❚ Special Issues ❚

The MIPEX Assessment of the Republic of Korea's Immigrant Integration Policies

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Abstract

Korea, a new immigration country, deserves to be included in the Migrant Integration Policy Index (MIPEX). With an overall MIPEX score of 60/100, the Republic's current integration policies are just "slightly favorable" for promoting integration. It ranks 13th among the 31 MIPEX III countries. Compared to most other recent emerging countries of immigration, the country has very quickly improved its legal framework for integration. The major areas of strength in South Korea's integration policies are its targeted policies on labor market support, migrant pupils' education access and needs, voting rights, and support for immigrant associations. However, these policies are relatively new and need to be fully evaluated as to their implementation and effectiveness. Moreover, significant policy weaknesses emerge across all seven areas, such as autonomous permits for reunited family members, the implementation of intercultural education, the political liberties of foreigners, the exclusion from family reunion and long-term residence for certain permit-holders, various restrictions on access to nationality, and the weak definitions and enforcement mechanisms on discrimination. The research demonstrates that Korea has taken important steps forward, but that it can do better to create a more encouraging environment in which immigrants can contribute to a country's prosperity and well-being.

❚ **Key words** : MIPEX, Migrant, Integration, Policy, Index

Introduction[1)]

Migration is a global phenomenon and its governance has international, national, and local dimensions. Korea also designs and adopts migration (Oh et al., 2011) and immigrant integration policies (Lee, 2013).

It is therefore interesting to include Korea in international comparative research. This may help to find answers to questions such as: how similar or different is the situation in Korea compared with countries in the same and other regions of the world? What do differences and commonalities tell us about the nature of migration and integration and the effectiveness of policies? Policy actors can benefit from such research since it enables them to learn from countries with different migration histories. It can inform policy formation and facilitates policy exchanges and learning between countries. Indicators are often used to that end. This article describes an international project known as the Migrant Integration Policy Index (MIPEX). The first part describes the scope, structure and methodology of the MIPEX. It characterizes MIPEX as policy-oriented research which has consequences for how MIPEX is conceptualized and how its results are presented. It also explains that while MIPEX originated in Europe it can cover countries in other continents. The second part summarizes the outcomes of the MIPEX assessment of Korea, which was carried out by Kyung Ock Chun, Younglan Kim, Sung Soo Hong and Kwang-Il Yoon of the Sookmyung Women's University in Korea and Thomas Huddleston and Zvezda Vankova of the Brussels- based Migration Policy Group. In addition, it compares Korean policies with some other OECD countries in Europe, North America, Asia, and Australia. With migration gaining more prominence in Korea, more research will undoubtedly be undertaken in the near future. The MIPEX assessment of Korea established a baseline database on policies in seven areas that are crucially important for immigrant integration. It deserves to be updated and expanded thus keeping its academic and policy relevance.

1. The Migrant Integration Policy Index

The MIPEX is a research-based tool for governmental and civil society policy actors. As a database it can also be used for scientific analysis. It has the advantage of summarizing complex issues and policies at the risk of reducing the complexity of immigrants' real situation and of poli-

cy-making. MIPEX's value increases when MIPEX results are compared with other index exercises and qualitative research reports and illustrated by examples of good practices. Migration statistics, records of ratification of relevant international conventions and reports submitted to conventions' treaty bodies provide relevant contextual information for the interpretation of MIPEX results. In other words, MIPEX is one of the instruments which can be used to assess whether integration is successful and policies are effective.

1.1 Concepts and Terminology

Migration and integration are related but distinct policy areas. Migration regimes can be a guest-worker type system or an immigration type system. MIPEX does not deal with admission policies with one small exception, namely in the case of some admission issues related to family reunification. As a matter of fact, MIPEX considers family reunification to be more an integration than a migration issue as it concerns the settlement of family members of already legally residing immigrants, thus promoting their societal integration. Migration and integration tend to overlap to some extent as admission conditions impact on integration conditions. When the permission to remain in a country is limited in time and migration purpose, MIPEX establishes to what extent migrants can change their status. Examples of this include whether or not migrants working in one economic sector for a particular employer are entitled to changing their status from temporary resident into a more permanent resident and/or are allowed to change employer and economic sector. In some instances, migrants of certain nationality or ethnic affiliation receive preferential and more favorable treatment. MIPEX can establish how equal treatment principles are applied to all migrants. Integration is a multi-faceted, long-term and rather open-ended process whereby immigrants gradually acquire the same responsibilities, rights, and opportunities as nationals. Governmental and non-governmental actors can coin integration in more socio-economic terms or in more cultural terms. They can link it with

overall societal integration goals and can consider it as convergence of societal outcomes by closing gaps between the overall population and particular groups within the population, including people with an immigrant background. They also can see it as accommodation of cultural differences and the assertion of core values by promoting inclusive citizenship. Integrating countries are those that remove obstacles to integration and support structures, organizations, and individuals that facilitate it. In this way all residents, irrespective of their background, can contribute to and benefit from prosperity and well-being on an equal footing. Integration is also an interactive process of more or less favorable conditions and active engagement of citizens and residents. Factors that influence integration are those related to the countries' overall socio-economic situation, immigrants' personal characteristics, and integration policies (Huddleston et al., 2013).

