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Tied to Employers, State System or Ethnonationalism: Migrant Labour Policies in Israel and South Korea

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Abstract

This article examines how ethnonationalism functions as a structural condition shaping migrant labour governance in Israel and South Korea. Drawing on these two countries as comparative case studies, selected for their shared feature of ethnically defined statehood enshrined in foundational law and their parallel trajectories of state-led industrial development and dependence on migrant labour, the article traces how ethnonational logics are institutionally operationalised across three dimensions: visa and recruitment systems, family and naturalisation policies and organised labour. The analysis demonstrates that ethnonationalism operates not merely as a logic of exclusion towards 'foreign' workers, but as a dual logic of selective inclusion and exclusion, and that these two movements are mutually constitutive, together reproducing an aspired ethnonational state. The article further argues that this multi-layered stratification weakens the power of the entire labour force and produces systemic human rights risks that existing business and human rights (BHR) frameworks have not fully addressed. The findings challenge the BHR field to move beyond firm-level conduct and engage more with the political economy of law and policies as a generator of business-related human rights risks and propose labour citizenship and meaningful stakeholder engagement (MSE) as complementary pathways for reform.

Keywords: ethnonationalism; family policy; Israel; labor rights; migrant workers; organized labor; South Korea

I. Introduction

The business and human rights (BHR) field has increasingly recognised that migrant workers are among the most vulnerable groups in global labour markets. Concentrated in low-skilled, high-risk sectors, migrant workers are disproportionately exposed to exploitative labour conditions, where the risks are escalated by a lack of social capital and political power, and by unstable legal status (Moyce & Schenker, 2018, p. 352). This double-layered vulnerability—first, at the workplace, generated by business, and second, in public space, produced by state policies—has drawn attention from varied scholarly works. These tend

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to be divided broadly into two streams of inquiry: migrant labour studies, where attention focuses more on state governance; and BHR, where it centres more on regulating employer conduct and leveraging global and multi-stakeholder mechanisms. Yet opportunities remain to bring these two streams into more sustained dialogue, particularly around the structural conditions through which state policies and business conduct jointly produce migrant workers' vulnerability.

Building on the existing body of scholarship examining how national identity and statehood shape migrants' incorporation, this article foregrounds *ethnonationalism* as a particular structural condition that produces this intertwined vulnerability. Ethnonationalism, this article argues, is a specific variant of nationhood grounded in bloodline-based ethnic identity and embedded in law and policy (Chandra, 2012; Connor, 1994; Le Bossé, 2021). It generates structurally differentiated levels of protection and vulnerability, and remains resistant to guaranteeing the social membership that would enable migrant workers to claim rights. It is this mechanism, irreducible to xenophobia, economic protectionism or cultural anxiety alone, that poses a distinctive and underexplored challenge to both migrant labour studies and the BHR field.

To illuminate this dynamic, the article draws on South Korea and Israel as case studies. The two cases are selected on the basis of their similarities in having a strong ethnonational identity as a founding principle of statehood, in addition to a set of structural conditions that make their juxtaposition analytically productive. Israel and South Korea, two independent countries that emerged after the Second World War, have stood out as relatively successful democracies beyond North America and Europe. Both countries underwent substantial industrial growth, particularly in the 1960s and 1970s. This rapid, state-led industrial development across two geographically distant countries has generated a body of comparative scholarship.[1] The subsequent reorientation of both economies towards high-tech and IT sectors, in turn, generated acute labour shortages in low-skilled industries—agriculture, construction and care work in particular—which both states have addressed largely by accepting migrant workers. Currently, in Israel, approximately 136,000 foreign workers constitute 2–3 per cent of the country's workforce (Israel Central Bureau of Statistics, 2023, p. 1), in addition to about 143,000 Palestinian workers (KTA News Team, 2023). In South Korea, migrant workers make up 3–4 per cent of the national workforce and number over 843,800 (Korean Statistical Information Service [KOSIS], 2022). The two countries have been among the most attractive destination countries for global migrant workers, primarily from China and Southeast Asian countries.[2]

This article focuses on three dimensions of migrant labour governance: visa programmes, family policies and organised labour. It traces policy developments in both countries from the early 1990s to the present. This timeframe captures the foundational programmes introduced in 1993 and the major systemic reforms of the early 2000s that remain operative today. By mapping how preferential and exclusionary treatments towards ethnically 'closer' or 'foreign' groups are embedded across these dimensions, the article demonstrates that ethnonationalist statehood functions as a generalisable structuring logic manifest across each country's distinct historical and political context. The study adopts a qualitative, document-based approach, analysing legal texts, policy documents, academic literature,

[1] *See*, for example, Lee et al. (2026, pp. 243–248); Levi-Faur (1998, pp. 65–70); Maman (2002, pp. 737–740).

