

## Situation of Mongolian Legal and Illegal Migrant Workers in South Korea

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Starting from the transition to a democratic society from socialist society, internal and international migration to seek for labor has intensified in Mongolia. Under the Industrial trainee system and Employment permit system of Korea, many Mongolian people are going to Korea for working by the inter-governmental or inter-organizational contracts. For living and employment conditions of the Mongolian migrant workers in Korea, specific studies are limited. Therefore, the main objective of this study was to explore the distinctive situations of Mongolian legal and illegal migrant workers in Korea.

The study shows that all Mongolian migrant workers, including legal and illegal, face many difficulties in destination country and cannot enjoy various basic rights stated in the internationally respected documents and national Constitution. Although Mongolian migrant workers earn more money in the Korea than in the home country, the findings of this study confirm that migrant workers are economically at risk in destination country too, because of non-stable work place (high probability to change workplace), difficulty of finding a job, no labour contract etc. The survey findings show that most Mongolian migrant workers live and work in critical situations with no safe work place, no comfortable living condition, and no sufficient social protection.

**Key words:**

Illegal and unskilled migrant workers, labour contract, safe work place, living condition, unemployment allowances, workplace accidents, social and health insurance

### Introduction

In the last 30 years, the volume and significance of international migration has grown rapidly. Despite the positive experiences of many migrant workers, a significant number face undue hardships and abuse in the form of low wages, poor working conditions, and virtual absence of social protection, denial of freedom of association and workers' rights, discrimination, as well as social exclusion. These developments erode the potential benefits of migration for all parties, and seriously undermine its development impact (ILO 2006).

In its high-level dialogue, the International Labor Organization (ILO) has identified migrant workers, especially migrants in irregular status, as one of the most vulnerable workers to abuse of human and labor rights. Many studies, including the 2003 ILO global survey of labor migration

policies and practices, point clearly to the fact that sound policies in both origin and destination states make a difference to the protection of the workers, and to achieving gains from migration. However, in many countries, including both sending and receiving countries, policy development on growing concerns about international migrants and its monitoring are hindered by lack of accurate and up-to-date information and data (UNDESA/PD 2005; UNDESA/PD 2002).

Starting from the transition to a democratic society from socialist society, internal and international migration to seek for labor has intensified in Mongolia. As of 2002, according to the Ministry of Foreign Affairs of Mongolia (MFAM), there was an estimated number of over 100,000 Mongolians living, working and studying abroad (cited by MPDA 2005). Among them, about 54 percent was staying legally in the emigrated countries, and remaining 46 percent was estimated as il-

legal/undocumented. By the destination country, Republic of Korea (hereinafter referred to as "Korea") has been led by the estimated number of 22000 migrants, followed by the USA with 16000, Germany with 7000, Russia with 3600, Japan with 3300, and so on. Data from MFAM also confirm that since the opening of possibilities to travel abroad for Mongolians, the number of migrants (particularly 'economic' migrants) to Korea has been always in the top among all emigrants' list.

According to the estimation based on official data, as of past few years, the Mongolian emigrants to Korea take approximately 20-25 percents of all Mongolian emigrants<sup>19</sup>. As of April 2007, an estimated 28000 Mongolian migrants were living and working in Korea<sup>20</sup> and an official survey report informs that this number will continue to grow (MPDA 2005: 69)<sup>21</sup>. Although the absolute number of Mongolian immigrants in Korea may not appear to be large compared to that of other countries, for Mongolia, which has only 2.6 million people, this constitutes a not small proportion of the population.

Until 2005, reliable or official information on living and working conditions of people living abroad were very limited in Mongolia. Basing on the emerged need of information and data collection on emigrants-related issues, in 2004-2005, Mongolian Population and Development Association (MPDA) conducted a survey on Status and Consequences of Mongolian Citizens Working Abroad under the request and supervision of the Ministry of Social Welfare and Labor of Mongolia (MoSWL). In that survey, the Korea, the USA, and the Czech Republic were referred to as the receiving countries of migrants from Mongolia<sup>22</sup>.

The survey on Status and Consequences of Mongolian Citizens Working Abroad explored that most of Mongolian emigrants were highly motivated by economic considerations (migrant workers); considerable proportion of migrants were undocumented/illegal; and proportion of undocumented/illegal migrants is highest among

the migrants in Korea. However, the disparities between the situations of legal and illegal Mongolian migrant workers have not been studied in that study. Although all migrant workers, including legitimate and illegitimate, contribute to their family as well as to the economies of home and host countries through their direct income and remittance or tax, illegal migrant workers usually cannot enjoy the internationally respected basic rights that are relevant to migrants and workers because of their illegal status (UNDESA/PD 2005; ILO 2006; MPDA 2005; ROK 2003). Therefore, to contribute related professionals' action strategies on migrant workers, this paper aims to study the situations of Mongolian legal and illegal migrant workers in Korea.

## Study Objectives

The main objective of this study is to explore the distinctive situations of Mongolian legal and illegal migrant workers in Korea. The following specific issues were studied in the study:

- Basic characteristics of legal and illegal Mongolian migrant workers in Korea
- Employment and Work environment of legal and illegal Mongolian migrant workers in Korea
- Living quality and Access to social services of legal and illegal Mongolian migrant workers in Korea

## International regulations on migrant workers and Migrant workers' situation

In the international level, there are many legal acts and regulations that are relevant to migrant workers. The International Labor Organization (ILO)'s Conventions and Recommendations constitute the most important building blocks for the protection of migrant workers at the international level. The ILO core conventions apply to all migrant workers regardless of their status. The two ILO Conventions on migration—the Migration for Employment Convention, 1949 (No.97) and the Migrant Workers Convention (Supplementary Provisions), 1975 (No.143)—together with the

<sup>19</sup> Own estimation based on the MFAM data

<sup>20</sup> Source: news on bilateral meeting of officials in Seoul, on April 25, 2007 at URL: <http://www.tv5.mn/tv5/index.html>

<sup>21</sup> Under the bilateral agreement of governments of Korea and Mongolia, 15000 workers will be exported from Mongolia to the Korea in 2008. A selection process of new workers started by registration on 18 May 2007 in Mongolia (<http://www.tv5.mn> : news of 18 May 2007).

<sup>22</sup> The main objective of that survey was to explore condition of Mongolian migrants residing abroad, their contributions to the Mongolian economy, the patterns of labor migration, and to develop policy recommendations.

1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provide a broad legal framework for migration policy and practice covering most issues of treatment of migrants and of inter-State cooperation on regulating migration (ILO 2006: 75).

In practice, unfortunately, most of the international regulations concerning migrant workers, deal only with the protection of migrant workers who have been regularly admitted for the purpose of employment. In many countries, legal application of human rights to non-citizens is inadequate or seriously deficient, particularly as regards to irregular migrants and their family members, who do not have legal authorization to live and work in destination country. For instance, migrants who have no legal authorization often work in marginal, low status occupations that are inadequately regulated or located in illegal sectors of economic activity. They have limited opportunities to unite and protect their rights, and thus they often accept any working and living conditions. Consequently, illegal migrants have often been perceived as able to work long hours for low pay and to have limited possibilities to demand benefits or other protection. Those migrants often work in unstable, uncertain, unsafe conditions where they could be damaged without prior notice. Thus, they are at the margin of protection by workplace safety and are socially insecure (UN-DESA/PD 2005; MPDA 2006).