1.2 Policy Strands and Beneficiaries

MIPEX considers legal and policy measures in areas which are necessary but not sufficient to promote societal integration. In the first MIPEX edition these areas (policy strands) included labor market inclusion, long-term residence, family reunion, nationality and anti-discrimi-nation (Geddes & Niessen, 2005). The second edition maintained the same strands, changed a few indicators, slightly adapted the names of two strands and added a new strand, political participation. It also changed the name of the index to better reflect its contents (Niessen, Huddleston, & Citron, 2007). The third edition kept again all strands, changed a few indicators and added another strand, education (Huddleston & Niessen, 2010). Consequently, the results of the three editions are highly comparable and show policy changes over time. The planning for the next edition started in 2013. Probably another strand will be added, health, and a feasibility study for a strand on housing will be carried out in 2014. Measures in all these areas create more or less favorable conditions for societal integration which is understood as equal rights, re-

sponsibilities, and opportunities for all. It defines immigrants as legally residing non-nationals, with one exception: under the education strand questions are raised regarding access to education of undocumented children. In the European Union (EU) context this means legally residing nationals from non-EU countries (also known as third-country nationals), since MIPEX does not deal with EU citizens moving to another member state than their own by exercising their free movement rights. MIPEX measures governmental commitment to integration as translated in very concrete policies. To that end, MIPEX uses as a checklist a framework of policy measures and policy options. The measures themselves are outputs of negotiations and parliamentary debates. As inputs in the integration process they do not directly produce integration but create more or less favorable conditions for it. Their effect can probably be best assessed by registering the beneficiaries' uptake of policies, for example, by calculating the number of people reunited with their families, immigrants with a secured residence status, naturalization rates among immigrants, etc. Their satisfaction with adopted policies can also be documented, for example, by surveys among persons with a migrant background (Huddleston & Tjaden, 2012). With each MIPEX edition the number of countries covered increased and MIPEX now covers almost forty countries in four continents. They include countries with shorter or longer migration histories and with well-developed, developing, or underdeveloped integration policies.

1.3 The Development of the Index and its Structure

The Migration Policy Group and the British Council started the development of the Migrant Integration Policy Index in 2004 and have produced the three editions together with some forty national-level organizations, including think-tanks, non-governmental organizations, foundations, universities, research institutes, and equality authorities from across Europe. Extensive and continuous consultations with integration actors and scholars guided MIPEX's conceptualization and selection of strands

and indicators. These consultations not only provided invaluable input to the design of the theoretical framework on which MIPEX is based, but also made MIPEX directly relevant for a variety of policy actors. MIPEX now contains around 150 indicators grouped under seven strands which together capture critical aspects of integration policies and implementation measures. Each strand has four similar dimensions. The first dimension defines the scope of the measure and who can benefit from it (for example, are legally residing immigrants entitled to change jobs and to employment in the public sector). The second dimension defines the conditions that apply for benefitting from the measure (for example, under what conditions can family reunions take place or a long-term or permanent residence permit be obtained). The third dimension deals with the security of a status (for example, protection against expulsion or withdrawal of acquired citizenship) and implementing mechanisms (for example, equality or human rights commissions in the field of anti-discrimination). The fourth dimension describes the rights associated with a status (for example, intercultural education and promotion of equality policies). The choice for the strands, dimensions, and indicators was not only based on consultations but also on literature review; it has not been fundamentally challenged in academic and civil society circles. The possibility to generate the necessary data also played a role in the selection of the indicators.

International conventions and law were used to phrase the indicators. Their concepts and terms are accepted and well-known across the globe, even when some of the international instruments are not ratified by many countries. Values of fundamental rights and equal treatment underpin these international commitments and serve as a basis for MIPEX's classification framework. Examples are the UN Covenants, the UN Refugee and Migrant workers Conventions, ILO Conventions, and the UN Convention on the elimination of racial discrimination. In the context of the European Union, EU law is used. MIPEX coins international fundamental rights principles in more detailed policy measures and clarifies legal concepts as they apply to migrant integration law. It describes them

in quite some detail and in integration policy terms. In this way, the indicators are to benchmark national laws and policies against high international standards of equal treatment of immigrants with nationals (Niessen et al., 2005 & Niessen, 2009). This also allows for international comparison across the globe. Before adding countries outside Europe to MIPEX (including Canada, the United States, Australia, New Zealand, Japan, and Korea), researchers first established the applicability of the MIPEX concepts and terminology in the respective national contexts, the policy relevance of the seven strands and the possibility to collect data. In other words, three questions were to be answered affirmatively before a country can be MIPEX assessed: are concepts such as labor market mobility, family reunion, long-term residence, etc. used in law and policy making in the country concerned? Are immigrant integration policies actually designed using those concepts? Are these policies adopted after parliamentary and public debates, and then officially published? For the non-European countries covered by MIPEX these questions were answered affirmatively.

MIPEX was the first empirical international index exercise dealing with issues of migrant integration. Initially, it was ignored or criticized by legal scholars as too much of a simplification of complex legal realities and by sociologists as not to the point. In debates organized over the years to present MIPEX to different types of audiences, it turned out that the former were not familiar with the use of indicators in policy debates, whereas the latter wrongly saw MIPEX as an instrument to measure societal integration. This situation is rapidly changing. Not surprisingly, economists, political scientists, and (quantitative) social scientists saw the value of MIPEX and started to use it. For example, J. Dronkers and T. Vink (2010) used MIPEX to establish a relationship between citizenship policies and naturalization rates. R. Meuleman and T. Reeskens (2010) explored the relationship between integration policies and majority attitudes toward immigration. K. Jeffers, et al. (2012) expanded and refined naturalization indicators and R. Koopmans, et al. (2010) used indicators to explore to what extent policies converge. M. Helbling (2010)

compared a few index exercises. At the same time, the development and use of good governance indicators gained more prominence in policy debates. The Good Governance Indicators Project, started by the World Bank, is using other indices such as the expanding Bertelsmann Transformation Index and Rule of Law Index. The OECD launched its Better Life Index. Indeed, over the years the use of indicators and indexes has become more widely accepted. Nowadays, MIPEX is better under-stood and frequently used by scholars, policy-makers, and civil society organizations. It will be further developed and include more strands and cover more countries. Additional statistical information on the policies' beneficiaries will be provided as well. Secondary analysis of the result will become more common.

