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Policy responses to COVID-19 and discrimination against foreign nationals in South Korea

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ABSTRACT

While South Korean racism and discrimination against migrant workers and foreign brides are not new phenomenon, some early policies adopted by the central and local governments to mitigate the impact of Covid-19 have once again revealed the country's deep-seated xenophobia. This paper focuses on three government policies – mask rationing, universal disaster relief funds, and local government subsidies – that were adopted during the first wave of coronavirus in South Korea from February until June 2020, when supplies were insufficient and the economy was most severely affected. This paper highlights the fact that government policies were based on nationality, which led to the exclusion of foreign nationals, even long-time taxpaying residents. Such institutional discrimination was blatant, considering the country's decades-long discussion of multiculturalism. This paper points out that, as a country with a very low number of naturalized citizens, discrimination against foreign nationals not only reflects South Korea's perceived boundaries of in-groups and out-groups, but also demonstrates the lack of a legal basis that prohibits discriminatory practices.

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Introduction

In June 2018, South Korea's deep-seated xenophobia and racism were on display when 561 Yemenis, who had escaped from a catastrophic civil war in their country, arrived on South Korea's Jeju Island seeking asylum, utilizing the island's visa-free entry system.¹ The reaction of the South Korean public to this small number of refugees (compared to what European Union countries faced) was almost hysterical: over 700,000 persons signed a petition to the government asking that the asylum seekers not be accepted, and protesters across the country asked the government to root out “fake refugees” by testing them for drugs and screening them for criminal records.² Recognizing the public's concerns, the South Korean government immediately prohibited more Yemenis from landing on Jeju Island and refused to allow the 561 Yemeni who had already arrived on Jeju to enter mainland South Korea, policies which violate the

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¹Park 2018; Office of the United Nations High Commissioner for Human Rights 2018.

²This was the highest number of citizens to sign a petition since the South Korean government opened an online petition system in 2017. See Park 2018; Jeong 2018.

Convention Relating to the Status of Refugees, the international agreement that sets forth basic international obligations toward refugees.³ As of December, 2018, the Ministry of Justice had recognized only two Yemenis as refugees; most of the others were granted temporary status on the mainland, subject to renewal every year.⁴

In 2020, the Covid-19 pandemic once again revealed South Korea's in-group/out-group differentiation through its government policies. The government's strategies to slow down the spread of the coronavirus, including massive and widespread testing at the early stage, thorough contact-tracing, and strict quarantine policies, have been applauded as a model by many experts and the media.⁵ However, relatively neglected have been the government's policies to mitigate the social and economic fallout of the pandemic, which were based on nationality and led to the exclusion of foreign nationals residing in South Korea, whether they have legal standing or not. Unlike countries in the European Union and North America, South Korea is ethnically homogenous (at least by perception) and has few naturalized citizens (less than 0.5 percent as of 2020); therefore, discrimination against foreign nationals is associated with South Koreans' ethnocentric and xenophobic beliefs.⁶ Specifically, during the early spread of the coronavirus, foreign nationals were significantly disadvantaged in or excluded from the central government's mask rationing and emergency subsidy programs, as well as from local government subsidy programs, even though they were also severely affected by the spread of the virus.

This study focuses on the aforementioned three Covid-19-related government policies implemented during the first wave of the coronavirus between February and June of 2020, when the country did not have enough supplies of face masks, and economic activity was most severely affected by the government's stay-at-home campaign.⁷ Government policies during this time illustrate how ethnic Koreans are prioritized and foreign nationals pushed aside during a national emergency. This study highlights the fact that ROK government policies distinguished residents by citizenship despite its decades-long implementation of multicultural policies. Discrimination against migrants in host countries is a global phenomenon; however, we argue that such blatant exclusion by government institutions of even legally established residents whose social and economic activities are based in South Korea not only sends a strong signal that foreign nationals are not an essential part of society but also reveals the weak legal basis of anti-discrimination efforts in the country.