[2] In Israel, approximately 70 per cent of foreign workers entering Israel come from Asian countries (including Thailand, the Philippines, India and China), with additional recruitment from Eastern Europe and Africa. In South Korea, around 90 per cent of migrant workers originate from China, Vietnam, the Philippines and Indonesia (Israel Central Bureau of Statistics, 2023; Ministry of Employment and Labor, Republic of Korea, 2023).

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NGO reports and media coverage; field interviews with civil society actors and migrant worker advocates informed the contextual understanding.

In doing so, the article draws on and contributes to three bodies of literature: comparative scholarship on nationhood and migrant incorporation; labour citizenship, which theorizes workers' democratic inclusion irrespective of formal nationality status; and the BHR field, particularly its growing discourse on meaningful stakeholder engagement (MSE) as a core component of human rights due diligence (HRDD) and other systematised human rights governance. These three strands, brought into dialogue, form the article's analytical and normative framework. Across these fields, the article makes three contributions: first, it offers one of the first systematic comparative analyses of migrant labour governance in Israel and South Korea, demonstrating that ethnonationalism generates a consistent institutional logic across distinct national settings. Second, it advances an original framework of ethnic proximity, showing that ethnonationalist governance operates not only through border exclusion but through the continuous internal stratification of migrant populations. Third, it argues that ethnonationalist state policy functions as a generative source of business-related human rights risk: one that precedes and structurally enables the exploitation that the BHR framework seeks to address. Building on this argument, it proposes labour citizenship and MSE as complementary pathways for reform.

The analysis proceeds in four parts: Section II establishes ethnonationalism as the article's analytical lens and Section III traces the institutional evolution of migrant labour control systems. Section IV maps the hierarchical differentiation of migrant subgroups by ethnic and familial proximity to the nation-state. Section V examines the possibilities and limits of labour citizenship as a framework for migrant workers' rights and explores how the BHR principle of meaningful stakeholder engagement and transnational solidarity mechanisms may offer complementary pathways where domestic democratic spaces remain structurally constrained.

II. Ethnonationalism as a structuring principle in migration policy

In 1948, Israel and South Korea were established on opposite ends of the world yet shared a remarkable feature. Both grounded their claim to sovereignty in the existence of a particular ethnic people: the Jewish people and the Koreans. In each case, the new state was created to realise that people's historical right to national self-determination. The Jewish people (*Ha'am Ha-yehudi*) and Koreans (*Han-minjok*) form the ethnic cores around which each state organises its foundational self-understanding. The theoretical construction of the Jewish people and the Koreans, which may be grounded in shared historical experience and mediated through elements such as land, religion, language and, in some contexts, physical appearance, is beyond the scope of this article. Nor does this article discuss its primordial or 'mythical' function. Rather, the article focuses on its socially constructed form of collective self-definition, namely *ethnonationalism*. The article understands ethnonationalism as a state-level governing principle that places constitutive emphasis on a specific ethnicity as the basis of national identity (Chandra, 2012; Connor, 1994; Le Bossé, 2021) and that exhibits a systematic proclivity to reproduce and uphold ethnic ties within the state.

The constitutional entrenchment of ethnic nationhood in both countries is analytically significant because it differs from a universal feature of modern democratic statehood. While some degree of overlapping nationalism and ethnic heritage is near-universal in processes of state formation, in most liberal democratic traditions, national identity has evolved as a multicultural civic association rather than one based on ethnic descent. This evolution is grounded in shared political membership and cultural participation. Where the reassertion of ethnic identity in national politics has occurred—Hungary and India being notable examples—it is typically understood as a symptom of far-right

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consolidation and democratic backsliding. Israel and Korea present an analytically distinctive configuration. Ethnic nationhood was enshrined in foundational law from the outset rather than as a recent political development. It has since been sustained through formally democratic institutions and reproduced through legal and policy frameworks that still shape governance today.