1.4 The MIPEX Research Methodology and Relevance

MIPEX is a fact-based index involving more than 100 independent experts and scholars in gathering and checking the information (a peer reviewed questionnaire). They are selected on the basis of their profound knowledge of integration issues and their scientific track record. Unlike indices based on expert opinion, the MIPEX is uniquely based on public laws, policies, and research. In every country, the experts in migration law, education, and anti-discrimination filled out the score for each in-dicator based on the country's publically available documents. All scores were anonymously peer-reviewed by a second expert. The MIPEX re-search coordinators moderated any discrepancies and checked the com-pleted questionnaires for consistency across policy headline areas, coun-tries, and over time.

A MIPEX policy indicator is a question relating to a specific policy component of one of the seven policy areas. The MIPEX research frame-work is thus a questionnaire of around 150 questions. For each question, there are three policy options as possible answers. These options are clo-ser to or further away from equal treatment of immigrants with nationals. The maximum of three points is awarded when policies meet the highest

standards for equal treatment. A score of two is given when policies lie halfway to the highest standards, and a score of one is given when they are furthest from the highest standards. Scores of one or two are given for rephrased versions of more restrictive provisions of international law or national practice. Where a country has no policies on a specific indicator, it is given a default value of one. Within each of the seven policy areas, the indicator scores are averaged together to give one of four dimension scores which examine the same aspect of policy. The four dimension scores are then averaged together to give the policy area score for each of the seven policy areas per country which, averaged together one more time, lead to the overall scores for each country. In order to make rankings and comparisons, the initial 1-3 scale is converted into a 0-100 scale for dimensions and policy areas, where 100 percent is the top score, enabling to make the following distinctions:

0	Critically unfavorable for integration
1-20	Unfavorable
21-40	Slightly unfavorable
41-59	Halfway favorable
60-79	Slightly favorable
80-100	Favorable for integration

MIPEX does not weight the different strands and dimensions but gives each indicator equal value. Of course, some components of policies are more important than others, but how they are valued depends very much on the national situation in terms of policy history and priorities. International comparative research can help policy actors to set national priorities, but is rather limited to do that itself. MIPEX collects comparable data on the seven integration policy areas and makes the raw data available leaving it to policy actors to give more or less weight to particular areas and policy components. The research coordinators wrote up the country profiles based on the scoring and analysis of the

questionnaire results. Comparisons were then made with the average scores of all countries covered. Short country profiles summarized the outcomes of the seven strands for each country and some contextual information (size of the population, major policy developments, etc.). Countries were compared with each other on their scores per strand and all indicators and over time.

As a policy-oriented research project, MIPEX needs to demonstrate its usefulness for policy actors and present the research results in a format that is friendly for its main users, namely policy actors. MIPEX enables integration actors to raise very precise questions as to whether and how governments want to transpose or have already translated (international) commitments into (national) integration laws and supportive policies. For example, MIPEX can be used to establish whether and under which conditions migrant residents have access to the labor market in the public and private sector, as well as to various forms and levels of education (from compulsory to further education). In addition, MIPEX establishes whether general and specific measures are needed to implement socio-economic and cultural rights, ranging from recognition of skills to intercultural education, or whether they have already been adopted. MIPEX explains how migrant residents acquire permission to unite with their families, long-term residence status and nationality, and when they can participate in civic life. It raises precise questions concerning implementing measures related to the duration and costs of procedures. It also checks what other conditions apply, such as economic means tests and language tests, enabling integration actors to assess whether these conditions facilitate the realization of entitlements or put unnecessary obstacles in the way. As a descriptive instrument MIPEX enhances the clarity of the law by enabling integration actors to establish which legal and other measures are actually in place, where gaps exist and how gaps can be filled. This in turn promotes greater knowledge and awareness of integration policy and law. MIPEX also registers changes over time and helps to establish whether these changes achieve greater equality or make the situation even worse for migrants. Integration actors can

check the coherence of all the different legal provisions and policy meas-ures and expose inconsistencies. MIPEX therefore facilitates integration actors in gaining a better understanding of what can and needs to be achieved, allowing immigrants to assume respective responsibilities and exercise rights. As an assessment framework MIPEX also establishes to what extent equality principles are being applied to migrant residents and their descendants, asking whether or not they have access to general services and can benefit from special measures addressing their specific needs. It establishes what rights are associated with the legal status of immigrants as well as how secure this status is and whether there is a right of redress in cases when the status is withdrawn or refused. It answers questions on enforcement mechanisms, such as the type of sanc-tions, the existence of equality bodies and their mandate, the role of NGOs, and dialogue with social partners. Where such mechanisms do not exist, integration actors can call for their creation. Where they exist actors can (learn to) use them effectively and improve them. Integration practitioners can use MIPEX to increase knowledge and raise awareness of integration rights and responsibilities thus alerting citizens and immi-grants to possible gaps between the laws on the books and how they are implemented in practice. MIPEX enables them to look to other coun-tries for concrete and precise means to mend gaps.