The following sections discuss South Korean multiculturalism and critics of this policy, followed by details on each of the three main Covid-19 policies – mask rationing, the central government's emergency disaster relief funds, and local governments' subsidy payouts – to demonstrate how foreign nationals were excluded or deprioritized. The final section highlights the fact that South Korea's institutional discrimination should be discussed in conjunction with the government's attempts over the last decade to pass a

³Office of the United Nations High Commissioner for Human Rights 1951.

⁴Ministry of Justice, Republic of Korea 2018.

⁵See, for example, Martin and Yoon 2020; Oh et al. 2020.

⁶Seol and Skrentny 2009b; Jeon and Jung 2019; According to the Ministry of Justice, South Korea has approximately 200,000 naturalized citizens (https://www.index.go.kr/potal/main/EachDtlPageDetail.do?idx_cd=1760).

⁷According to the data published by Worldometer (www.worldometers.info), the first wave of coronavirus in South Korea peaked in March, the second wave peaked in August, and the third wave peaked in December 2020.

Comprehensive Anti-Discrimination Law, as urged by the Office of the United Nations High Commissioner for Human Rights.⁸

Foreign nationals and multiculturalism in South Korea

In recent decades, xenophobia has been one of the main manifestations of contemporary racism.⁹ Even in multicultural countries in Europe, migrants, both foreign nationals and naturalized citizens, have been perceived as a cause of insecurity, associated with rising unemployment and crime rates, and have experienced disadvantages in housing, education, health, work opportunities, and social security.¹⁰ People's perception of threats from and their exclusionary behavior toward foreigners often becomes stronger as the perceived size of a country's foreign population gets bigger. In other word, the greater the number of foreigners, the more openly are anti-foreigner attitudes expressed.¹¹

Not all prejudice against migrants, however, is expressed through discriminatory behavior. In many countries, the establishment of legal instruments against discrimination – on the basis of categories such as race, national origin, gender, sexual orientation, and religion – has reduced direct or blatant discrimination, as seen in the cases of the Civil Rights Act of 1964 in the U.S., the 2010 Equality Act in the United Kingdom, and the 1994 Equal Treatment Act in the Netherlands.¹² However, despite laws such as these that prohibit formal discrimination, various forms of discrimination are still widespread. Therefore, in addition to legal instruments, cultural norms that condemn discrimination and encourage egalitarianism and respect for human rights are required to prevent outright discrimination.¹³ Forms of discrimination nowadays often are expressed in subtle rather than overt ways, which studies have described as “new discrimination,” “modern discrimination,” “everyday discrimination,” “aversive discrimination,” or “symbolic discrimination.”¹⁴

Unlike trends in the United States and European countries, South Korea, with relatively high degrees of actual and perceived homogeneity, has not developed the legal basis or cultural norms required for a multicultural society and thus often demonstrates blatant discrimination against foreign nationals.¹⁵ For a long time, the foreign-born population in South Korea was very small, and most foreigners resided temporarily for work or study. Government policies were designed to control inflows, restrict long-term stays, discourage permanent residence, and limit citizenship.¹⁶ Before the 1990s, foreign nationals accounted for only 0.01 percent of the population. At that time, there were approximately 2,000 professionals and 4,000 undocumented or unskilled workers in the country. International marriage was rare, and citizenship was seldom granted.¹⁷

⁸Office of the United Nations High Commissioner for Human Rights 2014.

⁹United Nations 2001.

¹⁰Falomir-Pichastor et al. 2004, 135–153; MacDonald, Hipp, and Gill 2013, 191–215; Basten and Siegenthaler 2019, 994–1019.

¹¹Semyonov et al. 2004, 681–701; Pereira, Vala, and Costa-Lopes 2010.

¹²Havinga 2002, 75–90.

¹³Le and Kleiner 2000; Falomir-Pichastor et al. 2004, 135–153.

¹⁴Pettigrew and Meertens 1995, 57–75.

¹⁵Seol and Skrentny 2009b, 578–620; Jeon and Jung 2019; Kim and Oh 2012.

¹⁶Lee and Park 2005; Jeon and Jung 2019.

¹⁷Lee and Park 2005, 143–165.