A brief overview of the migration and relevant policies in the various subsystems also indicates that even though regulations of migration in the particular regions have own specificities, their consequences are pretty similar. According to G.Battistella (2005), the migration policy model in Asian continent is that of temporary labour migration. However, above mentioned general pictures of migrants in host countries also apply to the Asian migrant workers despite their temporary characteristic of migration. In many Asian countries, migrants are admitted with a work contract for a strictly limited period of time, and the regulation system is designed to avoid the establishment and formation of minorities. Contract workers are not allowed to be joined by family members and in some cases (such as in Singapore and Malaysia) their integration with the local community is so discouraged as not to allow or favor marriages with local citizens. Obviously, possibilities to naturalize cannot even be considered (G.Battistelle 2005: 17).

For the future policy development or improvement on migrant workers issues, it is important to distinguish and identify the migrant workers who are most vulnerable to any rights violations. Studies show that among migrant workers, women, especially domestic workers, illegal migrants, and trafficked persons are at more risk to any rights abuses compared to other migrants (ILO 2006; R.Prey and S.OLee 2007). For example, in many countries women migrant workers face all of the barriers faced by male migrant workers plus the gender related barriers, such as domestic violence, sexual abuses and workplace discrimination, including lower wages for equal work. In addition, in many Asian societies, women play main role in their daily family life. In the case that female migrant worker lives separately from family, her possibility to give direct cares to family life is limited. In this sense, family members of women migrant workers, particularly children and elders, are also likely to come at vulnerable condition.

Besides of these, some studies say that the migrant workers' situation in host country depends on their education. For highly educated, skilled and professional migrants, whose earnings allow them to obtain long-term or permanent settlement, to bring the family with them and to have access to naturalization (UNDESA/PD 2004). On the contrary, unskilled foreign workers have little opportunity for legitimate employment in the destination country (CERD 2003).

### International migrant workers in Korea

Korea opened its labor market to foreign migrant workers after the mid-1980s due to severe manpower shortage in the small and medium businesses (SMBs) and the number of foreign workers in Korea has increased drastically since then. At present, there are three categories of foreign workers in the Republic of Korea: the legally employed workers, industrial and technical trainees (not legal workers), and undocumented/illegal migrant workers<sup>23</sup>. In general, Korea does not allow unskilled foreign labor to enter Korea as an additional part of the workforce; unskilled migrant workers are allowed to enter only as an industrial and technical trainee. Nevertheless, a large number of unskilled migrant workers have entered Korea for the purpose of employment (S.Dong-Hoon 2000; MoJ, Korea 2006).

Currently, there are about 400,000 migrant work-

ers in Korea and close to half are undocumented (R.Preys and S.O.Lee 2007). The proportion of undocumented workers always was highest among foreign migrant workers, followed by that of trainees, and legally employed migrant workers. In other words, majority of foreign migrant workers at the past and at present remain undocumented in Korea (MoJ 2006, Hoon Soo 2004).

The majority of migrant workers in Korea works in jobs classified as low-skilled work: generally manufacturing jobs at small and medium sized factories, construction work, and in the irregular service industry. According to Dong-Hoon (2000), Chulwoo (2002), Hoon Soo (2004) and many other researchers, migrant workers fill up the big hole of the so-called 3-D (Difficult, Dangerous, Dirty) jobs in the Korean domestic labor market which are not filled with the native workers. This means, migrant workers in Korea are not taking jobs away from native workers. On the contrary, they are helping the Korean economy by accepting jobs Korean workers would not consider.

One of the main mechanisms recruit labor from foreign countries in Korea was the Industrial Trainee Scheme (ITS), which was introduced in 1991. Under this program, the trainees were generally susceptible to human rights violations due to their "underprivileged" status stated in the "Immigration Control Act" and limited entitlement to protection guaranteed by the "Labour Standard Act" (CERD 2006). According to this program, foreign workers entered Korea are seen as trainees but not workers. In practice, however, they actually work in the factory without training and are regarded as disguised workers (S.Dong-Hoon 2000). New Employment Permit System (EPS) passed on July 31, 2003 in Korea<sup>24</sup> has improvements such as treats foreign workers as labourers, applies labour-related laws including the "Labour Standard Act", the "Minimum Wages Act" and the "Occupational Safety and & Health Act" to foreigners; but some regulations remained as same with the ITS (CERD 2006; Hoon Soo and others 2004). For example, it continuously violates workers three basic rights of unionizing, collective bargaining and collective action etc. As of the end of October 2005, a total of 52,735

foreign workers have entered the Korea and are working under the EPS (CERD 2006).

Publicly, these systems were criticized that they affected an increase of undocumented/illegal workers. Since the implementation of those programs, a significant number of trainees became undocumented migrant workers after the expiration of their visa, and some were even found to have escaped from their designated companies to become undocumented migrant workers (S.Dong-Hoon 2000: 12). According to data released by the Ministry of Justice of Korea, 37.5 percent (50,980) of all the industrial and technical trainees in the 1994-2000 periods (135,769) escaped from companies with which they contracted to work. As of 2000, among undocumented migrant workers, about 20 percent were former trainees. Also, data released by the Ministry of Labor of Korea shows that a total of 2,053 foreign workers left their employees illegally from January to November 2006. Here, Mongolian topped the list with 687; Thais, 612; Indonesians, 246; Filipinos, 231; Vietnamese, 193; and Sri Lankans, 84<sup>25</sup>.

Why do trainees become "illegal" in Korea? According to Hoon Soo Kim (2004), Seol Dong-Hoon (2000), Chulwoo (2002), many trainees leave their assigned workplace in search of a higher pay, because the wages of industrial trainees are lower than those of undocumented workers. There are several reasons for the wage difference:

- Wages of industrial trainees are "fixed" based on the regard that trainees as not workers. But, in the labor market there were many employers who are willing to pay higher wages.
- Undocumented workers tend to work in the service sector where average wages are higher than those in the manufacturing sector where most trainees work.
- Undocumented workers tend to work more hours than industrial trainees

Besides the wage gap, trainees were subject to a greater degree of control; and brokers, who have rights to select trainee in the procedure of

<sup>23</sup> Those having neither valid employment visa nor valid industrial and technical trainee visa.

<sup>24</sup> According to Robert Preys and Seon Ok Lee (2007), as of January 2007, the EPS is in the process of being phased out.

<sup>25</sup> Philippine Information Agency (PIA), 2007. PIA Daily News Reader (press release) at URL: <http://www.pia.gov.ph/default.asp?m=12&fi=p070413.htm&no=54>

trainee program, subtracted their payment from the trainees' monthly wages (legally, their earned money is not wages, but allowances because they are not workers but just trainees). With brokerage fees so high it was extremely difficult to pay them back, and many trainees escaped from their assigned jobs. Lastly, many trainees find that their working conditions and treatment they experience are worse than they expected before leaving for Korea.

Under the trainee programs, especially for ITP, trainees faced a number of basic human rights violations such as discriminatory low wages, compulsory overtime working and holiday working, frequent occurrence of industrial accidents, intermediary exploitation by agencies, passport seizure, prohibition of going outside company, physical violence, abusive language, unsafe working arrangements, sexual abuse for women workers, over-crowded living conditions, no freedom to change work and so forth (R.Prey and S.O.Lee 2007; Hoon Soo 2004; Chulwoo.L 2002; A.Yong-kyun 2002 cited by Chosun Ilbo, 4 November 2002; S.Dong-Hoon 2000).