This all has consequences for the way the research results are sum-marized and presented. Instead of long country reports, short country profiles are written, which together with the database are published on an interactive website (MIPEX.eu), allowing policy-makers and practi-tioners to use the data for specific purposes. Scholars can use MIPEX as a starting point for research or for deeper quantitative and qualitative analyses and policy evaluations.

1.5 MIPEX and Governance Index Exercises

Other index exercises can help to place MIPEX in context. Using them in conjunction with MIPEX may help to respond to those who

criticize MIPEX for measuring the policies and laws on the books and not how they are implemented in practice. Three examples will be given of how this can be done using country specific follow-up research. The first example is the UNDP's Human Development Index (HDI) which provides useful general contextual background information. The HDI has many components, including the Gender Inequality Index, the Multidimensional Poverty Index, and the Inequality-adjusted Human Development Index. The HDI indicators include those related to command over resources, health, education, social integration, international trade flows of goods and services, International capital flows and migration, innovation and technology, environment, and population trends (UNDP, 2013). With regard to migration and integration, the HDI is useful for two purposes. First, the overall ranking of countries tells us a lot about countries' strengths and capacities to promote prosperity and well-being. This influences not only the way societal integration is defined, but also what and how many resources can be made available to promote societal integration. Second, the HDI provides very useful background information on immigrants. Statistical offices such as Eurostat (2011) and research projects use that information to better understand the composition of the immigrant population and, for example, help to explain the differences in uptake of services and policies (ACIT, 2013). In addition, countries' high HDI scores raise expectations of well-defined and well-resourced immigrant integration policies. The second example is the Worldwide Governance Indicators (WGI) which reports on aggregate and individual governance indicators for 215 economies over the period 1996‒2012 for six dimensions of governance. These aggregate indicators combine the views of a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. They are based on 31 individual data sources produced by a variety of survey institutes, think tanks, non-governmental organizations, international organizations, and private sector firms. It covers (in World Bank terms) voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law and control of

corruption. High WGI scores increase the likelihood that integration poli-
cies are designed in a democratic and transparent manner, that integration
stakeholders are consulted, and that policies are effectively implemented.
The third example is the Rule of Law Index which has many components
including one on the administration of and access to justice. In countries
with high scores on the delivery of justice the likelihood increases that
integration policies and laws are (better) implemented and enforced. It
can also be expected that gaps between laws on the books and how they
are implemented are relatively small and can be remedied through legal
action.

2. The MIPEX Assessment of Korea

The MIPEX assessment of Korea was undertaken by scholars of
Sookmyung Women's University and supervised by the Migration Policy
Group (MPG) in the course of 2012/3. The researchers applied the
MIPEX methodology and the results are summarized by MPG's Research
coordinators. The results are presented here, by first giving an overview
strand by strand and then by comparing Korea with a few other OECD
countries.

2.1 An Overview Strand by Strand
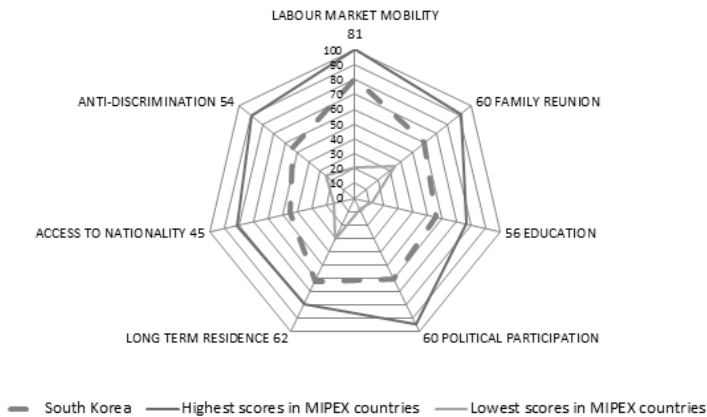
Korea's policies on family reunion, long-term residence, and access to nationality are average compared to most European countries, but slightly more burdensome than in traditional countries of immigration. The major areas of strength in South Korea's integration policies are its targeted policies on labor market support, migrant pupils' education access and needs, voting rights, and support for immigrant associations. However, these policies are relatively new and need to be fully evaluated as to their implementation and effectiveness. Moreover, significant policy weaknesses emerge across all seven areas, such as autonomous permits for reunited family members, the implementation of intercultural education, the political liberties of foreigners, the exclusion from family reunion and long-term residence for certain permit-holders, various restrictions on access to nationality, and the weak definitions and enforcement mechanisms on discrimination.

2.1.1 Labor Market Mobility
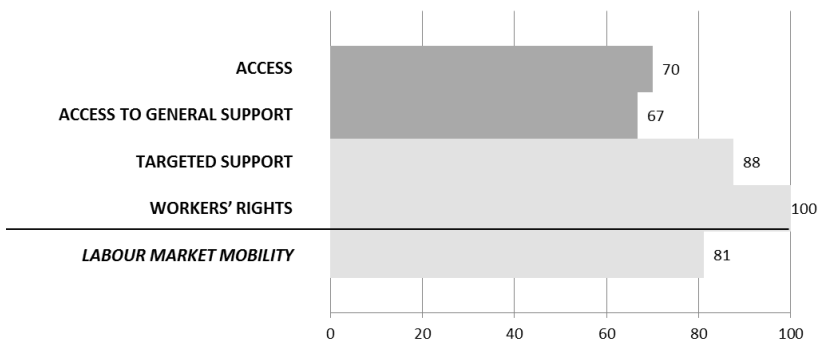
- Labor market mobility policies are generally favorable for foreigners to find jobs that match their skills.
- Right to employment or self-employment in any sector, including the public sector, as in the majority of MIPEX countries.
- Equal workers' rights for foreign workers, as in a number of leading countries (e.g. Canada, Germany, Netherlands, Portugal, and Sweden).