Since the 1990s, South Korea has experienced a rapid increase in the number of resident foreign nationals, mostly due to labor shortages in the booming manufacturing industry sector and a gender imbalance in rural areas.¹⁸ The total number of foreign nationals increased to 245,000 (approximately 0.5 percent of the population) by 2000, 1.55 million (approximately three percent of the population) by 2013, and 2.5 million (approximately five percent of the population) by 2020.¹⁹ According to Ministry of Justice statistics, there were only 131 cases of naturalization in 1996, whereas in 2019 there were 9,914 cases.²⁰ The above data demonstrates that the vast majority of current foreign-born residents in South Korea hold citizenship in other countries.

The first group that constitutes this sharp increase in resident foreign nationals is migrant workers, mostly short-term unskilled laborers from less-developed countries; the second group is marriage migrants.²¹ Government policies have played a significant role in the influx of the two groups. Foreign workers increased rapidly due to government programs that were designed to address the country's labor shortage problem, such as the Foreign Industrial Trainee System (FITS), which allowed small businesses to hire foreign workers.²² Those unskilled foreign workers were formally welcomed for providing labor, but the government treated them as a necessary evil, providing them minimal protections and rights, especially undocumented immigrants who chose to remain in the country after the FITS program ended.²³ The same is true for foreign brides. The government sponsored brides from China and Southeast Asian countries, such as the Philippines and Vietnam, to address the dearth of marriageable women in rural areas.²⁴ Foreign brides were perceived as a legitimate solution to the problem of a bride shortage in rural areas, a low national fertility rate, and an aging population. However, they were only accepted because they were supposed to help sustain traditional Korean families.²⁵

Government policies started to change in the 2000s. The policy focus shifted from immigration as a national strategy to incorporating universal human rights and achieving social integration.²⁶ A permanent residence visa category (F-5) was introduced in 2002, and laws such as the Basic Law Concerning the Treatment of Foreigners in Korea, passed in May 2007, and the Multicultural Family Support Law, passed in March 2008, gave migrants the same legal rights as South Korean workers and provided support to multicultural families.²⁷ Many non-governmental organizations (NGOs) have played an important role in this process by framing the abuse of foreign workers and brides as human rights violations and demanding that the government adhere to international human rights norms.²⁸ In addition, religious organizations have carried out various actions to advocate progressive change.²⁹ During this time, a discourse of multiculturalism (*damunhwa*) surged among scholars, NGO staff, and government officials, and

¹⁸Kim 2009a.

¹⁹Lee and Park 2005; Monthly immigration data are available at <https://www.korea.kr/archive/expDocMainList.do>.

²⁰Data are available at https://www.index.go.kr/potal/main/EachDtlPageDetail.do?idx_cd=1760.

²¹Lee, Seol, and Cho 2006, 165–182; Kim 2009a.

²²Lee and Park 2005.

²³Lee and Park 2005.

²⁴Kim 2013; Kim 2011b.

²⁵Kim 2009b.

²⁶Kim 2009b.

²⁷Kim 2011b, 1590.

²⁸Kim 2011a; Kim 2011b.

²⁹Kim 2009b.

became widely accepted as a characteristic of advanced societies.³⁰ Scholars suggested that South Korea was quickly transitioning from the principle of *jus sanguinis* (nationality via descent) to a more multicultural society that conforms to global standards.³¹ This change has also been seen as exceptional in comparison with the recent retreat of multiculturalism in Western Europe.³²

Despite this surge of state-sanctioned multiculturalism, critics have argued that the government's multicultural policies are inherently based on a majoritarian top-down approach that emphasizes cultural assimilation.³³ International marriages are still often regarded by some South Koreans as a source of social problems, and the term "multicultural family" (*damunhwa-gajeong*) became a legal category for families that usually consist of a South Korean man and a foreign spouse. Based on this assumption, government agencies and schools have targeted "multicultural families" with extra support for foreign wives and their children to take on the role of traditional Korean family members.³⁴ Moreover, multicultural issues have been handled, for the most part, by the Ministry of Gender Equality and Family (not the Korea Immigration Service), which indicates that the objective is to create a society based on Korean family values through cultural assimilation.³⁵