Notably, the South Korean Constitution introduces the concept of *Minjok*, directly translating to 'the ethnic or nation', specifically referring to Koreans within its context. The law mandates the state to consolidate Minjok (in the Preamble) and enhance Minjok culture (in Art. 9 and 69). Regarding the embedded concept of Minjok in the Korean Constitution, Heo elucidates it as 'the basis for establishing the people of the nation, the foundation of integration, the centre and ground of unification, and the underpinning of the cultural state' (Heo, 2017, p. 330). Similarly, Israel's recent enactment—'the Nation-State' law, officially titled *Basic Law: Israel—The Nation-State of the Jewish People*—solidifies the national identity as the Jewish State and uniquely bestows the right to self-determination. Article 1(b) states: 'The State of Israel is the nation state of the Jewish People, in which it realizes its natural, cultural, religious, and historical right to self-determination'. Despite the nationwide controversy over the law's discriminatory aspect, the Israeli Supreme Court affirmed its constitutionality. It is also worth noting that approximately 20 per cent of Israel's population are Palestinian citizens, whose status complicates the state's claim to a singular Jewish ethnonational identity. This overlap of ethnically defined statehood operating within democratic institutional processes makes the two countries' cases illuminating for understanding how ethnonationalism functions as a recurring policy logic rather than a contingent political attitude.

A growing body of scholarship in both contexts has examined how this governing logic shapes the conditions of migrant labour. Scholars have analysed how nationalism permits a form of conditional inclusion that allows migrant workers' presence without integrating them into the national community (Berthomiere, 2005; Doron & Kargar, 1993; Han, 2014; Jang & Hwang, 2007; Lim & Kim, 2013) and how labour migrants in particular are constructed as threatening 'others' in terms of cultural assimilation, economic competition and public security. In contrast, marriage migrants or returning migrants are more readily framed as instruments of cultural reproduction and social cohesion (S. Kim, 2015; Willen, 2007). Others have examined the inner hierarchies that emerge within migrant populations themselves, shaped by their marital, ethnic or racial proximity to the dominant national group (D. Bartram, 2011; Lee et al., 2026; Lim & Kim, 2013).

Building on these insights, this article places South Korea and Israel in comparative dialogue to show that ethnonationalism, despite its culturally and historically specific expressions, generates a consistent institutional logic across very different national contexts—one with broader implications for understanding the resurgence of ethnonationalist politics elsewhere.

III. Tied to employers, tied to the state system: Systemic changes and persistent marginalisation

One noteworthy feature of both countries' ethnonational commitments is their reflection in the legal terminology used to classify migrant workers. Neither Israel nor South Korea employs the term 'migrant' for work visa holders; instead, both use terms emphasising foreignness and non-membership—*Ovdim Zarim* in Hebrew[3] and *Oegugin*

[3] Rozenholc suggests that the term carries stronger exclusionary connotations because of its biblical association with idolatry, *avoda zara* ('foreign work' or 'strange service'). See Rozenholc (2010, p. 2).

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geulloja in Korean.[4] The term 'migrant', by contrast, is reserved for those with blood or familial ties to the Jewish or Korean ethnic group. South Korean law employs the term 'migrants' solely for immigrants by marriage (*Gyeolhon iminja*), while Israeli law associates 'migrants' with Jewish immigrants returning under the Law of Return, 1950 (*Oleh Chadash*, translating to 'new immigrants' or 'one who newly ascends').[5] This terminological divide encapsulates the dual logic that the following sections trace institutionally.

A. Earlier systems: Tied to private agencies and employers

The early history of officially hosting migrant workers in Israel and South Korea coincided in the early 1990s, following rapid economic growth in both countries during their initial decades. The official introduction of a large-scale overseas workforce was a novel experience for both countries. Until then, the concept of immigration for the two countries centred on obtaining (or rather, 'regaining') state citizenship, while working visas were granted to only a very small number of professionals and technical advisers. Yet, even without the official system, non-citizen workers were already present in both countries. Since 1967, Israel has allowed non-citizen Palestinian residents from the occupied territories to take up a significant share of the labour market with and without work permits. Smaller numbers of undocumented workers from neighbouring Arab and North African countries were also present—primarily non-Jewish migrants who were not eligible for citizenship under the Law of Return (D. V. Bartram, 1998, pp. 305–308). Meanwhile, South Korea began to witness an increase in foreign undocumented workers from the late 1980s, mostly from South Asian countries who entered the country with tourist visas.