- Well-developed targeted support with similar priorities as established countries of immigration with comprehensive labor market integration policies.

- Much more favorable than neighboring Japan, average EU country, and even some traditional countries of immigration, such as Australia or the United States of America.

- One area of weakness in South Korea and Japan is access to the labor market and access to general support: other high-scoring countries like Canada, Germany, Spain, and the Nordic countries tend to grant equal access to the entire labor market and general support for all foreign residents, including temporary migrant workers.

- Access to labor market in South Korea is only "slightly" favorable for integration because temporary workers do not have the equal right to change jobs and sectors, unlike in several leading European and other countries of work migration.

- Access to general support is also only "slightly" favorable because of restrictions for certain foreign workers to access public employment services and higher education.

2.1.2 Family Reunion
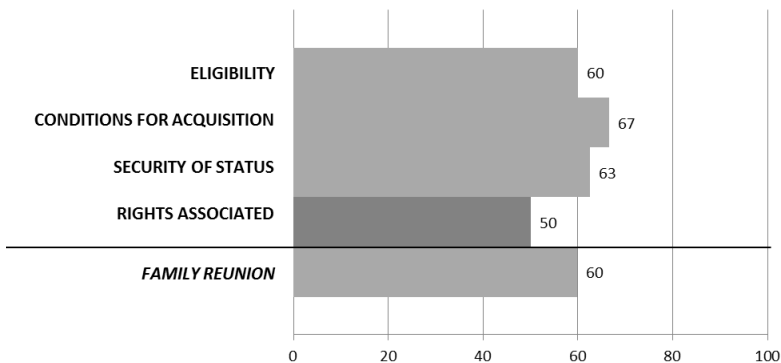
- South Korea's policies for the reunification of "multicultural families" are just "slightly" favorable for integration, scoring 60/100,

around the European average and slightly better than Japan.
- Similar eligibility and conditions in South Korea and Japan as in average MIPEX country, including the nuclear family, a basic economic resources requirement, and additional requirements for a sponsor's dependent adult children and parents.
- However, on eligibility, South Korea scores lower than most MIPEX countries by restricting categories of sponsors entitled to family reunification and by not recognizing long-term relationships and partnerships.
- Any future introduction of Korean language pre-entry requirements to obtain a visa would probably cause delays in reunification and make the conditions less favorable for integration, unless free courses are provided in all countries of origin to help all applicants to succeed (for such a more favorable practice, see France).
- Slightly more favorable security of status because of fewer discretionary grounds than in Japan and many European countries (see better practices in traditional countries of immigration).
- Reunited families generally benefit from the same rights as their sponsors as well as recently developed targeted integration support.
- An area of weakness is only halfway favorable rights for newly arrived family members: legal barriers to immediate equal access to labor market (unlike in most MIPEX countries) and very weak access to an autonomous permit for most (see instead traditional countries of immigration, Norway, Sweden and Portugal).

2.1.3 Education
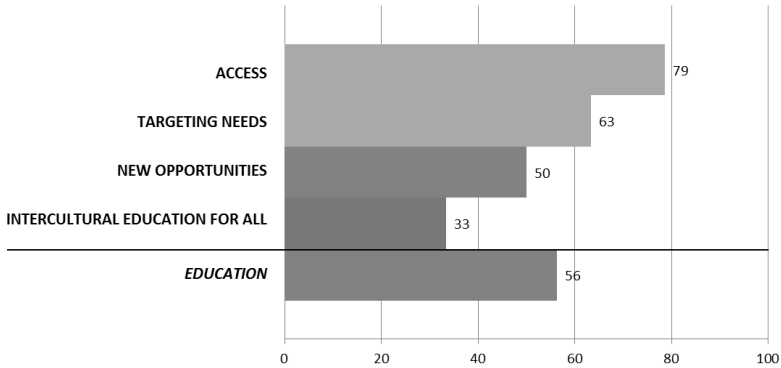
- The education of migrant pupils is an area of weakness in most MIPEX countries, with the few positive exceptions being traditional countries of immigration and the Nordic countries.
- South Korea is no exception: overall its education support for children in multicultural policies is halfway favorable for societal integration (that said, South Korea has far more developed migrant education policies than most new countries of immigration such as Japan or Southern and Central European countries):
  ◦ One area of weakness is the difficulty to access vocational training and higher education for pupils arriving as undocumented migrants (half the MIPEX countries allow equal access to all levels of the education system).
  ◦ MIPEX suggests that more could also be done to support schools in assessing a newly arrived pupils' years of past learning, create mandatory school introduction programs for newly arrived migrant pupils and their parents, use binding quality standards for teaching Korean-as-a-foreign-language, monitor disaggregated statistics on migrant pupils' achievement (for good practice, see Canada, Finland, and Sweden).
- Moreover, South Korean schools do not recognize all the opportunities that migrant students bring and do not adopt a strong intercul-

tural education approach (for good practice, see Australia, Canada, and Sweden):

◦ While Korean schools favorably include immigrant cultures and parents in school, they are not required to support the teaching of immigrant languages (unlike the majority of MIPEX countries) or to adopt measures to fight school segregation (a problem in most countries).

◦ Korea's slightly weak implementation of intercultural education would be strengthened through measures to diversify the teacher workforce and greater support for schools to adapt the curricula and materials to reflect the diversity of the school population (see Netherlands, Norway, Sweden, and the United Kingdom).