The term "multicultural" has also been used to describe the presence of diverse racial and ethnic groups in South Korea, differentiating "us" from "them."³⁶ Non-integrated foreign nationals are often described as "special," contributing to and representing cultural diversity, which often leads to transforming people from different cultures into a commodity.³⁷ The government's objectifying cultural approach is not a new phenomenon; however, in South Korea; the more important issue has been that official multiculturalism policies have paradoxically strengthened in-group versus out-group perceptions.³⁸ For example, Korean-Chinese have long been a part of South Koreans' ethnic nationhood.³⁹ However, because official multicultural policies have treated Korean-Chinese living in South Korea (the majority of foreign nationals in South Korea) as evidence of multiculturalism and a group that needs policy support due to their different cultural backgrounds, they have been pushed out of the in-group boundaries into the category of foreign nationals.⁴⁰ This is in line with recent studies on neo-racism in South Korea. Different from traditional racism, neo-racism is based on negative perceptions about an individual's region of origin, in addition to, or regardless of, his or her race.⁴¹ Therefore, Korean-Chinese, as well as migrant workers from other countries, have been mistreated by the dominant majority group and are considered outsiders in South Korean society.⁴² In other words, beliefs about a hierarchy

³⁰Watson 2012; Kim 2015.

³¹Kim 2009b; Kim 2015; Lee 2009.

³²Kim 2015.

³³Watson 2010.

³⁴Watson 2012; Yi and Jung 2015.

³⁵Watson 2012.

³⁶Watson 2012.

³⁷Kim 2011b, 1597; Watson 2012.

³⁸Watson 2012; for cultural objectification of the state, see Lee 2020b.

³⁹Seol and Skrentny 2009a.

⁴⁰Watson 2012.

⁴¹See Lee, Jon, and Byun 2017.

⁴²Yi and Jung 2015.

of cultures and a country's development have become a basis for discrimination against migrants from places that South Koreans perceive as inferior.

Against this backdrop, a distinction between in-group and out-group based on citizenship has been further intensified by the government's Covid-19 policies. These policies have tested the country's decades-long discussion of multiculturalism and have reflected the existing fault lines between South Korean citizens and resident non-citizens.

Government policies during the first wave of Covid-19

A few weeks after the Wuhan Municipal Health Commission identified a group of cases of pneumonia in Wuhan, China, on December 31, 2019, the South Korean government announced its first case of Covid-19 on January 20, 2020. The number of daily confirmed cases increased from fifty-three on February 20 to 851 on March 3, when the total number of confirmed cases reached 5,186, making South Korea the most seriously affected country after China.⁴³ The sudden jump was mostly attributed to gatherings at Shincheonji Church of Jesus, located in Daegu, South Korea.⁴⁴ As the outbreak spun out of control and fear of the new disease increased, the price of protective masks skyrocketed. In response, the central government introduced a mask-rationing system modeled after Taiwan's mask-rationing policy in March. By April, daily confirmed cases had been reduced to single-digit numbers; however, the government needed to deal with the economic fallout from the outbreak. To do so, on April 29, the National Assembly passed a supplementary budget that included disaster relief payments to all citizens. In addition, municipal governments across the country also adjusted their budgets and provided relief funds to their residents.

The central government's mask rationing system

The central government responded to the nationwide mask crisis with strong market interventions. At the end of February, the government first limited outbound mask shipments to ten percent of total output and started purchasing fifty percent of the KF-94 masks (similar to US N95 masks) produced by 130 domestic mask manufacturers.⁴⁵ In cooperation with the Korean Pharmaceutical Association, the government sold these masks at a discounted price of 1,500 won each (US\$1.23) to over 20,000 pharmacies.⁴⁶ As the mask supply was still not enough to meet the high demand, the government increased its mask purchases to eighty percent of national production (approximately seventy million masks) on March 5.⁴⁷ Beginning on March 9, after several attempts to distribute masks failed to adequately address the shortage, the Ministry of Food and Drug Safety devised a plan that allowed people to buy two masks per person per week at pharmacies, post offices, and other designated places.⁴⁸ By the end of March, the lines for masks outside pharmacies had become manageable; however, the government

⁴³Hancock and Seo 2020b.