The year 1993 held significant importance for both countries. Each officially launched a large-scale programme to recruit migrant workers from abroad, simultaneously with the deportation of pre-existing migrant workers. The introduction of the new programme was a political decision for both countries driven by ethnic considerations to maintain the country's demographic composition while responding to low-skilled labour shortages. South Korea, experiencing rapid economic and democratic development, grappled with demands from both labour and business. Labour pressed for improving working conditions and workers' rights, while businesses—especially small and medium-sized companies in the manufacturing sector—sought more workers at low wages. When the government proposed formally admitting foreign workers—thereby acknowledging the undocumented workers already in the country—the proposal sparked severe controversy in a society that had long prided itself on its ethnic homogeneity (Han, 2014, p. 59). In response to this dilemma, South Korea launched the Industrial Trainee Program (ITP) in 1993, designating migrant workers as 'trainees' to circumvent labour law protections. Despite performing identical work to citizen workers, trainees were excluded from labour law coverage and most social security benefits—a designation widely criticised as 'a treacherous system' (Seol, 2021, p. 3).

In the case of Israel, the ethnic dimension of labour policy was shaped by a more complex geopolitical consideration: the state sought to reduce its dependence on Palestinian labour. In 1993, following the Oslo Accords, Israel imposed a general closure on the Palestinian territories, severely restricting the mobility of Palestinian workers who had previously commuted daily to jobs in agriculture and construction. This shift marked a turning point in Israel's labour migration strategy, as the government responded to business concerns about

[4] The term literally means 'foreign diligent-workers (*geulloja*)'. Notably, the state's re-entry permit scheme for migrant workers is termed the 'assiduously diligent-workers (*seongsil geulloja*)' plan.

[5] While the direct Hebrew term for 'immigrant' is *mehager*, Israeli legal texts use divergent terms based on specific criteria, such as the above-mentioned '*Oved Zar*' (foreign workers, under the Foreign Workers Law, 1991), '*Mistanen*' (infiltrators or illegal residents, under the Prevention of Infiltration Law, 1954) and '*Palit*' (refugees).

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labour shortages by issuing large-scale work permits to migrant workers from Asia. This closure, prompted by increased security tensions resulting from the Palestinian uprisings that began with the 1987 Intifada, affected the agricultural and construction sectors, which were dependent on Palestinian workers commuting from the occupied territories. In response to businesses' accusations that the government was depriving them of a workforce, the Israeli government commenced issuing mass work permits to migrant workers (D. V. Bartram, 1998, p. 314; Rozenholc, 2010, p. 4). Centred on the agricultural, construction and service sectors—often labelled as 'Arab jobs' (D. V. Bartram, 1998, p. 310), a term that carries derogatory connotations in Hebrew[6]—those roles were rapidly filled by migrant workers recruited from multiple regions. In the construction sector specifically, recruitment initially centred on workers from Romania and, subsequently, Türkiye, while agricultural and caregiving positions were increasingly filled by workers from South and Southeast Asian countries, including Thailand and the Philippines. The final number of migrant workers was inversely proportional to the number of Palestinian workers, which dwindled to almost one-tenth of its 1989 level of 105,000 (Berthomiere, 2005, p. 4).

Similar to its Korean counterpart, which authorised private corporations to run 'training programmes', Israel also surrendered state control over foreign employment almost entirely to private employers' associations. For example, in the construction industry, the Association of Contractors and Builders determines recruitment, allocations and the terms of employment of foreign workers (Amir, 2002, p. 44). Employer associations exerted considerable influence over employment methods and terms. Newly migrated Asian workers were mostly employed as subcontractors. As a result, they were exempt from minimum wage laws and substantial labour protections. They also lacked the right to unionise and access the benefits that Palestinian workers had previously enjoyed (Amir, 2002, p. 46).