2.1.4 Political Participation
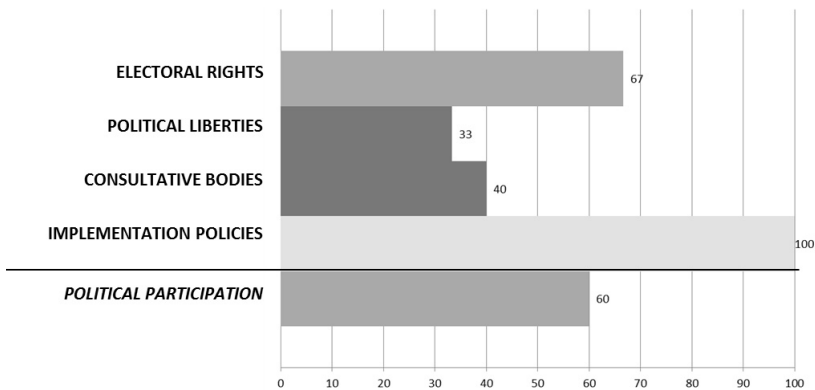
- Unlike most new countries of immigration, South Korea has put in place some "slightly favorable" policies to include foreigners in political decision-making.
- Most favorably, public financial support is available for the creation of immigrant-run associations, while foreigners have passive voting rights (both are also the case in the majority of established countries of immigration).

- The major area of weakness is foreigners' political liberties which are far below the standards in most MIPEX countries.
- Foreigners cannot be members of political parties and do not have equal right to run media organizations, as in only a few small and very recent destination countries in Central Europe.
- While South Korea's structural consultative bodies at local, regional, and national level have favorable powers, their structure in South Korea is slightly unfavorable for promoting foreigners' political participation because these bodies are not led and freely elected by foreigners or their associations (see instead bodies in the Nordic countries).

2.1.5 Long-Term Residence
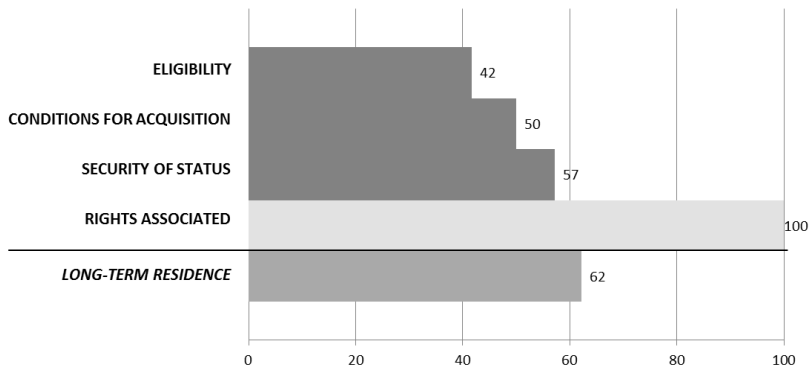
- Slightly favorable and similar to Japan or the average MIPEX country: long-term residence is the area of strength in most MIPEX countries.
- South Korea's eligibility provisions are halfway favorable. The requirement is five years like most EU countries but with some vague provisions on interruptions in residence and, most important of all, South Korea (and Japan) still exclude more categories of foreigners than most MIPEX countries.
- The conditions are also halfway favorable: there is a basic self-suffi-

ciency requirement as in most countries but no legal time limit on decision-making unlike most EU countries.

• Permanent residents enjoy indefinite residence rights and equal social and economic rights (as in most MIPEX countries), but have very weak protections against expulsions, which is a problem in most countries (see stronger legal protections in Australia and several Western European countries).

2.1.6 Access to Nationality
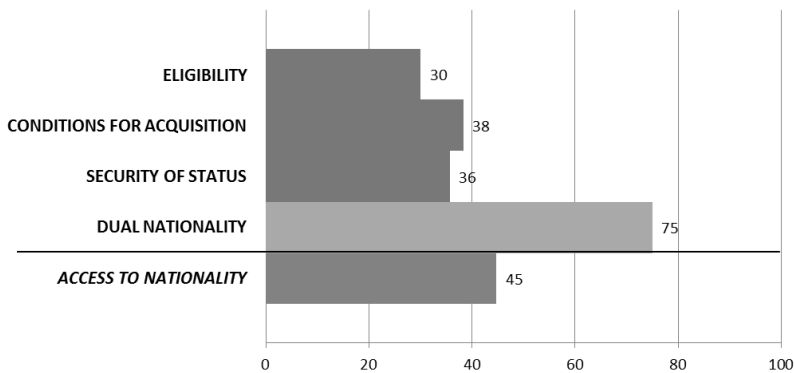
• Access to nationality is halfway favorable for integration in South Korea as in the average European country but less favorable than in traditional countries of immigration such as Australia, Canada, and the US.

• Partial acceptance of dual nationality is a major asset for integration, however most MIPEX countries are moving toward full tolerance of dual nationality.

• Although the residence period is short for ordinary applicants and spouses of Korean nationals, the overall eligibility provisions are slightly unfavorable because the second and third generation born in South Korea are not entitled to become citizens at or after birth (jus soli), which is the trend in the majority of MIPEX countries.