⁴⁴Hancock and Seo 2020a.

⁴⁵Kim 2020b.

⁴⁶Kim 2020b.

⁴⁷Kim 2020b; Ministry of Food and Drug Safety 2020.

⁴⁸Kim 2020b.

decided to extend mask rationing, which was supposed to end on June 30, to July 11. By July, the supply of and demand for face masks had stabilized, and citizens were allowed to buy an unlimited number of masks at market prices.

This short-lived mask rationing system showcased how the government deprioritized foreign nationals in South Korea in favor of ethnic Korean citizens. In order to purchase masks at designated places, South Korean citizens only had to provide their official identification card, while non-citizens had to present a National Health Insurance card in addition to an alien registration card, which immediately excluded more than a million foreign nationals living in South Korea. This requirement was discriminatory in a number of ways. First, for the past few years, the government has made it difficult for foreign nationals to enroll in the National Health Insurance program. To be eligible, foreign nationals must first reside at least six months in South Korea, which excludes short-term migrant workers and international students. In particular, short-term migrant workers who had left the country, renewed their visas, and re-entered the country were still not eligible to apply even though they may have lived in South Korea far longer than six months.⁴⁹ Second, the insurance premium is too expensive for most migrant workers. While the insurance premium for citizens is calculated on personal incomes, for foreign nationals, the government imposes the higher of premiums, based on personal income or the national average premium, due to the assumption that foreign nationals might earn income outside the country. Therefore, most migrant workers from poor countries and international students cannot sign up for the national insurance program. Consequently, out of 2.5 million foreigners living in South Korea, approximately 1.2 million are not enrolled in the national health insurance program.⁵⁰ Most of these people are marginalized individuals who need social assistance in a crisis. This exclusion was not a mistake: only after April 20, when mask production caught up to demand, did the government allow foreign nationals to purchase masks without providing evidence of health insurance, which demonstrates that their exclusion was a government choice.⁵¹

Even for foreign nationals who are able to enroll in the National Health Insurance program, the requirement during mask rationing to show physical proof of their enrollment at pharmacies was questionable because most South Koreans do not carry their insurance cards thanks to an electronic system. When mask rationing began and many foreign nationals who had lost or misplaced their physical insurance cards applied for reissue, the government announced that foreign nationals enrolled in the National Health Insurance program would not have to present their insurance cards physically at the pharmacies; instead, pharmacies were allowed to confirm enrollment with alien registration cards.⁵² However, this change raised the question of why the government initially required foreigners to show their actual insurance cards if the pharmacies could determine foreign nationals' insurance status with alien registration cards. This could have been due to an unfounded suspicion among South Koreans that foreigners would manipulate the system to purchase more masks than allowed and send those

⁴⁹Shin 2020.

⁵⁰Shin 2020; Ko 2020a.

⁵¹See the Ministry of Justice website: <http://www.immigration.go.kr/bbs/immigration/440/523386/artclView.do>.

⁵²Ko 2020a.

masks to their home countries.⁵³ Furthermore, many foreign residents who were enrolled in the National Health Insurance program still had a difficult time procuring masks on their designated day because they were working long hours and did not have the time to visit a pharmacy and wait for a prolonged period, not to mention the language barrier.⁵⁴ The result was that some foreign nationals were forced to leave the country.⁵⁵ On March 31, in response to increasing concerns about foreign nationals and the improved market situation, Seoul municipal authorities decided to provide masks to foreign nationals; however, these masks were different from those that citizens had been provided. In a pandemic situation in which no one should be excluded, these foreign nationals found themselves outside the boundaries of protection due to the citizenship-based government policy.

“Universal” emergency disaster relief funds

On April 29, the National Assembly passed a second supplementary budget totaling approximately US\$ ten billion. This budget included disaster relief funds for all citizens.⁵⁶ The government provided one million won (approximately US\$840) in emergency disaster relief money to households with four or more people; 800,000 won (US\$670) to three-person households; 600,000 won (US\$500) to two-person households; and 400,000 won (US\$340) to single-person households.