Facing demographic pressures, the two countries adopted broadly similar strategies towards migrant workers: to consolidate their status as temporary, low-cost and low-skilled. Work permits were issued exclusively for low-skilled positions, with no pathways for upskilling or occupational advancement. Permits were valid for less than five years. Even where labour demand persisted, migrants were barred from transferring to higher-skilled visa categories or obtaining permanent residency. In addition to this, their overarching management systems were designed to respond to the needs of the government and employers, i.e., border control and manpower supply, but not to those of workers. Two features characterised these systems: private-led recruitment and a so-called 'binding' structure. In both countries—South Korea until the early 2000s and Israel for an additional decade—migrant recruitment relied almost entirely on private agencies in both home and host countries. These agencies have been widely criticised for charging excessive and sometimes coercive recruitment fees, creating debt bondage that deterred workers from asserting rights or reporting abuse (Ellman & Laacher, 2003, p. 47). The resulting vulnerability—excessive hours, wage theft and hazardous conditions—drove many workers to abandon their registered employers and enter the undocumented labour market.

The 'binding' system refers to a system that matches workers to a specific employer or sector before leaving their home country and allows no or very limited opportunity to change employers once they arrive at their destination.[7] The system is strictly driven by

[6] In contemporary Hebrew, the term 'Arab work' (*avoda aravit*) connotes poorly executed or substandard work rather than a specific labour category (Carmel-Katz, 1981, p. 173).

[7] Niezna (2022, p. 363) distinguishes two tied visa regimes: employer-specific binding, where workers are tied to a named employer, and sector-specific binding, where workers may move within a designated sector but not beyond it.

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employer demand: employers apply for permits to hire foreign workers, and migrant workers with these permits are matched to the jobs before leaving their home countries. Once in the host country, these workers are generally not allowed to change their workplace for the whole period that the work visa is valid. In other words, the workers are 'tied' to their employers. While the degree of bindingness varies by sector and policy period, broadly, the South Korean system operates under the government-controlled centralised system under the ITP and EPS, and Israel uses a 'tied visa' system, which often issues workers' visas with specific employers' names stamped on them. Under the binding system, workers are not entitled to enjoy a free and open labour market and thus lack negotiating power over their working environment. In more serious situations, it hinders them from reporting abuses. Involvement in labour disputes, reporting abuse or sometimes even being involved in industrial accidents or becoming pregnant may result in their dismissal by employers, consequently making them undocumented in the country (Rozenholc, 2010, p. 4). The private-led, binding system that puts migrant workers in vulnerable and poor working conditions actually drives workers to choose to become undocumented, where they can at least earn more through negotiation. Consequently, within a decade of the official launch of migrant worker systems, undocumented migrant workers in both countries outnumbered their documented counterparts (Ellman & Laacher, 2003, p. 39; Y. Kim, 2021, p. 11).

B. *Current systems: Tied to the state and still to employers*

The second phase of migrant labour policies in both South Korea and Israel commenced in the early 2000s. The policies and systems put in place during this period remain largely unchanged and operative up to the present day. The need for change arose from social and political pressure over concerns about migrant workers' human rights, as well as the increased numbers of undocumented workers. After experiencing consecutive failures in regulatory measures to reduce excessive brokerage fees and debt bondage, the two countries chose a major shift towards state control of their migrant labour systems. Under the new nationalized system, migrant workforces are sourced through Bilateral Labour Migration Agreements (BLAs) or Memoranda of Understanding (MOUs) established with the sending countries and managed by governmental or public agencies only.

South Korea launched the new programme in 2003. Its previous system, ITP, was already facilitated by MOUs with 14 sending countries, but with significant involvement of private recruitment agencies. Under the new system, namely the Employment Permit System (EPS), a public agency controls the entire employment process and bans brokerage. The EPS consists of two visa categories: the E-9 visa for low-skilled migrant workers from selected countries and the H-2 visa, a preferential employment visa for ethnic Koreans—a distinction that will be further explained later. Meanwhile, Israel decided to establish separate Bilateral Labour Migration Agreements (BLAs) with multiple sending countries targeting specific sectors—construction, agriculture and caregiving—from 2005 onward, with implementation through the 2010s.[8] This transformation of migrant worker schemes, moving away from private agencies, has been acknowledged as a progressive step in migrant policies. It significantly reduced the issue of excessive recruitment or brokerage fees, lessening migrants' financial burden and the need to consider undocumented labour (Kushnirovich & Raijman, 2022, p. 108; OECD, 2019, p. 22). However, while the policy change assisted in reducing undocumented labour, studies indicate that it did not improve the

[8] BLAs were concluded with Bulgaria (2011), Moldova (2012), Romania (2014), Ukraine (2016) and China (2017) for the construction sector; with Thailand (2012) for the agricultural sector; and with the Philippines (2019), Nepal (2020) and Sri Lanka (2020) for the caregiving sector.