• Several weaknesses also emerge in the ordinary naturalization con-

ditions and security of status:

- ◦ While applicants receive free support to pass the Korean language and citizenship requirement, the assessment itself should also be free, independent of government, and should exempt more vulnerable groups (see Australia, Canada, and Germany).
- ◦ Economic resource requirements have been removed from naturalization requirements in around half the MIPEX countries. Most MIPEX countries, including Japan, limit the grounds for withdrawal of citizenship from naturalized citizens and grant them greater legal protection from statelessness.
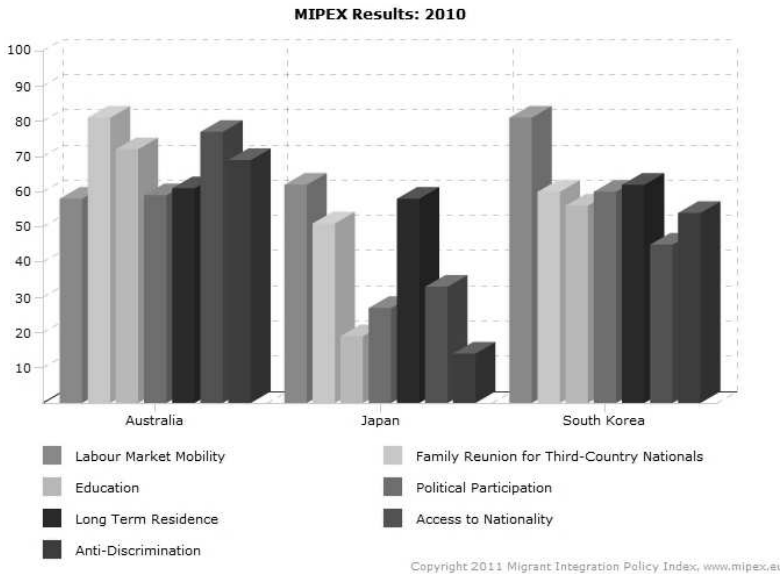
2.1.7 Anti-Discrimination
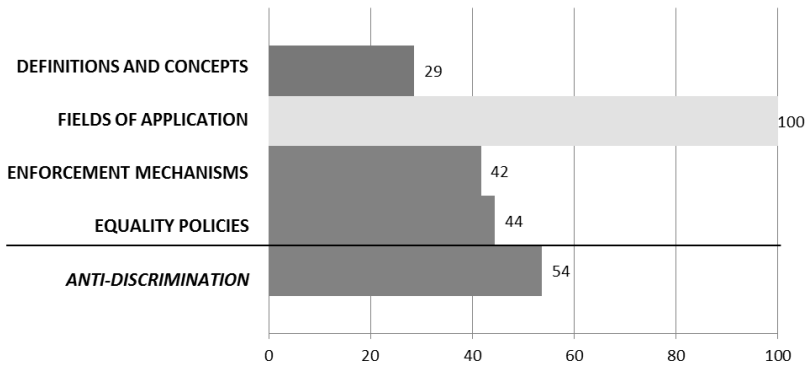
- • Internationally, South Korea's anti-discrimination framework is only halfway favorable for protecting victims from discrimination. MIPEX finds that many explicit legal protections of definitions, concepts, and enforcement mechanisms are lacking in South Korean law, but are much more developed than in Japanese law.
- • Discrimination is favorably prohibited in all areas of life on the grounds of race, ethnicity, religion, and nationality (as in the majority of MIPEX countries).
- • However, South Korean law is slightly weak compared to most MIPEX countries in the specific definitions of discrimination, such

as direct and indirect discrimination, multiple discrimination, discrimination by association and on the basis of assumed characteristics, harassment, instruction to discriminate and public incitement to violence, most of which are covered in legislation in the EU and traditional countries of immigration.

• Potential victims of discrimination also face many more obstacles to access to justice than in most MIPEX countries: no explicit right to file a discrimination claim in judicial and criminal matters, no shift in the burden of proof, no protection against victimization, and no possibility to bring class actions.

• The alternative available, the National Human Rights Commission, can advise some victims, investigate the case of some victims, and provide some remedies, but has weaker powers than many equality bodies in Europe and traditional countries of immigration.

• The Korean state does try to initiate public dialogue on discrimination and work on the issue, but has not created a mechanism to review all legislation for conformity with anti-discrimination law or an obligation for public authorities to promote equality in their functions and public contracts (see instead Canada, Norway, Sweden, U.K., and U.S.).
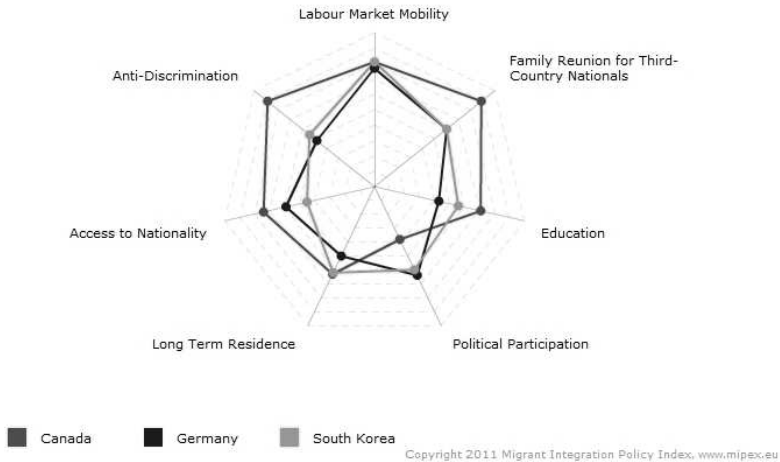
2.2 Korea compared with other countries

With an overall MIPEX score of 60/100, South Korea's current integration policies are just "slightly favorable" for promoting immigrant integration. South Korea would rank 13th among MIPEX III countries. Compared to most other recent emerging countries of immigration, South Korea has very quickly improved its legal framework for integration, in a similar way to Portugal, Spain, or Finland in Europe. It is interesting to compare Korea with Japan and Australia (all three countries are non-European OECD members) and with OECD countries in North America and Europe. The figures below compare the 2010 results for Australia and Japan and the results of the recent assessment of Korea.