These payouts, however, initially excluded all foreign nationals, whether taxpayers or not, and regardless of their residency status. The Ministry of Health and Welfare, which was placed in charge of the payments, initially announced that payments would be based on citizenship status but later added that foreign nationals who had married South Korean nationals were eligible for payments so that their South Korean family members would not receive less money than similarly-sized South Korean households.⁵⁷ Although the number of South Korean households that include a foreign spouse has increased rapidly over the past three decades (reaching a total of approximately 250,000 households as of 2018), most of these households (more than 160,000) include a marriage immigrant visa holder (F-6 visa) and permanent residents (F-5 visa holders) who do not have South Korean citizenship (due to strict regulations).⁵⁸ Those marriage immigrants and permanent residents were included in the payout plan later, but the reason why the government decided to cover them was patrimonial – so as to not disadvantage the households of some South Korean citizens. In addition, while South Korean citizens could apply for relief funds online, eligible foreign nationals could not, as they do not have a national citizen registration number. Therefore, they needed to prove their eligibility at a local community center by providing relevant documents, such as a Family Relations Certificate or proof of enrollment in the National Health Insurance program. Furthermore, eligible foreign nationals comprised only a

⁵³Ko 2020b.

⁵⁴Kim 2020a.

⁵⁵Ko 2020a.

⁵⁶Kim 2020a. The government initially proposed relief funding for the bottom seventy percent of South Korean households, based on income, but this was expanded to include all households.

⁵⁷Ock 2020.

⁵⁸Data available in government websites: https://www.index.go.kr/potal/main/EachDtlPageDetail.do?idx_cd=2819;http://www.mogef.go.kr/mp/pcd/mp_pcd_s001d.do?mid=plc503&bbtSn=704820.

small portion of the total foreign nationals in South Korea. At least 1.4 million tax-paying foreign nationals, including long-term residents, were excluded from the emergency payouts simply because of their citizenship status.⁵⁹

This discrimination against foreign nationals is more blatant compared to not only countries with long histories of immigration but also to South Korea's East Asian neighbors. The United States government based relief payments on household tax payment information provided to the Internal Revenue Service, which does not distinguish recipients' residency status.⁶⁰ The German government, which focused its relief payments on businesses, did not distinguish owners' nationalities.⁶¹ Portugal has temporarily given all migrants and asylum seekers full citizenship rights, granting them full access to the country's healthcare system in response to the Covid-19 outbreak.⁶² In Japan, anyone who was on the basic resident registry as of April 27, 2020 was eligible for a cash subsidy, which included foreign nationals who had legally resided in the country for more than three months.⁶³ In Taiwan, foreign nationals were given the same access to its mask rationing scheme as were citizens.⁶⁴

Local government subsidies

In addition to relief funds offered by the central government, local governments provided supplementary subsidies. Some local authorities targeted low-income earners and others provided funds to all residents. Beginning on March 30, the Seoul metropolitan government provided "disaster emergency living expenses" to residents whose household income fell below the national median household income.⁶⁵ For households that qualified, the city provided 300,000 won (US\$250) to one or two person households; 400,000 won (US\$340) to three or four person households; and 500,000 won (US\$420) to households with five or more members. In April, the Gyeonggi provincial government provided a disaster-related basic income of 100,000 won (US\$ eighty-two) to every resident, regardless of their income.⁶⁶ Neither of these programs included foreign nationals.⁶⁷ The main reason why foreign nationals were excluded, according to government officials, was practical difficulties: Seoul officials believed it would be difficult to determine the total incomes of foreign nationals, while in Gyeonggi province the resident registration system could not fully identify foreign nationals.⁶⁸

In mid-June, however, Seoul municipal and Gyeonggi provincial authorities began to include foreign nationals who were married to South Korean citizens in their subsidy programs. Two things indicate that the initial exclusion of foreign nationals was more

⁵⁹Kang 2020; Ko 2020c.

⁶⁰Information is available at <https://home.treasury.gov/policy-issues/cares/assistance-for-american-workers-and-families>.