In addition, general health standard of migrant workers is far below than those of the native Korean population. Work related injury is estimated to affect almost one third of the migrant workers. Besides of the work related illnesses and accidents, bacterial protozoan, worm infections, and respiratory illnesses, such as tuberculosis, bronchitis and pneumonia are commonly reported among workers because of poor living conditions in housing provided by company. Existing medical services and necessary health information in Korea is usually provided in Korean. Consequently, the most basic of medical needs are not met and HIV/AIDS care services are legally denied to migrants (H.S.Kim and colleagues 2004: 11-12).

For the undocumented migrants, although they were "advantaged" compared to trainees in terms of income, they had faced more serious human rights abuses because of less possibility to protect their rights under the "illegal" status. For example, as long as the primary concern for illegal migrant workers is the danger of being repatriated to their countries after reporting abuses to

authorities, many employers use this weakness to conceal their illegal actions. Moreover, their wages are still lower than that of native workers. All these facts show that a series of human rights violations for migrant workers emerged as one of the major social problems in the Korea. Although Korean government is taking actions to correct the situation step by step, they are seen as insufficient.

### Demographic, socio-economic and emigration patterns of Mongolia

Mongolia is a Northern Asian country that landlocked between China and the Russia. According to the National Statistical Office of Mongolia (NSOM), as of 2005, it has the extensive territory of 1564.1 thousands square kilometer and a small population amounted 2.5 million. Its population density is only 1.64 people per sq.km, which is one of the sparsest indicators in the world. Of the total population, 49.3 percent are men, giving a ratio of 98 males for every 100 females. People in the labor age (15-64) account for two third of the population (64 percent) and mid-term population projections show that this percent will increase intensively in coming two decades. However, labor force participation rate is only 63.5 percent and GDP per capita is 750 U.S \$ (in PPP: \$2,059)<sup>26</sup>.

Transition from socialist system to market economy system which brought many change in the society started from early 1990. Since 1992, Mongolian centrally planned governance changed by a parliamentary system with a president elected every 4 years. With the beginning of the transition, Mongolia's economic foreign relations which were limited within some socialist countries, particularly with the Soviet Union, were extended by more-westernized countries.

The new (1992) Constitution of Mongolia opened the possibility of traveling anywhere in the world for all Mongolians. At the very beginning of 1990s, many Mongolians started to travel to the Russian Federation and the People's Republic of China for short-term limited trade or as hucksters<sup>27</sup>. Opportunities to go to other countries for longer periods of time opened up after the transition began. People who were studying in

<sup>26</sup> Percent of economically active population among the all population of working age

<sup>27</sup> Initially, Mongolians were not required visas for traveling to two neighboring countries, Russia and China. In 1994-95, Russia ended its no-visa policy for Mongolians.

Western European countries started to settle in their destination countries for work and live, and new generations started to study abroad (MPDA, 2005).

Starting from the second half of the 1990s, emigration in Mongolia intensified and became assumingly more organized. Migrants seeking international experience with regard to business careers and professionals began to emerge, and migrants of early 1990s started persuade their family members, relatives, and friends to join them. Consequently, number of people who migrate for long or short-term labour abroad, officially or privately, has increased dramatically (MPDA, 2005).

In Mongolia, emigration is expanding by two channels: Inter-governmental or inter-organizational contracts; and unofficial channels. The first one is a more official channel that is legalized in terms of the following national legal documents:

- o 1994 Rules of sending labor force abroad and receiving labor force from abroad
- o 1995 Rules of awarding official authorization for agencies and individuals engaged in Mongolian labor force export
- o 2001 National Law on Sending Labor Force Abroad and Receiving Labor Force and Specialists from Abroad.

Since adoption of these laws, there has been expansion of labor export through official channel. However, the number of people who are leaving the country through unofficial channels (private intermediaries or on their own) is not decreasing.

Main reasons for intensified emigration in Mongolia are complex, but mainly are due to economic factors. During the transitional period, particularly since the mid-1990s, unemployment and poverty, which have never been existed before in Mongolia over 70 years because of Soviet-influenced socialist system, have risen sharply<sup>28</sup>; and increase of new working places is inadequate compared to rapid growth of population in the labor ages. In addition, low income/salary<sup>29</sup>; increasing income inequality<sup>30</sup>; inadequate social services including health, education, housing, social welfare system, etc.<sup>31</sup>; and unstable economic growth<sup>32</sup> are other main push factors of increasing out-migration in Mongolia.

Regarding the statistics on international emigrants in Mongolia, local official and publicly disseminated data are very limited. Especially, due to poor national statistical system on migration registration, exact numbers of legal and illegal migrants working abroad are not available in official sources. However, providing the growing concerns about global migration, last few years, the UN Population Division developed datasheets on dynamic trends of the most possible international migration indicators of the world countries. According to those datasheets, net migration<sup>33</sup> in Mongolia is negative (numbers of emigrants are greater than that of immigrants) since 1990 (Table 1). The doubled negative net migration in the period of 1995-2000 compared to 1990 can be explained by the fact that a large numbers of Mongolian citizens of Kazakh ethnicity have migrated to Kazakhstan (NSOM 2005).

**Table 1. Net migration of Mongolia, in number and rate, 1990-2005**

Year (Annual average)	Net migration	
	Number (thousands)	Per 1000 population
1990	- 8	-3.5
1995-2000	-16	-6.5
2000-2005	-10	-3.9

Source: UN Population Division, International Migration 2002 data sheet. USA : UN Publication; UN Population Division, International migration 2006 data sheet. USA : UN Publication.

### Mongolian migrant workers in Korea

Diplomatic relation of Mongolian Government with Korean government started from March 1990. Under the Industrial trainee system (1994) and Employment permit system (2003) of Korea, many Mongolian people are going to Korea for working by the inter-governmental or inter-organizational contracts.

According to the official information of Korea, Mongolia is one of the 14 foreign countries, who are eligible for industrial trainee system in Korea. As of 2004, around 5 percent of total immigrants in Korea were Mongolians (Hoon-Soo.K and others 2004: 44).

An analyzing dynamic trend of the numbers of

Mongolian migrant workers in Korea is very problematical, because timely comparable, regular data sources are limited and various non-regular sources are available only in Mongolia. Nevertheless, accessible sources illustrate a general trend that the number of migrant workers going to Korea is increasing. For example, according to Mongolian National Human Rights Commission, as of November 2002, about 18,000 Mongolian workers are staying in Korea; mostly as illegal immigrants. Online sources, such as [www.korea.net](http://www.korea.net) and <http://www.tv5.mn>, inform that in May 2005, there are an estimated 20,000 Mongolians in South Korea; half of them are illegal workers. As of April 25, 2007, there are 28,000 Mongolian workers in Korea; 16,000 of which are documented; 12,000 are undocumented (news about the bilateral meeting of officials in Seoul on April 25, 2007 at <http://www.tv5.mn/tv5/index.html>). Above data show that not only number of migrant workers coming to Korea is increasing, but also considerable proportion of them is illegal/undocumented migrants. This observation was also supported by Korean statistics (CERD 2003; CERD 2006)<sup>28</sup>.