MIPEX Results: 2010

Labour Market Mobility	Family Reunion for Third-Country Nationals
Education	Political Participation
Long Term Residence	Access to Nationality
Anti-Discrimination	

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Korea, scoring in all seven strands below 60% except for labor market mobility, is doing better than Japan. Both countries are economic powerhouses and recent immigration countries. This makes policy exchanges between these two countries interesting and useful. Australia is a traditional immigration country which is fostering its economic ties with Asian countries. This country is doing better than Japan and also than Korea but with smaller differences (except for labor market mobility where Korea scores better). Korea can also be compared with Canada and Germany. The former is a traditional immigration country and often seen by policy-makers as a model. Germany is a country with a long history of immigration but reluctantly calls itself an immigration country. The figure below shows that Canada is doing better in all but one strand (political participation) where both Germany and Korea are doing better. These two countries have comparable scores. Bi-lateral exchanges between these two strong economies make sense. Both face demographic challenges and have to cope with labor market mismatches.

MIPEX Results: 2010

Labour Market Mobility
Family Reunion for Third-Country Nationals
Anti-Discrimination
Education
Access to Nationality
Political Participation
Long Term Residence

Canada   Germany   South Korea

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OECD Co-operation on migration and integration makes sense, as it provides a global platform for policy development and exchange on socio-economic issues including migration. The MIPEX can be used to assist OECD members to meet international standards and improve and maintain their respective MIPEX scores, while putting migration and integration in a wider context of socio-economic development and good governance.

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References

Dronkers, J., & Vink, M. (2010). Explaining access to citizenship in Europe. National variation in policies and the impact on naturalisation rates (2010). Retrieved from http://www.mipex.eu/blog/wp-content/up-loads/2011/07/Explaining-access-to-citizenship-in-Europe_Vink.pdf

Eurostat. (2011). Migrants in Europe, a statistical portrait of the first and second generation. Retrieved from http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-31-10-539/EN/KS-31-10-539-EN.PDF.

Geddes. A., & Niessen, J. (2005). European civic citizenship and inclusion index. Retrieved from http://www.migpolgroup.com/public/docs/44.EuropeanCivicCitizenship-and-InclusionIndex_2005.pdf.

Helbling, M. (2010) Which indicators are most useful for comparing citizenship policies? Retrieved from http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/380-which-indicators-are-most-useful-for-comparing-citizenship-policies?showall=&limitstart=.

Huddleston, T., Niessen, J., & Tjaden, J. D. (2013). Using EU indicators of immigrant integration European Commission. Retrieved from http://www.migpolgroup.com/portfolio/using-eu-indicators-of-immigrant-integration).

Huddleston, T., & Tjaden, J. D. (2012). Immigrant Citizens Survey. Retrieved from http://www.immigrantsurvey.org/downloads/ICS_ ENG_Full.pdf.

_____, & _____. (2010). The Migrant Integration Policy Index III.

Jeffers, K., Honohan, I., & Baubӧck, R. (2012). CITLAW Indicators: How to Measure the Purposes of Citizenship. Retrieved from http://eudo-citizenship.eu/docs/CITLAW_explanatory%20text.pdf.

Koopmans, R. et. al. (2010). Citizenship rights for immigrants: National paths and transnational convergence. Retrieved from http://www.wzb.eu/de/forschung/migration-und-diversitaet/migration-und-integration/projekte/citizenship-rights-for-immigrants.

Lee, J. (2013). Migration policy development in the Republic of Korea: A brief review of the Second Basic Plan for Immigration Policy (2013‒2017). *Migration Policy Practice*, 3(5), 22-24.

Meuleman, B., & Reeskens, T. (2010). The relation between integration policy and majority attitudes toward immigration. An empirical test across European countries. Retrieved from http://soc.kuleuven.be/

ceso/dagvandesociologie/ papers/IntegrationPolicy&Attitudes.pdf.

Niessen, J., Huddleston, T., & Citron, L. (2007). *Migrant integration Policy Index*. Retrieved from www.medea.be/2007/03/migrant-integration-policy-index.

Niessen, J. (2009). Construction of the Migrant Integration Policy Index. In: Niessen, J. and Huddleston, T. (Eds.). *Legal frameworks for the integration of third-country nationals*. Leiden: Brill.

Niessen, J., Peiro, M. J., & Schibel, Y. (2005). *Civic citizenship and immigrant inclusion: A guide for the implementation of civic citizenship policies*. Retrieved from http://www.migpolgroup.com/public/docs/45.CiviCitizenship&ImmigrantInclusion_guideforimplementationofcivicctznshippolicies_03.05.pdf.

OECD. (2012). *Settling in: OECD indicators of immigrant integration*. Retrieved from http://www.oecd.org/els/mig/Secretariat_Press_3Dec2012_Final%20REV.pdf.

Oh, J. E., Kang, D. K., Shin, J. J. et al. (2011). *Migration Profile of the Republic of Korea*. Retrieved from http://publications.iom.int/bookstore/free/MP_Korea.pdf.

UNDP. (2013). *Human Development Report. The Rise of the South: Human Progress in a Diverse World*. Retrieved from http://www.undp.org/content/dam/undp/library/corporate/HDR/2013GlobalHDR/English/HDR 2013%20Report%20English.pdf.

Biographical Note

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