⁶¹Organization for Economic Cooperation and Development 2020.

⁶²Cotovio 2020.

⁶³Tamaki 2020.

⁶⁴Chen and Mazzetta 2020.

⁶⁵South Korea's median income for a one-person household is 1,757,194 won (approximately US\$1,600), for a two-person household 2,991,980 won (US\$2,700), for a three-person household 3,870,577 won (US\$3,500), for a four-person household 4,749,174 won (US\$4,300), for a five-person household 5,627,771 won (US\$5,100), and for a six-person household 6,506,368 won (US\$6,000). See Seoul Metropolitan Government 2020. Seoul has a population of ten million.

⁶⁶Gyeonggi is the largest province in the country and encompasses thirty-one cities and counties, with a total population of 1.3 million people (twenty-seven percent of South Korea's population).

⁶⁷Cho 2020.

⁶⁸Cho 2020.

about government priorities rather than practical difficulties. First, the partial inclusion of foreign nationals in June was in response to strong pressure and criticism from civic groups and a decision by the National Human Rights Commission. On April 2, an association of sixty-two civic groups advocating for refugees and foreign workers filed a petition with the National Human Rights Commission of South Korea, condemning Seoul and Gyeonggi officials for discriminating based on nationality.⁶⁹ The National Human Rights Commission ruled on June 13 in favor of the plaintiffs and advised both governments to include foreign nationals in their relief payout schemes.⁷⁰ The Commission added that such treatment of foreign nationals was a form of discrimination. Second, the payout programs of the two municipal governments stopped at the end of June. This means that by the time these governments included some foreign nationals, most citizens had already received payouts and the programs were closed.

Other cities offered cash benefits to their citizens in different ways, but discrimination existed in different forms. The city of Ansan, where more than eleven percent of the 700,000 residents are foreign workers, was one of the few municipalities that gave out cash benefits to foreigners, regardless of whether they were married to citizens or not. However, the city discriminated in the amounts it provided; South Korean citizens received 100,000 won, while foreigners received 70,000 won, even those who paid taxes. The city of Bucheon only offered relief to foreign nationals whom the city government recognized as in need. In the city of Goyang, only foreign nationals who were enrolled in the National Health Insurance were eligible for relief money. This crisis has clearly shown an in-group/out-group distinction, especially among policymakers, despite the fact that South Koreans and foreign nationals are not living in two different spheres in the pandemic crisis. Moreover, if the purpose of these policies was to revitalize the economy, resident foreigners should have received the same benefits.

Institutional discrimination, legalization, and policy

Discrimination is often considered to be manifested in three forms: individual, institutional, and structural.⁷¹ Individual discrimination refers to the hostile behavior of individual members of one group toward members of another group, while institutional and structural discrimination refer to the policies of institutions dominated by one group that have harmful effects on minority groups.⁷² The key difference between institutional and structural discrimination, which is the focal point of this study, is that the former describes intentional discriminatory policies, while the latter denotes policies that are neutral in intent and, therefore, result in more subtle and covert forms of discrimination.⁷³ In countries such as the United States and France, institutional discriminatory policies were formally prohibited after passage of civil rights bills; therefore, discrimination nowadays is more structural than institutional.⁷⁴ Studies have shown that blatant institutional discrimination is reduced or transformed into subtle forms after

⁶⁹Ock 2020.

⁷⁰Lee 2020c.

⁷¹Pincus 1996, 186–194.

⁷²Pincus 1996, 186–194.

⁷³Pincus 1996, 186–194.

⁷⁴Henkel, Dovidio, and Gaertner 2006, 99–124; Bernhard and Bernhard 2016, 57–72; Yang and Ham 2017, 216–226; Constant, Kahanec, and Zimmermann 2009.

the passage of anti-discrimination laws; therefore, anti-discrimination laws are the first step to reducing discriminatory practices.⁷⁵ In South Korea, as discussed in the above three cases, foreign nationals were pushed aside in government emergency plans, and this was taken for granted by governmental institutions. Without South Korean citizenship, even being married to a South Korean did not provide equal access to relief funds, not to mention those who had no family ties to South Korean citizens. Especially serious is the situation for children of foreign nationals. South Korea does not offer citizenship based on birth to foreigners in the country, so children of foreign nationals are considered non-citizens, even if they were born in South Korea.