For living and employment conditions of the Mongolian migrant workers in Korea, specific studies are limited. Some surveys conducted by researchers of Mongolia or Korea give us general picture about Mongolian migrant workers, but distinguished characteristics and situations of legal and illegal migrant workers are undetermined in those studies. The main information source on this area is the survey on Status and Consequences of Mongolian citizens working abroad. The report demonstrates following general pictures about migrant workers in Korea: One in every five migrants in Korea was working without an employment contract or without a work permit or had an expired visa. Compared to other migrants in the USA and Czech Republic, migrants in Korea work in worse conditions and live in

critical housing and living conditions with poor sanitation and hygiene. For example, they live in non-standard structures such as halls, shelters, underground storage halls and dwellings. Also, most of them have no health insurance and few possibilities of obtaining health care and treatment. About one third of all migrants in Korea live with their families. However, the majority of respondents are young, not married or are living separate from their families, thus they are more vulnerable to sexually transmitting diseases and HIV/AIDS. In addition, although most migrants in Korea have an average knowledge of the Korean language, the awareness about internationally and nationally adopted legal acts relevant to migrant workers is very weak among them.

Besides this survey, in 2004, Korea UNAIDS Information Support Center (Hoon Soo Kim and colleagues) conducted survey on Migration and HIV: vulnerability assessment among foreign migrants in South Korea among Bangladeshi, Han Chinese, Korean Chinese and Mongolian migrants in Seoul, Gyunggi-Inchon region and Daegu-Gyungbuk region. According to this survey, Mongolian migrant workers had a lowest risk of HIV/AIDS infection compared to other migrant communities and the reason for this was due to a socio-demographic characteristic (male-female ratio is relatively near) and a comparatively safer sexual behavior (the lowest tendency to visit sex workers etc.) of Mongolian migrant workers in Korea.

In conclusion of the review of related studies, situations of migrant workers in Korea have a lot of problems like that of migrants in other countries; however, there is a distinction in their situations, which is undocumented migrant workers in Korea can be in a better situation compared to legal migrants or "trainee-workers" in terms of their income.

<sup>28</sup> As of 2005, 36.1 percent of the population lives below the national poverty line equivalent of \$0.75 a day.

<sup>29</sup> Based on information of Statistical Yearbook 2005, NSOM, the estimation of wages and salaries per worker per month is 84.3 US\$ in 2005. According to ADB 2005 data, for all of Mongolia, the average consumption per person in 2003 was estimated at less than US\$ 30.00 per month.

<sup>30</sup> Gini coefficient, a measure of income inequality, increased to 0.44 in 2002 (the latest data available) from 0.31 in 1995 (ADB 2005).

<sup>31</sup> Some basic social services, such as basic education, basic health services are free of charge, but they are inadequate in-terms of access and quality.

<sup>32</sup> According to MPDA 2005, although the economic decline that had been going on since the early 1990s had ceased, economic growth has been unstable and easily affected by external factors

<sup>33</sup> Net migration can be defined by number and rate. Number: Net average annual number of migrants, that is, the annual number of immigrants less the annual number of emigrants, including both citizens and non-citizens. Rate: The net number of migrants, divided by the average population of the receiving country. It is expressed as the net number of migrants per 1,000 populations.

## Study Hypothesis

Based on above mentioned studies, it is arguable that those who are working abroad with official employment permission or contracts can have more secure labor conditions and flexible social security conditions compared to those who work illegally. In this study, I assume that this pattern generally applies to Mongolian migrant workers residing in the Korea. Thus, this study tests the following hypotheses: Mongolian illegal migrant workers in Korea are in a worse/more risky situation than legal migrant workers in terms of their working conditions and access to social services. However, their employment status, including income, is likely to be better than that of legal migrant workers.

## Data source and research method

### Data source

For this study, selected raw data of the survey on Status and Consequences of Mongolian citizens working abroad, which was conducted by Mongolian Population and Development Association in 2005<sup>35</sup>, was used. In the original survey, both quantitative and qualitative research methods were exercised. For the quantitative study, it used 4 types of semi-structured questionnaires<sup>36</sup>: Current Migrants; Returned Migrants; Organizations or individuals engaged in money transfer; and Intermediaries. In my study, because of the limited possibility of getting raw data, a subset of primary data which is related to migrants in Korea was used<sup>37</sup>. A primary sample of survey on "Current Migrants" consists of 400 Mongolian migrants who were living in Korea during the survey period. Among them 379 migrants were engaged in income earning activities during the survey period; and others were not participated in income earning activities for one or more months before the survey time. Therefore, for this study, 379 cases of migrants who are engaged in income earning activities were analyzed to determine the disparities between the situations of legal and illegal Mongolian migrant workers in Korea.

## Measurements and Data analysis

The main variables used in this study are legal visa status of migrant worker; their demographic characteristics (age, sex, marital status, education, whether live with family, length of stay, etc.); working condition (employment sector, working hours, work condition, salary, etc.); and some indicators of access to social services (housing condition, whether have health insurance; communication possibility etc.).

Migrant workers are categorized in this study as legal migrant worker and illegal migrant worker; and the followings are the descriptions of them:

- Migrant worker: a migrant who is engaged in income earning activities in Korea during the survey period.

- Legal migrant worker: a migrant who is engaging in an income earning activity in Korea during the survey period, whose visa status in Korea is official or "work permission" or "permanent".

- Illegal migrant worker: a migrant, who is engaging in an income earning activity in Korea during the survey period under the tourist or student visa, or has no visa (expired, requested to extend).

The descriptive analysis (with significance test), including frequency distribution and cross-tabulation, was used to test the hypotheses of this study. Analyses was done using SPSS software programme.

## Study result: Legal and illegal Mongolian migrant workers in Korea

### General characteristics of legal and illegal Mongolian migrant workers in Korea

#### Demographic profile of migrant workers

According to this study's definition, out of Mongolian migrant workers in Korea, 37.7 percents are legal and 62.3 percents are illegal migrant

<sup>34</sup> As of October 2005, a total of 186,614 foreigners were overstaying their permitted term of sojourn, among which Chinese accounted for the largest portion with a total of 80,404, followed by Bangladeshis at 14,455, Filipinos at 13,651, Thais at 11,541, Vietnamese at 10,877, and Mongolians at 10,563.

<sup>35</sup> The purpose of that survey was to collect primary data on living and working conditions of Mongolian citizens residing abroad, their contributions to the Mongolian economy, and the patterns of labor migration.

<sup>36</sup> Sampling techniques were snowball interviewing and simple random sampling.

<sup>37</sup> Totally, survey covered migrants in 3 countries (The USA, South Korea, Czech Republic)

workers.

The Figure 1 shows the age and sex structure of Mongolian migrant workers in Korea. The age-sex pyramid shows that most migrant workers belong to the age group 20-39 with a mean age

of 32. For the sex ratio, percentage of male migrant workers (55 percent) is 10 points higher than that of female migrant workers. By age, the difference between sexes is highest in the age groups of 25-29 and 40-44.

