Paradoxical Situation after South Korea’s Recent Reform Measures for Women Marriage Migrants

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Abstract. This paper examines the recent reform measures implemented by the Korean Government to protect marriage migrants and prevent problematic situations caused by fraudulent marriages. Commercial international marriage brokers have aided the increase in Southeast Asian women’s marriage migration to Korea since the 2000s. The Korean Government concluded that merely strengthening visa issuance would prevent fraudulent marriages leading to family breakdown. However, the fundamental issue was disregarded. In this paper, I argue that to prevent further issues, the paradoxical situations before and after the reform measures should be reviewed, root causes should be identified, and follow-up actions should be executed.

Keywords: marriage migrant; rapid marriage; foreign bride; marriage broker; international marriage migration

1 Introduction

In 2013, the Korean government announced its intention to implement a series of reform measures pertaining to marriages between Korean men and foreign marriage migrants, and has executed them since 2014. These measures were passed to protect families formed through international marriages and prevent fraudulent marriages. However, contrary to the purpose, these measures have prevented East Asian female migrants from coming to Korea and have obstructed their settlement in the multicultural society of Korea. This paper examines the paradoxical situation of reform measures through the reviews the Korean government’s various documents related to international marriage and determines that the measures undermine the poor marriage migrants’ self-determination in their marriages with their Korean spouses and do not effectively contribute to improving their inferior status or poor family relationships. It therefore argues the need for more fundamental follow-up actions.
2  Trends in East Asian International Marriage Migration

Globalization caused by the development of transportation and information and communication technologies in the 20th century has significantly increased cross-border population movement in the form of international migration of workers, international marriage, and so on[1]. International migration can be largely divided into four types: movement from low-to-medium-level developed countries to advanced countries (south-north movement), movement between advanced countries (north-north movement), movement from advanced countries to low-to-medium-level developed countries (north-south movement), movement between low-to-medium-level developed countries (south-south movement)[2] Among these, the most common form of movement in East Asian countries is from low-to-medium-level countries to advanced countries[3]. These three East Asian countries such as Korea, Japan, and Taiwan are the host countries in international marriage immigration with the common factor of an unbalanced sex ratio in rural areas, which they found could be resolved by international marriage with foreign women. Although local governments have played a leading role in resolving marriage problems in Japan, in Korea and Taiwan, the central government has played this role.[4]

3  South Korea from Labour Sending Country to Labour host Country

3.1  Lives of Korean Marriage Migrants

Many female marriage migrants who came to Korea with a Korean dream in the 2000s through commercial international marriage brokers met with great disappointment because they were forced to obey patriarchal family norms, they could not communicate with their families, the grooms were too old, and they had to lead economically needy lives. Korean husbands and agents promised to send money regularly to the spouse’s family in their home country, but this did not happen in reality. Additionally, Korean husbands who married after paying a fee to the international marriage broker indulged in violence, thinking it to be their right, having bought their spouse. Domestic violence was the primary cause of family breakdown among marriage migrants [5] Domestic violence in the form of insults and verbal abuse, physical violence, and mental cruelty were committed by Korean husbands and their families. According to the Nationality Act of Korea, if a female marriage migrant proves being subjected to domestic violence by her husband, she is eligible for naturalization after divorce. However, if she is unable prove the same, she cannot stay after divorce and will be deported to her home country. Therefore, most female marriage migrants try to maintain marital life while enduring physical violence and mental cruelty until the naturalization application is accepted. Unfortunately, divorce between international marriage couples is growing steadily in Korea. Divorce does not end the couple's unhappiness as with divorce follow the problems related to children, illegal stay in the country, and human rights. Consequently, costs related to
the dissolution of international marriage that are borne by the country and society are also increasing.

3.2 Aftermath of Rapid Marriage

Although there has been an explosive increase in the number of marriage migrants, life in Korea has not been easy for them. Blind dates arranged by commercial international marriage companies resulting in marriages within a week are structurally contradictory and lead to family disorganization. Brokerage firms are reluctant to disclose such personal information of marriage parties that could cause disengagement because their final goal is a wedding. Korean grooms and foreign brides desperately seeking marriage avoid disclosing the truth about their past career, income, and occupation because the disclosure during the short pre-marriage period may ruin their chance of marriage. Therefore, as long as such asymmetric information is shared among the three parties, fraudulent marriages and sham marriages and the resulting family disorganization is inevitable.