South Korea is one of the few economically developed countries that has not passed legislation against discrimination.⁷⁶ To deal with such institutional discrimination against foreigners in South Korea, a comprehensive law prohibiting all forms of discrimination would be effective. In practice, South Korean laws partially prohibit certain types of discrimination (e.g. gender, disability, and age),⁷⁷ but there are no laws prohibiting discrimination on the grounds of race, ethnicity, nationality, sexual preference, religious belief, or political views. To deal with this situation, the first comprehensive anti-discrimination bill was proposed in 2007 by the Ministry of Justice, but the scope of the bill generated strong opposition, which led to its abandonment.⁷⁸ Various legislative acts have been proposed and abandoned over the last decade. The most recent proposal, submitted to the National Assembly on June 29, 2020, was the seventh such attempt. In all of these attempts, the most contentious aspect has been the inclusion of provisions outlawing discrimination based on gender or sexual orientation. In addition, labor unions have objected to anti-discrimination legislation, as they see foreign laborers as a threat to Korean jobs. One of the strongest objections has come from conservative Protestant groups, which oppose legal protections for sexual orientation.⁷⁹ Opposition to these proposals has been so strong that many liberal politicians and even the National Human Rights Commission have been ambiguous about pursuing anti-discrimination legislation that causes “unnecessary conflicts.”⁸⁰ Although South Korean homophobia is not the focus of this study, it significantly affects other forms of anti-discrimination legislation. A positive sign for the passage of the most currently proposed bill is that a recent public survey, conducted in May 2020, showed that almost ninety percent of South Koreans agree with the necessity of the law and fifty-four percent strongly supported passage of the proposed bill.⁸¹

In addition, South Korea’s National Health Insurance Program should be more accessible to foreign nationals. According to the National Health Insurance Service, providing access to insurance for foreigners saved US\$ one billion in healthcare costs between 2015 and 2018.⁸² Foreign nationals pay as much in insurance premiums as do South Korean

⁷⁵Bernhard and Bernhard 2016, 57–72.

⁷⁶Amnesty International 2020.

⁷⁷The Equal Employment Opportunity and Work-Family Balance Assistance Act passed in 1987. In 2008, the Act on the Prohibition of Discrimination of Persons with Disabilities came into force. Finally, the Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion was enacted in 2011.

⁷⁸Park and Kwon 2020. This law was intended to prohibit discrimination based on sex, gender, age, disability, medical history, appearance, race, language, nationality, ethnicity, marriage status, family or birth type, religion, political belief, criminal record, sexual orientation, and employment status.

⁷⁹Park and Kwon 2020; see Cho and Lee 2020.

⁸⁰Park and Kwon 2020.

⁸¹Park 2020.

citizens, but they do not use the healthcare system as extensively. Most of them are relatively young, and they often decide not to go to a hospital due to out-of-pocket costs or the language barrier. Especially during this pandemic, the most vulnerable members of a society should be protected.

Conclusion

This paper has examined South Korean government policies during the first wave of the 2020 coronavirus pandemic. Evaluating the effectiveness of these policies is not our goal; rather, we have focused on how these policies have demonstrated in-group/out-group distinctions in South Korean society. South Koreans' deep-seated xenophobia towards and discrimination against foreign nationals is well known; however, the discrimination shown in the government's Covid-19 policies was phenomenal in that foreign nationals were pushed aside during the emergency, and this institutional discrimination based on citizenship largely has been taken for granted by South Koreans. Such blatant exclusion of even legally established foreign nationals whose economic activities are based in South Korea sends a message that foreign residents are not part of society. Covid-19 has tested the country's decades-long discussion of multiculturalism; our analysis demonstrates that government policies during the first wave of the pandemic have strengthened the existing fault lines between South Korean citizens and non-citizens.

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⁸²Lee 2020a.

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