**Figure 1. Age-sex pyramid of migrant workers in Korea**

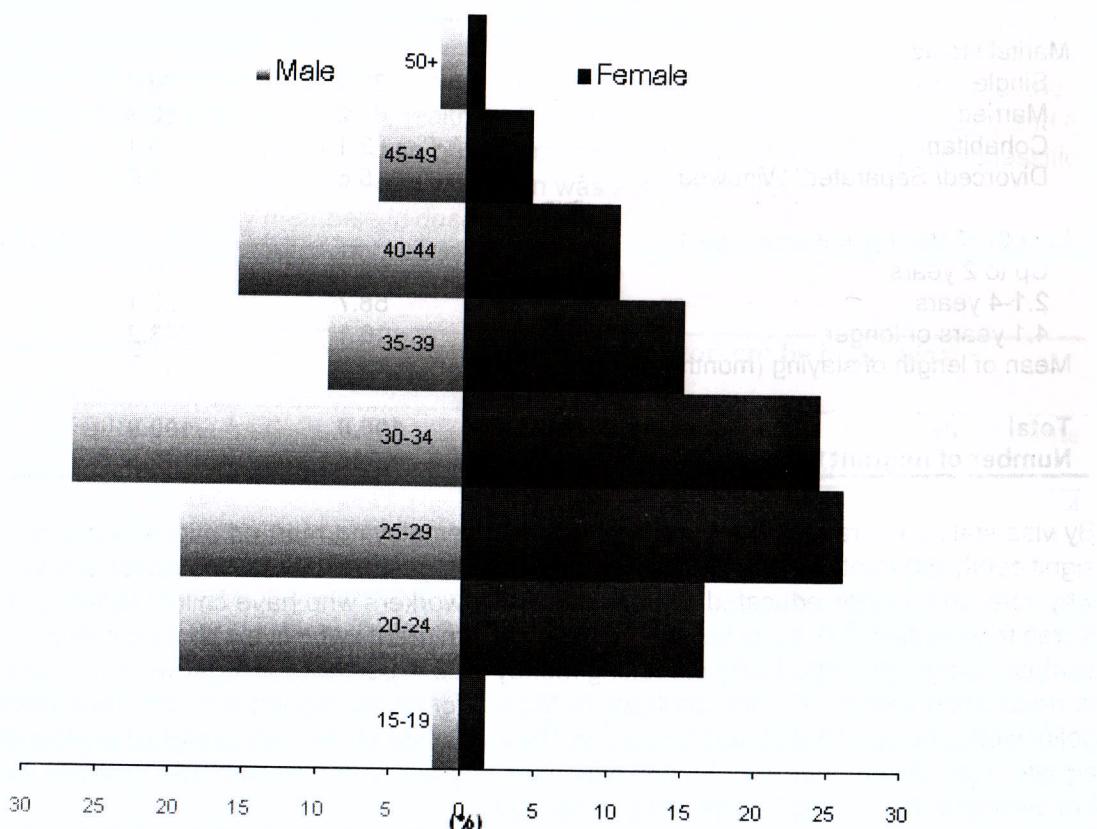


Table 2 shows some basic characteristics of Mongolian migrant workers. Most Mongolian migrants working in Korea have relatively higher level of education (40.6 percent has higher edu-

cation and 21.4 percent has technical or vocational education) and migrants with no education or lower educated people comprise relatively small portions.

**Table 2. Percentage distribution of legal and illegal migrant workers by their characteristics**

<b>Characteristics</b>	<b>Current visa status</b>		<b>All migrants</b>
	<i>legal</i>	<i>illegal</i>	
Education level (year)			
None	1.4	0.4	0.8
8 years or less	16.7	10.2	12.7
10-11 years	28.0	22.5	24.5
Technical/vocational	14.0	25.9	21.4
Higher	39.9	41.0	40.6
Marital status			
Single	30.1	36.4	34.0
Married	62.2	50.9	55.2
Cohabitant	2.1	5.1	4.0
Divorced/ Separated/ Widowed	5.6	7.6	6.8
Length of staying in Korea (year)			
Up to 2 years	25.2	29.7	28.0
2.1-4 years	58.7	27.1	39.1
4.1 years or longer	16.1	43.2	33.0
Mean of length of staying (month)	34.8	41.7	39.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Number of migrant workers</b>	<b>143</b>	<b>236</b>	<b>379</b>

By visa status, migrant workers' education is not significantly different. Then it is questionable that why relatively higher educated people come to Korea to work illegally? It can be explained by the comparatively high opportunity of making money in destination country. On the contrary, in Mongolia, work places and income level are so inadequate even if someone has higher education. For example, the findings of this study exposed that out of all migrant workers, 36.9 percent were unemployed in Mongolia before their departure abroad (this indicator was 38.5 percent for legal migrants and 36.0 percent for illegal migrants). If a number of higher educated people continuously migrate out from original country, and do jobs that requires lower skills and ability in destination country, it is a big loss, particularly for a country of origin.

By marital status, more than half of migrant workers are married and one third are single. Compared to illegal migrant workers, the percentage of married people is 11 points higher among legal migrant workers (62.2 percent). On the contrary, single or non-married migrants are more frequent among the illegal migrants.

If we examine whether or not the migrants live with their family members, particularly spouse and children, 57.4 percent of legally employing married migrants, and 38.8 percent of illegally

employing married migrants are living with their spouses in Korea. Moreover, among the migrant workers who have child/children, percentages of migrants who live with their children in Korea are 28.4 percent for legal workers, and 19 percent for illegal migrant workers. These facts show that family unification is higher among the legal migrant workers compared to illegal migrants.

When we compared this family unification data of Mongolian migrant workers in Korea to the similar data of migrant workers from other countries, Mongolians were in a better situation or more advantaged. Generally, unlike the western countries, Mongolian society much emphasizes family life. Although traditional roles of family members are changing significantly last years, family members' interdependence is still relatively high in current Mongolian society. For example, from of old, in Mongolia, all generations of former families were lived with very close relation with each other and shared their life experience. Former family-oriented or collective-oriented "education" passed down from generation to generation and it is still very strong in Mongolia. Due to economic hardship of transition period, this pattern continuously exists in modern family life. Today, despite the urban or rural area, it is very often that several generations of former family live together (even after marriage of children) in one housing in order to share their living expenses and economic

difficulties. Under this situation, family members help each other's daily life and any small part of each member's life is likely to become dependent on each other. This tradition or culture might be evidenced among the current Mongolian migrant workers in Korea. Furthermore, among the Mongolian migrant workers, there is a common view that in order to meet their economic purpose in a short period, it is better to work collectively (together with family members) in destination countries. From my point of view, this family unification of migrant workers in destination countries is not only beneficial economically but also helpful for safe family life (less divorce), safe health status (less risky to STDs/HIV/AIDS), and so on. Therefore, many Mongolian migrant workers are likely to prefer to live with family members in destination countries.

Regarding the length of staying in Korea, illegal migrant workers are staying for a longer period (on average 41.7 months) than legal migrant workers (on average 34.8 months). Especially, number of illegal migrant workers who are staying in Korea for longer than 4 years (43.2 percent) is 2.7 times greater than that of legal migrant workers.

Migrant workers are presented in Table 3 by their initial and current visa status. Out of all migrants, 58.4 percent reported that their initial visa classification was a tourist visa, 17.4 percent had an official visa, 13 percent had a work visa, and 6.6 percent informed that their initial visa classification was a student visa.