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working conditions of migrant workers in general (Y. Kim, 2021; Kushnirovich et al., 2019; Livnat, 2019; Seol, 2021).

The primary reason for the lack of improvement in working conditions is the political choice of both countries to maintain the binding system, despite severe criticism from scholars and civil society regarding its systemic risk of labour exploitation (Y. Kim, 2021; Niezna, 2022; Raijman et al., 2011; Seol, 2021). Responding to the criticism of migrant workers' 'bindingness' to employers, South Korea began to allow workers to change workplaces, but without granting any choice to the workers. The allowed conditions included the employer's request, company closure and grave unlawful employment practices by the employer. Even when workplace change is allowed, migrant workers have to endure penalties to retain their work visas, and they are forced to find a new workplace within a very limited timeframe; otherwise, their residential permit is suspended, and their legal status becomes undocumented. Moreover, workplace changes carry significant penalties for the extended employment, the so-called 'assiduous-diligent worker system'. This system allows a limited number of E-9 workers to reissue their visas, only after they return to their home countries, preventing them from applying for permanent residency that requires continuous residence in South Korea (Kang, 2019, pp. 9, 20–21). Despite criticism regarding the limited freedom of migrant workers and subsequent human rights risks, the South Korean government introduced even stricter rules that restrict migrant workers to changing their workplace only within the region where they were initially allocated (South Korean Ministry of Employment and Labor, 2023, pp. 1–2). Meanwhile, in Israel, the Supreme Court declared the binding arrangement system unconstitutional in 2006. However, the implementation of this decision faced prolonged obstacles, resulting in a substantial number of migrant workers remaining within the same system (Niezna, 2022, pp. 373–374). Additionally, the Israeli Supreme Court later issued seemingly conflicting decisions, exemplified by its recent validation of the Israeli-Turkish offset agreement involving binding arrangements (Livnat, 2019, p. 46).

While these agreements are often presented as state-level efforts to promote ethical recruitment and regulate migration flows, recent scholarship has problematised their normative and institutional limitations. They are frequently unpublished and non-binding; protections focus on pre-departure stages while conditions during employment remain poorly regulated; and implementation varies widely across sectors (Kurlander & Cohen, 2022; Livnat, 2019; Megiddo, 2022). Overall, BLAs operate less as comprehensive rights-based frameworks than as technocratic instruments of labour market governance shaped by state interests in managing mobility, retaining deportability and limiting long-term incorporation.

Consequently, working conditions exhibited no significant improvement. Some scholars have even argued that they worsened, with wages declining after BLA implementation (Kushnirovich et al., 2019). This deterioration is reflected in the downgrading of both countries—Israel in 2021 and South Korea in 2022—from Tier 1 status, which they had held for over a decade, to Tier 2 status in the US State Department's Trafficking in Persons Report ('TIP Report'), which cited 'woefully inadequate efforts' in relation to forced labour (Office to Monitor and Combat Trafficking in Persons, 2021, 2022).

C. Technical changes and ethnonationalism as the persistent logic

The institutional transformation documented in the preceding sections, from private-agency-led to state-administered recruitment, marks a real, if ultimately limited, policy shift. The elimination of private brokers, the establishment of bilateral agreements with sending countries and the measurable reduction in excessive recruitment fees have each constituted improvements in the formal architecture of migrant labour governance. And yet, as scholars across both contexts have consistently documented and as evidenced by the

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TIP reports, these institutional changes have not translated into substantive improvements in migrant workers' working conditions.

