist regime, and South Korea, a republic. The Korean War, which lasted from 1950-1953, caused roughly 10 million people to move from North Korea to South Korea. After the war, and especially after the United States changed its immigration policies regarding non-European immigrants in 1965, many South Koreans began migrating to the United States for study or to find a better quality of life.

Historically, South Korea has been a very homogenous country, but due to its rapid economic development over the last 40 years, by the 1990s, it realized that it needed temporary workers to do the unskilled jobs that native Koreans were becoming less willing to do themselves. Unfortunately, strict immigration policies made it difficult for South Korean businesses to fill low-level jobs with legal, temporary workers, so by the mid-1990s, increasing numbers of people from other Asian countries – China, the Philippines, Indonesia, Thailand, Vietnam, and Mongolia – were overstaying their tourist visas to work. These immigrants were able to find jobs in small manufacturing companies, construction, and restaurants, with many of them having paid large fees to job agencies at home and/or in South Korea. As of 2007, the number of undocumented immigrants was estimated to be 223,464, which accounted for 21% of the total number of immigrants in Korea at that time.

In addition to immigrants seeking work, South Korea also receives significant numbers of immigrants who come to marry South Koreans (particularly Korean men who live in rural areas) and members of the Korean diaspora (i.e., immigrants whose ancestors left Korea and settled elsewhere). As of June 2008, 26% of resident foreigners in South Korea were overseas Koreans on a work-visit program, 18.6% were unskilled laborers, 10.3% were immigrants through marriage, 6% were international students, 2.6% were skilled workers, 1.6% were legal permanent residents, and .7% were investors. As of July 2011, about 1.25 million foreigners (with more than half of them being Korean-Chinese) lived in Korea, which accounts for 2.5% of the entire population. The government projects that foreigners will be 5% of the population by 2020.

Entering the Country

Currently, residence status for foreigners is divided into 8 categories, from type A to type H. Of these, only
3 types, type E through type H offer the possibility of employment. In general, skilled workers, including entertainers, researchers, and language teachers, have been welcome to temporarily work and live in Korea. However, as of June 2008, only about 5.5% of the total number of foreigners legally working in Korea were considered professionals (this includes language teachers).

Prior to the early 2000s, South Korea had no official means of giving unskilled workers temporary access to the labor market. However, in 2004, the Korean government implemented a new employment permit system for guest workers. Under this system, qualifying Korean employers (which include small and medium-sized manufacturers with less than 300 employees, farmers, certain ranchers and fishers, and construction companies) can hire foreign workers from the following 15 countries through an E-9 visa: Vietnam, Indonesia, Thailand, Philippines, Nepal, East Timor, Myanmar, Pakistan, Cambodia, Sri Lanka, China, Kyrgyzstan, Uzbekistan, Mongolia, and Bangladesh. However, such employers must first demonstrate that they have spent at least 14 days (or 7 days if the efforts are made through mass media like newspapers and broadcasting) trying to find native Korean workers to fill these positions. Through this employment permit system, about 40,000 foreign workers are hired every year. Of these workers, 87% work in the manufacturing sector. As of August 2011, there were 1.4 million foreign workers living in South Korea.

These workers are initially hired for an employment period of up to 3 years, but that period can be extended to a maximum period of 4 years and 10 months. Once they have reached that maximum time period, they must return to their home countries for at least 6 months before re-applying to come back to work in South Korea. Family members of foreign workers are not allowed to enter, a restriction purposely designed to dissuade foreign workers from permanently settling in South Korea. When this scheme was introduced, it gave many undocumented foreign workers the opportunity to apply for a permit, depending on how long they had been in the country illegally. Undocumented workers who did not qualify for a permit were given a chance to leave the country without paying any fines. This legalization increased the population of registered immigrants 73.4% between 2002 and 2003.

F2 (residence) visas are available to immigrants who have legally resided in Korea for one year or more before applying and reached at least 80 points out of a possible 120 points (allocated based on age, income, academic credentials, Korean language ability, etc.), determined on a case-by-case basis. Although an F2 (residence) visa may be granted to unskilled workers who have developed into skilled workers, the program has not met Korean companies’ needs for skilled workers, probably in large part due to what requirements an unskilled worker must meet, which are the following: 1) employed at a Korean company as an unskilled worker for 5 or more years, 2) obtained a certificate of a skill designated by the Justice Minister or earned wages above a predetermined amount, 3) possess enough assets to support themselves, 4) equipped with basic knowledge of Korean culture and language, and 5) “has decency.” An F5 (legal permanent residence) visa may be granted to those who have lived in Korea for 5 or more years.