**Table 3. Percentage distribution of legal and illegal migrant workers by initial visa category**

Initial visa category	Current visa status		All migrants
	legal	illegal	
Official	21.6	14.8	17.4
Tourist	46.9	65.3	58.4
Student	4.9	7.6	6.6
Work permission	20.3	8.5	12.9
No visa	2.8	1.7	2.1
Other	3.5	2.1	2.6
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table 3 also shows that for illegal migrant workers, main sources of entering in Korea are tourist and official visa that are valid in a short term. For example, 65.3 percent of current illegal migrant workers initially entered in Korea on tourist visa and 14.8 percent entered on official visa. This figure shows that migrants, who crossed border to work for a longer term but obtained only short term visas as well as those could not granted by visa extension in the destination country usually go to the illegal migrants' group.

In addition, it was found that in Mongolia, the main channel, which people obtain visas is an intermediary or broker service. Majority or 74.1 percent of legal migrants and 72 percent of illegal migrants reported that they used intermediaries to obtain a Korean visa, paying large amounts of money.

#### Awareness on destination country and migrant's network

In order to prevent himself/herself from possible difficulties, it is important for migrant to be familiar with the destination country. The majority of Mongolian migrants in Korea (73.1 percent) reported that they had some or enough understandings about wages and job opportunities in Korea before their departure. However, knowledge about prices of food and clothing, cost of housing, unemployment allowances, social insurance, health insurance in destination country and laws concerning foreign migrants were not adequate among them (47-73.6 percent said that they had no information on these issues before departure). This fact tells us that Mongolian migrant workers are risky to any difficulties or rights violations in destination country because of their poor awareness about the possibilities to protect their rights.

Once migrants come into new place, they face many difficulties. By current visa status, 86.8 percent of legal migrant workers and 78.4 percent of illegal migrant workers reported that language barrier was the biggest problem for them after arrival in new country. Furthermore, percentage of migrant workers, who reported that finding a job after arrival in new country as another big problem, was significantly high among illegal migrants (43.3 percent) compared to legal migrants (28 percent). This shows that for the new illegal migrant workers in Korea, finding job is a harder process compared to similar new (but legal) migrant workers.

Facing with difficulties after arrival, migrants search for help from others. In this situation, a network of migrants plays an important role. For Mongolian workers in Korea, friends and relatives were the main post-arrival supporters for new migrants (Table 4).

By visa status of migrants, while illegal migrants have a tendency to report more unofficial organizations or people as their post arrival supporters, the legal migrants tend to name organizations that are more official. Here, one interesting result is post arrival support of intermediaries to migrants is very little (4.9 percent for legal migrants and 6.8 percent for illegal migrants). It is very critical, because intermediaries were main before-arrival "supporters" of migrants. So, after they import those migrants abroad, they should have an obligation at least to introduce migrants to their employers, help on housing and settlement in destination country.

When asked how migrant workers found their current job (Table 4), friends or relatives were main helpers. For example, 50.3 percent of legal migrants, 41.9 percent of illegal migrants informed that they found their job through friends.

**Table 4. Percentage distribution of legal and illegal migrant workers by report on supporters**

Supporters of migrant workers	Current visa status		All migrants
	legal	illegal	
<b>Organizations/individuals that helped migrants after arrival</b>			
- Labor regulation organizations	7.7	2.1	4.2
- Humanitarian organizations	1.4	1.3	1.3
- Educational organizations	4.2	3.4	3.7
- Political organizations	0.0	1.7	1.1
- Religion organization	3.5	5.9	5.0
- Friends/relatives	65.0	61.0	62.5
- Brokers/intermediaries	4.9	6.8	6.1
- No one	9.8	16.1	13.7
- Others	5.5	1.7	4.3
<b>Organizations/individuals that helped migrants to find current job</b>			
- Friends helped	50.3	41.9	45.1
- Agents/brokers	9.1	5.1	6.6
- Myself	21.7	33.1	26.1
- Relatives helped	14.7	18.2	16.9
- Others	4.2	1.7	2.6
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Number of migrant workers</b>	<b>143</b>	<b>236</b>	<b>379</b>

Again, very small proportions of migrant workers (9.1 percent of legal migrants, 5.1 percent of illegal migrants) found job through intermediary companies/individuals. Moreover, the percentage of migrants who found current employment on their own (33.1 percent) is 1.5 times higher among illegal migrant workers compared to legal migrants. Again, regarding whether migrants helped their family members, relatives and friends to find a job, illegal migrants workers were helped

more frequently (60 percent) than legal migrant workers (51 percent). It may be explained by the fact that since illegal migrants are staying in the destination country for a longer period than legal migrants, they are likely to have more information and experience to find a job, whereas legal migrants who are staying for a shorter period usually rely on others' help.

Employment and working conditions of legal and

illegal Mongolian migrant workers in Korea

In this section, I will discuss about the employment opportunity and work condition, as well as

some human rights issues of Mongolian migrant workers in Korea. Table 5 shows the employment status of legal and illegal migrant workers by economic sector.

**Table 5. Percentage distribution of legal and illegal migrant workers by economic sector of employment**

Economic sector of employment	Current visa status			All migrants
	legal	illegal	percentage	
Agriculture	4.9	5.9	5.5	
Industry	72.7	54.7	61.5	
Mining	0.7	1.7	1.3	
Construction	9.8	14.4	12.7	
Education/culture/science	1.4	1.7	1.6	
Health/sport	0.7	0.0	0.3	
Freight/Transportation	2.1	3.8	3.2	
Trade/Petty trade (sales, etc.)	2.8	5.1	4.2	
Services (hotel, restaurant, casino, etc.)	4.2	12.3	9.2	
Other /finance/Insurance, public administrative, private business/	0.7	0.4	0.6	
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	
<b>Number of migrant workers</b>	<b>143</b>	<b>236</b>	<b>379</b>	

The main employment sectors of migrant workers in Korea are the industrial (61.5 percent), construction (12.7 percent), and service (9.2 percent) sectors. Although this general pattern of employment sector applies to both legal and illegal migrant workers, there are quite difference in the numbers. For example, percentage of illegal migrant workers who work in industrial sector (54.7 percent) is 18 points lower than that of legal migrant workers. However, in the sectors where average wages are more likely to be higher, such as service, construction, trade, transportation, and mining sectors, illegal workers tend to work more commonly compared to legal migrant workers. For instance, percent of illegal migrants working in the service sector (12.3 percent) is almost 3 times higher than that of legal migrants.

This evidence is matching with findings of previous studies on migrant workers in Korea.

Labour or employment contract is very important for both employee and employer. For the employees, it is a main tool for protect their rights in work place. For the Mongolian migrant workers in Korea, having labour contract with their employers is seriously insufficient (Figure 2). Even for legal migrant workers, almost one third (30.8 percent) reported that they do not have official labour contract with current employers. This indicator is more severe for illegal migrant workers, because 82.2 percent or four of each five illegal migrant workers work without official labour contract with employers.