Since 2008, most of cases related to female marriage migrants occurred due to the inability of communication between Southeast Asian wives and Korean husbands. Marital problems leading to runaways, domestic violence, and even murder are the result of a lack of understanding between the couple; these problems often lead to intergovernmental diplomatic issues.

3.3 Reform Measures

The South Korean Ministry of Justice believed that implementing stringent examination criteria for visa issuance would successfully prevent fraudulent marriages between Korean men and their foreign spouses and thus protect the subsequent breakup of their families. Therefore, to ensure true marriage commitment, the Ministry included conditions to be fulfilled, such as either passing Level 1 or higher of the Test of Proficiency in Korean (TOPIK) or completing a six-month course, and meeting of specific income requirements by the Korean spouse, and so on. Other qualifications are as follows: the Korean spouse can only have married a foreign spouse once in the last five years, and he needs to have a residence owned or leased in his name or in the name of a person in his immediate family. Moreover, those who have acquired citizenship through marriage with a Korean in the past can only marry foreign spouses three years from the day of acquiring citizenship. These reform measures aimed at preventing fraudulent marriages.

Thus, the requirement of proficiency in Korean ensured sufficient communication between the spouses, and income requisites of the Korean host strengthened economic conditions.
4 Paradoxical Situation After Reform Measures

The measures taken by the Korean government to prevent international marriage facilitated by commercialized international marriage brokers and their consequent problems has led to a decrease in applications as a paradox situation by international marriage migrants, the subjects to be protected. This could consequently lead to fewer marriages of low-income Korean men.

In 2014, 23,300 international marriages took place in Korea, a reduction of 2,600 marriages (10.2%) compared with the previous year. Of these, 7,200 marriages were between Korean women and foreign men (lesser by 6.4%), while 16,200 marriages were between Korean men and foreign women (lesser by 11.8%)[6]. Marriage migrants, women mainly from developing countries who married men with Korean nationality but did not acquire Korean nationality, totalled 128,193 as of 2014. The growth rate was maintained at 28% per year from 2002 to 2013, after which it showed a significant reduction. The reform measures related to marriage immigration visa implemented by the Korean Government are supposedly the cause of the reduction, which is ironical as these measures have been executed to protect the subjects.

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Domestic violence</th>
<th>Sexual violence</th>
<th>Couple conflict</th>
<th>Family trouble, Runaways</th>
<th>Divorces</th>
<th>General law</th>
<th>Staying in the country</th>
<th>Shelter</th>
</tr>
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<tbody>
<tr>
<td>Aggregate Cumulative</td>
<td>8,573</td>
<td>780</td>
<td>196</td>
<td>779</td>
<td>375</td>
<td>2,114</td>
<td>978</td>
<td>1,235</td>
<td>606</td>
</tr>
</tbody>
</table>

Source: Seoul Counselling Centre for Female Migrants (2014)

Meanwhile the divorce rates of couples in international marriages, which were steadily increasing, have stabilized and decreased slightly since 2013. However, the divorce rates for couples composed of a Korean man and a foreign woman are still high. In 2014, approximately 16,200 such marriages and 7000 divorces were reported. In 2014, the Seoul Counselling Centre for Female Migrants provided counselling to a total of 8,573 cases; in descending order, the most common reasons for counselling were divorce, stay in the country, general law, and domestic violence.

Given the paradoxical situation of unabated and ongoing domestic violence and family disorganization, it can be seen that the measures carried out by the Korean government to prevent fraudulent marriages and promote stable settlement of multicultural families are not sufficient. Since the family breakdown of such marriages is caused by the economically and institutionally superior position of Korean husbands, finding a method to improve the institutional human rights of female marriage migrants should be the priority.
5 Conclusion

Given the current paradoxical situation, the Korean Government should urgently undertake the proposed follow-up actions. Although temporary effects have been achieved, the current policies intending to control the international marriage brokers cannot solve the fundamental problems related to international marriage. Strengthening requirements such as communication, minimum income, and residential space cannot prevent or solve problems of the last 10 years; in fact, these policies may give rise to further problems. Therefore, this paper proposes follow-up actions to resolve the paradoxical situation that has emerged as a result of the implemented reform measures.

Korea has been facing the challenges of low fertility and aging since the past 10 years. It is clear that female marriage migrants bear the responsibility for social reproduction in the Korean society; therefore, their fundamental rights as citizens should be guaranteed and international marriage as an economic alternative for low-income women should be propagated. It is time to find a method that facilitates mutual win-win to replace binding regulations in terms of the host country and sending country.

References