Immigrants may also apply for refugee status in Korea, but not many have applied and even fewer have succeeded. In 2007, out of 717 applicants, only 13 received refugee status. Part of the problem is the limited number of officials who have been assigned to determine who qualifies for refugee status, which results in a long waiting list of applicants. North Koreans who successfully reach South Korea are not technically considered “refugees” under South Korea law, but are eligible to receive some special assistance,
including both money and training, to help them settle and adjust to life in the south.\textsuperscript{26}

Defectors from the north may end up in Hanawon, an agency that provides housing to approximately 100 North Korean “refugees” and helps with employment services.\textsuperscript{27}

In general, the easiest way for a person to become a Korean citizen is by marrying a Korean spouse or having at least one parent who is a Korean citizen. It is possible for immigrants with no family ties to Korea to become a citizen, but it is difficult, because they must prove to the authorities that they have a serious desire to become a citizen. Authorities require 5 consecutive years of residency,\textsuperscript{28} proficiency in the Korean language, and an understanding of Korean culture and history, which may be tested through an interview and a written test.\textsuperscript{29} In 2007, 110,362 immigrants immigrated to South Korea through marriage, which has led to a growing number of applications for naturalization; in 2007, 23,485 immigrants applied for Korean citizenship. Naturalization is a time-consuming process: the overall average time for naturalization approval is one-and-a-half years.\textsuperscript{30}

**Immigrant Rights**

Article 10 in the Act on the Treatment of Foreigners in Korea provides that “The nation and local governments shall endeavor to prevent unreasonable discrimination against foreigners in Korea and their children, provide them with education and promote the protection of their human rights.”\textsuperscript{31}

Although Korea is a member of the UN Convention on the Elimination of All Forms of Racial Discrimination, both Koreans and immigrants “perceive that Korea has unreasonable and discriminatory institutions and practices in education, welfare and employment.” Immigrants are vulnerable to various forms of human rights abuses, “and often do not know how to use the safeguards that are in place, as they are a social minority and lack [an] understanding of Korean language and culture.”\textsuperscript{32}

However, the government has taken steps to address these problems by establishing a nationwide support system for migrant female victims of domestic violence, which includes access to counseling in various languages and implementing an Immigration Contact Center hotline through which examples of human rights infringement can be reported.\textsuperscript{33}

**Living as an Immigrant in South Korea**

Many foreign workers are exposed to poor working conditions at their work sites because they are employed by small businesses. The problems such workers face include: “verbal abuse during working hours, confiscation of their passports, industrial accidents, back wages, off-duty injuries, and physical violence.”\textsuperscript{34} These workers’ poor command of the Korean language and their relatively low social and economic status often hinder their ability to solve the problems they face.\textsuperscript{35} In an attempt to address some of these issues, the government has opened counseling centers to promptly provide advice to both foreign workers and their employers regarding difficulties that arise in the workplace.\textsuperscript{36}

Outside of the workplace, many immigrants find it difficult to live in Korea because of limited communication and access to information (i.e., multilingual amenities and administrative services are lacking). As a result, many of them are reluctant to bring their family members to Korea.\textsuperscript{37} However, the government is attempting to address these issues by implementing an expanded 3-party translation service via a call
center for immigrants, providing more English-language translations and announcements for transportation services, building more immigrant-friendly residences, expanding social security benefits to include permanent residents, and establishing immigrant-friendly cultural facilities such as “mini-libraries” in areas where many immigrants live.\(^{38}\)

Many immigrants also “suffer discrimination and prejudice because of their appearance and cultural differences.”\(^{39}\) The government is taking steps to address this by raising awareness of the increasingly multicultural nature of Korean society through new textbooks and extracurricular classes in Korean schools, holding forums and seminars in the community, and producing and disseminating public service messages and broadcasting programs about this topic.\(^{40}\)

**Endnotes**

2. Ibid.
5. Ibid.
6. Ibid.
7. Ibid.
21. Ibid.
24. Ibid., 99.
25. Ibid., 100.
29. Park, “Balancing Labor Demand.”
31. Ibid., 13.
32. Ibid., 90.
33. Ibid., 92-93.
34. Ibid., 28.
35. Ibid.
38. Ibid., 34-38.
39. Ibid., 39.
40. Ibid., 40-43.
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