**Figure 2. Percentage distribution of legal and illegal migrant workers, by labor contract status in current job**

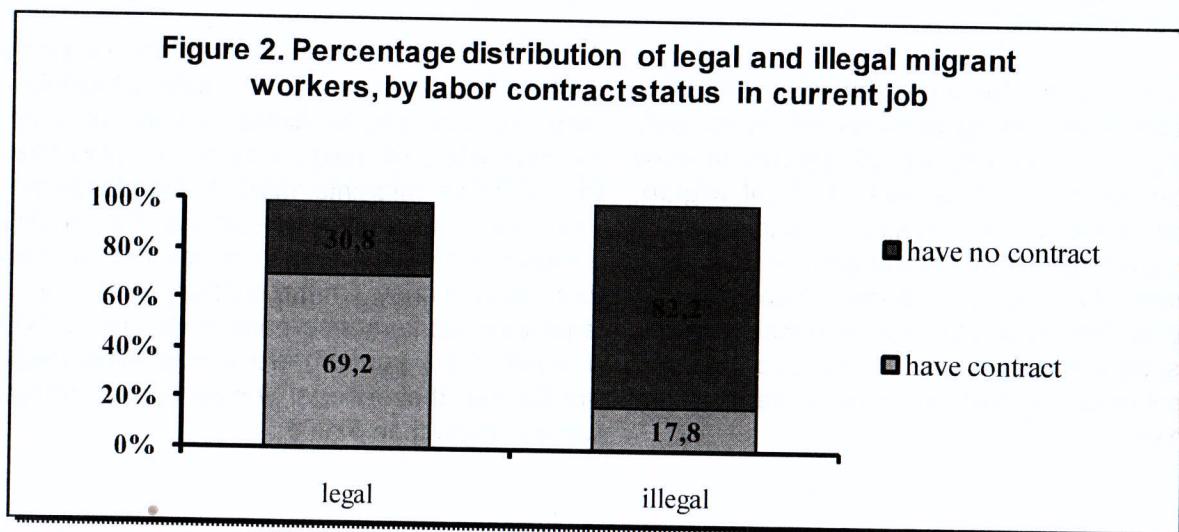


Table 6 shows the average working hours of the migrant workers. Almost two third of respondents reported that they work more than 40 hours per week. As for daily working hours, migrant workers, who reported that they work for 10-12 hours a day, were most dominant (40.6 percent) and followed by those who work for 8-10 hours a day (33.5 percent). However, there is a group of migrant workers which work for excessive longer hours (longer than 12 hours a day). By migrants'

visa status, working hours are not significantly different for legal and illegal migrant workers. The very little difference was the pattern that illegal migrant workers tend to work for longer hours than legal migrant workers. Lastly, even if some workers worked for excessive working hours in their own choice, the general blueprint of working hours of Mongolian migrant workers reveals the violation of the ILO convention on workers working hours is real fact in Korea.

**Table 6. Percentage distribution of legal and illegal migrant workers by daily and weekly working hours**

Working hours	Current visa status			All migrants
	legal	illegal	All	
<b>Average working hours a day</b>				
Less than 8 hours	5.6	10.6	8.7	
8-10 hours	38.5	30.5	33.5	
10-12 hours	39.9	41.1	40.6	
Longer than 12 hours	16.1	17.8	17.2	
<b>Average working hours a week</b>				
Less than 20 hours	9.8	16.1	13.7	
20-40 hours	29.4	22.5	25.1	
Longer than 40 hours	60.8	61.4	61.2	
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	

In Korea, three of every four Mongolian migrant workers (it is same for legal and illegal migrants) have changed their work place. On average, they had changed their work place 4.5 times. There were no large differences between legal and illegal migrant workers' reports on frequency of work change (respectively, 4.53 and 4.45 times). The main reasons for work place changes were (1) low salary (40.4 percent), (2) visa expiration (28.2 percent), (3) hard, heavy, unhealthy work conditions (24.3 percent), and so on. Again, there were no statistically significant differences between legal and illegal migrant workers' reports on this issue.

The vast majority (84.2 percent) of respondents evaluate their working environment as not very good/good. By visa status, 82 percent of legal migrant workers, 86 percent of illegal migrant workers gave above evaluation respectively. For them, working environment is poor or very poor, because of too noisy condition, no social benefits/protection, poor labor safety, unpaid working hours, delayed payment of wages, poor sanitary, no ventilation, no days off, heavy/unhealthy condition etc.

Report on wage is shown in Table 7 by migrant workers' current visa status. The average monthly salary of Mongolian migrant workers is \$827.2. Compared to the legal migrants, the average salary of illegal migrant workers (\$845.2) is approximately higher (by \$50). However, there is a significant difference between the monthly wage for women and men. For example, the average monthly salary for legal male migrant workers is about \$839.5, while it is \$733 for legal women migrant workers. Also, while illegal male migrant workers earn monthly \$881 on average, illegal female migrants get \$807.7 on average.

Above wage gap between sexes can be partly explained by their economic sector of employment. For example, for illegal migrants, although average wage of male migrants is higher than that of female migrants, there is a tendency that percentage of women who earn less than \$1000 a month is higher than percentage of men who earn same money. On the contrary, portion of illegal men workers who earn more than \$1000 a month (13.1 percent) are almost three times greater than that of illegal women workers whose wage is more than \$1000.

**Table 7. Percentage distribution of legal and illegal migrant workers by report on monthly wage, according to sex**

Monthly wage (US\$)	Current visa status						All migrants	
	legal			illegal				
	male	female	All legal	Male	female	All illegal		
750 or lower	34.5	50.0	40.6	30.3	37.7	33.9	36.4	
751-1000	47.1	44.6	46.2	51.6	55.3	53.4	50.7	
more than 1000	11.5	1.8	7.7	13.1	4.4	8.9	8.4	
do not want to say	6.9	3.6	5.6	4.9	2.6	3.8	4.5	
<i>Mean wage (\$)*</i>	839.5	733.0	796.9	881.0	807.7	845.2	827.2	
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	
<b>Number of migrant workers</b>	<b>87</b>	<b>56</b>	<b>143</b>	<b>122</b>	<b>114</b>	<b>236</b>	<b>379</b>	

Note: \* Excluded respondents who do not want to report their salary information.

If we compare the average monthly salary of Mongolian migrants' to the minimum monthly salary of host country residents (the minimum monthly salary of the Korea was 567 thousand won or 490 US\$ during the survey time), it is not very low. However, if compare it to the average monthly salary of host country residents, it is low. Most migrant workers in Korea work in the industrial sector. The average monthly salary for an industrial worker in the Korea was about 2273.4 thousands Korean Won (Statistical Information of Korea, September 2004 <http://www.nso.go.kr>) or about \$1,943.1. Thus, the Mongolian migrants' monthly salary is comparatively low.

In addition, 10.5 percent of legal migrants, 12.7 percent of illegal migrants reported that they have a second source of income. Additional sources of income are: salary of a second job and support from parents, family members, relatives and friends.

#### Living quality and Access to social services of legal and illegal Mongolian migrant workers in Korea

One of the challenging issues of international migration is whether or not migrant workers receive the same social service benefits as do non-mi-

grants in the host country or/and have access to basic social services to the same extent as natives of the destination country. According to the international norms, labour migrants are entitled to have access to social protection services equal to that of citizens of the destination country. The package of social protection services includes health aid, disability and unemployment allowance etc. The 1982 ILO Convention focused on international standards for social protection for all labour migrants. The Convention emphasised that the receiving country of labour migrants should, according to their capability, provide social protection services to labour migrants.

However, in many cases, migrant workers do not have access to social protection measures in their destination country. In this section, I examined the living conditions and access to social protection services of Mongolian migrant workers in Korea.

Study findings show that living and housing conditions of Mongolian migrants are not of sufficient standards. Table 8 shows that 50.9 percent of all migrant workers live in rented houses shared with others or in workers' residences/houses provided by employers.