Existing scholarship has attributed this gap to a range of factors: institutional inertia within bureaucratic systems designed primarily for border control rather than worker protection, insufficient administrative capacity to enforce protections (Y. Kim, 2021; Kushnirovich et al., 2019; Livnat, 2019; Seol, 2021), and short-sighted solutions focusing on exploitation during the home-country recruitment stage (Kushnirovich et al., 2019; Livnat, 2019). Building upon these explanations, each of which captures a specific implementation failure, this article argues that they are ultimately expressions of a common underlying intent. The binding system—universally identified in the literature as the most significant structural enabler of labour exploitation in both countries—was retained through the transition to state-administered recruitment. While the institutional actor responsible for migrant workers' dependency and immobility has changed, the underlying objective served by the system has remained the same: maintaining migrant workers as a workforce dedicated to short-term, low-cost, low-skilled jobs, structurally segregated from the citizen workforce and easily removable when no longer needed. Controlling the movement of migrant workers through binding arrangements, workplace change restrictions and family exclusion policies reflects not only administrative convenience but also a deliberate desire to keep this category of workers separate through the preservation of their vulnerability. This approach has been widely interpreted as signalling to migrant workers that they 'never can belong' (D. Bartram, 2011, p. 236; S. Kim, 2015, pp. 189–190).

This constitutive signalling, which serves both countries' ethnonational paradigm, is reinforced by examining their responses to domestic labour market pressures. In Israel, the large influx of post-Soviet Jewish immigrants in the 1990s generated significant competition over lower-skilled positions during a period of economic restructuring. Yet, rather than improving wages and conditions in these sectors to facilitate the absorption of newly arrived Jewish workers, the government chose to maintain and expand the non-Jewish migrant labour system (D. V. Bartram, 1998, p. 507; Doron & Kargar, 1993). In South Korea, rising youth unemployment following the 1997 Asian Financial Crisis similarly created conditions under which labour market reform might have been expected. Instead, growing dependence on migrant labour in low-wage sectors continued unabated (J. Kim, 2020, p. 106). In both cases, the state's response was not to improve the conditions of low-skilled positions but to preserve their unattractiveness to citizens by ensuring a supply of workers who, by virtue of their precarious legal status and lack of social support, had little choice but to accept them. The result is a self-reinforcing cycle in which precarious conditions justify continued reliance on migrant labour, perpetuating the very conditions that make reform politically inconvenient. While prioritizing national workers in the labour market is a commonly observed feature of global migrant governance, the Israeli and South Korean cases stand out for the extent to which their systems demonstrate a strong reluctance to permit either the up-skilling of migrant workers or their long-term social integration—a stratification that is ethnonational, not merely economic, in origin.

Currently, the two countries face divergent pressures that may shape their future trajectories in different directions. In South Korea, severe demographic decline, with fertility rates now below 0.8, combined with the growing presence of the children of marriage migrants, is gradually, if unevenly, creating a climate more receptive to expanding immigration policies. While concrete policy transformation has yet to materialize, governmental and social discussions concerning the expansion of upskilling opportunities and longer-term residency pathways for low-skilled migrant workers are becoming increasingly active. In Israel, by contrast, the escalation of hostilities following October 2023 has intensified ethnonational closure and deepened the precarity of migrant

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and Arab-background workers across multiple dimensions.[9] The Israeli government hastily concluded new bilateral labour agreements and opened private recruitment channels to fill labour shortages caused by the conflict, raising civil society concerns about reduced oversight and inadequate protections. Existing reform processes have been halted, and the legal and institutional improvements that had been incrementally developed over the preceding decade are increasingly in abeyance (Kav LaOved, 2024a, 2024b; openDemocracy, 2024). This divergence, while demonstrating that ethnonational aspirations manifest differently according to each country's distinct political and economic conditions, ultimately reaffirms the shared logic: in both cases, policy responses continue to be organised around the preservation of ethnonational boundaries. The following section elaborates on this argument by examining migrant policies in both countries that demonstrate selective inclusion and exclusion, thereby further institutionalizing stratification along an ethnonational spectrum.