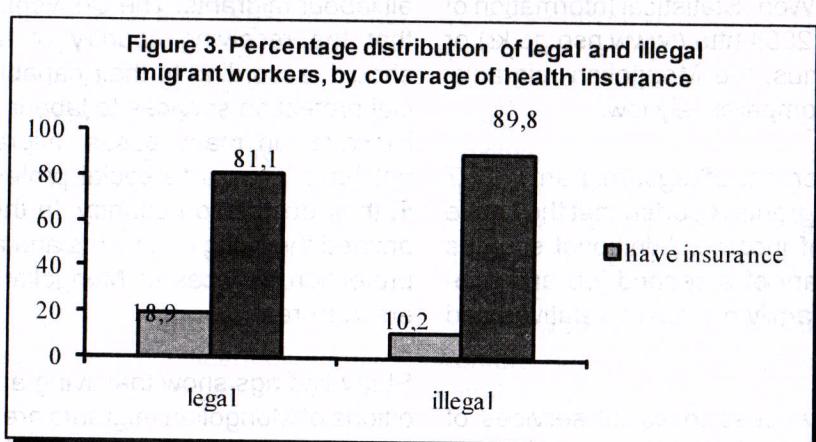
**Table 8. Percentage distribution of legal and illegal migrant workers by housing in Korea**

Housing	Current visa status		All migrants
	legal	illegal	
Rented house (alone/with family)	30.8	38.1	35.4
Rented house (shared with others)	26.6	26.3	26.4
Workers' residence or house provided by employers	30.8	20.8	24.5
Rented student dormitory/hotel room or live in friends/acquaintances' house	11.2	13.9	12.9
Non-standard housing (corridor, shelter, residence entrance or basement)	0.7	0.8	0.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Number of migrant workers</b>	<b>143</b>	<b>236</b>	<b>379</b>

By migrants' visa status, this indicator is not significantly different. However, living in houses provided by employers is less frequent among illegal migrants compared to legal migrants; on the contrary, illegal migrants are more likely to live in privately rented houses. Adequate sanitation and hygiene conditions of houses of the migrants are also lacking, with 13.2 percent of migrants live in houses with no washrooms, 18.2 percent live in houses with no separate bathrooms. Particularly, legal migrant workers, who live in residences/houses provided

by employers, are more likely to have this problem.

Study findings also show that most Mongolian migrant workers live in a very critical situation with no health security in Korea. In case of illness, most of them do not have easy access to health care, because only 13.5 percent of all Mongolian migrants are covered by health insurance. Health insurance coverage of migrants is shown in Figure 3 by their visa status. Figure shows that illegal migrant workers are more likely not to be covered by health insurance.



From the one side, lower coverage of insurance depends on individual's initiatives and legal status; from the other side, however, it also depends on effectiveness of insurance policy. For example, some migrant workers do not comprehensively understand the benefits of health insurance. They think that health insurance is important only for those who have serious health problems, other than that, health insurance is not a necessity. This kind of behaviour is very common among Mongolians. Consequently, in order to escape paying the high cost of health services, they are insolent on insurance issues. Moreover,

some migrants may not have much experience with health insurance and do not have sufficient information on how to be covered in health insurance.

When asked respondents whether or not they had experienced any accidents and illnesses during the staying in Korea, 13.3 percent of legal migrants and 19.9 percent of illegal workers reported that they had experienced workplace accidents with them. Moreover, 25.2 percent of legal workers, 38.1 percent of illegal workers said that they had suffered from physical stress.

In medical emergency, Mongolian migrants often do not go to doctors and hospitals and tend to rely on non-professional health service providers or self-treat, because they do not have health insurance. For example, in case of illness and health complications, 40.6 percent of legal migrants, and 46.2 percent of illegal migrants went to a pharmacy firstly without doctor's consultation; and only 28 percent of legal migrants and 24.2 percent of illegal migrants went to doctors. Remaining respondents asked their friends and relatives for help.

For other social welfare services, like allowance for childbearing, childcare, illness compensation, and unemployment, their accesses were also very limited to the Mongolian migrant workers. For examples, only 5.6 percent of legal migrants and 8.9 percent of illegal migrants reported that they have received above social welfare services in Korea.

Besides lack of access to above mentioned social services, some migrants have faced pressure or abuse from police of destination country. According to respondents' report, 26 percent of currently legal migrants and 47 percent of illegal migrants have faced some kind of pressures from police. Most pressures come due to registration and documentation control process. For example, among total migrants who had faced any pressure, 19 migrants (of which 15 are illegal) had been arrested; 7 legal migrants experienced with forced examination of documents and private property; and 5 migrants (4 of which are illegal) faced with physical violence. In addition, many illegal migrants reported that they spend their spare time at home resting and prefer not to go out in public because of fear to be arrested.

On the one hand, illegal or unauthorized status affects their rights violation; on the other hand, however, migrants also ignore their rights. Those who work with authorization in a foreign country also are often not aware of their rights and how to protect their rights. This is related to their weak knowledge about international legal acts regarding labor migrants and also the legal acts of the host country.

## Conclusions

The study shows that all Mongolian migrant workers, including legal and illegal, face many difficulties in destination country and cannot enjoy

various basic rights stated in the internationally respected documents and national Constitution. Although Mongolian migrant workers earn more money in the Korea than in the home country, the findings of this study confirm that migrant workers are economically at risk in destination country too, because of non-stable work place (high probability to change workplace), difficulty of finding a job, no labour contract etc. The survey findings also show that most Mongolian migrant workers live and work in critical situations with no safe work place, no comfortable living condition, and no sufficient social protection.

Situations of legal and illegal migrant workers in Korea are not so much differing, but some differences have been examined by this study. Except the little advantage on income amount and choice of housing, illegal migrant workers are in a more risky and vulnerable situation than that of legal migrant workers. For them, many rights, such as family unification, safe workplace, protection of rights at workplace, living without any fear, access to social services, are more limited compared to that of legal migrant workers. The vulnerability of illegal migrant workers is apparently due to their illegal status.

Finally, to improve situation of migrant workers, both home and host countries need to make appropriate efforts. For the country of origin, its policy must target simultaneously to its migrant citizens' situation in destination countries and preventing from future illegal out-migration. Specifically, following issues need to be considered in the migration regulation policies of Mongolia:

- To improve public and migrants' awareness on migrant-related legal acts and regulations;
- To tighten labor export procedure. In order to prevent from future undesired results, language requirement should become stricter (because poor language knowledge of Mongolian migrants was one of their major obstacles in living abroad); information on real situation of destination countries should be provided/distributed to the people who are intending to migrate (Current migrants in Korea had almost no prior understanding and knowledge about living expenses, surroundings, laws and regulations in destination country. It was hard for them after arrival);
- To monitor and manage labor intermediary services (To participate migration, current migrants usually rely on unofficial channel rather than official channels. Thus, interme-

diaries should have some obligations to help migrants on settlement in new destination country. Without state control, this actions are less probable to realize)

For the destination country, it must consider the economic interest of own country and migrants' conditions simultaneously. Countries receiving migrants should provide proper treatment and adequate social welfare services at least for documented migrants and their families, and should

ensure their physical safety and security.

Lastly, we must not forget that in an ideal situation, migration could be a win-win affair, because of its advantages for those involved: migrants, employers, intermediaries, countries of destination, counties of origin. Thus, more comprehensive policies can help to benefit more from the migrants, as the ILO said.

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