IV. Tied to ethnonationalism: Selective integration and ethnonational subdivisions in the labour market

The preceding section has captured one dimension of ethnonational governance: its exclusionary effect on 'foreign' workers. This section turns to a complementary and more intricate logic of selective inclusion and the stratification produced by the interplay between exclusion and preferential incorporation, which together serve the reproduction of the ethnic nation. This section thus argues that what distinguishes these cases from ordinary migration control is the nature of the boundary being maintained. It does not refer to the boundary between citizens and non-citizens, nor between racially proximate and distant groups, but between those whose blood ties qualify them for inclusion in the ethnic nation and those who remain permanently exterior to it. This boundary operates through and is further elaborated by layered socioeconomic and political distinctions.

A. Classification by closeness: Encouraged and discouraged family formation

The ethnonational aspiration presents a dual dynamic: it not only restricts the long-term settlement of foreign nationals but also strategically leverages immigration to advance the prosperity of favoured ethnic groups. In a labour context, this phenomenon becomes more evident when comparing a spectrum of migrant subgroups, based on their ethnic and national affiliations with each country. Notably, migrants with blood ties to the states (referred to as diaspora or 'compatriots') are accorded special status upon entering their respective 'homelands', significantly contributing to demographic dynamics within the labour markets of both countries. The policy trajectory for these 'compatriot' workers differs in important respects from that for non-ethnic foreign workers. They commonly enjoy much more generous access to and freedom in the labour market, with guaranteed long-term residence, as well as support for family reunification, enabling them to be easily integrated into the ethnic-nation state. Another group comprises immigrants with family ties to the nationals, particularly through marriage. Despite lacking ethnic similarity, this group also benefits from generous policies compared to non-ethnic migrants, as their contribution to the prosperity of the ethnic community is valued. In both Israel and

[9] For example, Palestinian citizens of Israel reportedly face a surge of workplace hostility linked to ethnic identity (Carnegie Endowment for International Peace, 2024). Palestinian workers from Gaza had their work permits revoked en masse, with reports of detention and abusive treatment (Al Jazeera, 2023; Haaretz, 2023; Human Rights Watch, 2024a, 2024b). Many pre-existing migrant workers returned to their home countries bearing significant financial burdens, while others were exposed to armed attacks in conflict-adjacent work zones (Chatterjee, 2024; Rappler, 2023; Times of Israel, 2024).

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South Korea, legal spouses of citizens enjoy no restrictions in work or employment, as long as their spouse visa is valid.

While migrants with blood or familial ties benefit from inclusive policies, migrant workers without ethnonational connections face stringent policies regarding their families. Both in South Korea and Israel, low-skilled migrant workers' family reunification is not only limited but also actively deterred. In Korea, visits to Korea by migrant workers' family members are permitted only in extreme situations, such as severe injury or death of the worker. Moreover, there have been reported cases in which family members of migrant workers apply for tourist visas, but when the authorities become aware that the workers reside in South Korea, the applications are denied. In the case of migrant workers' children who are born in South Korea, the child can be granted a family dependent visa if applied for within 90 days of birth. This visa allows the child to reside in Korea until the worker's permit expires.

Israel adopts an even more hostile policy towards family reunification of migrant workers. Not only are the families of migrant workers not allowed to be invited to Israel, but if a migrant worker has a first-degree relative in Israel—even with valid legal status—the worker's entry to Israel is denied. If the worker is already in Israel, their work permit is cancelled. When a migrant worker gives birth to a child in Israel, the baby must be sent to the worker's home country before their work permit expires. If not, the parents' work permits are not extended after expiration (Shamir, 2013, p. 199). Additionally, reported cases have shown that Israeli authorities request employers to report when their employed migrant workers have romantic or marital relationships with another migrant worker; if such a relationship is found, one partner loses their work permit (Lior, 2017; Shamir, 2013; Yaron, 2018).

A particular concern in both countries is the situation of children born to undocumented migrants, often referred to as 'innocent illegals', who have been denied legal registration for a prolonged period. Under civil society pressure, both countries have introduced limited measures: South Korea has permitted birth registration for undocumented migrants' children since 2021, while Israel has offered short-term resident permits under narrow criteria since 2006. Discussions of permanent residency or naturalisation have been actively avoided by both governments. These restrictions on family formation serve not only to segregate migrant workers within the labour market, but to signal that their long-term integration into the ethnonational community remains unwelcome.

B. *Migrant subdivisions in social and political contexts*

Ethnonational aspiration operates largely through a binary distinction between those with blood ties and those without, encouraging the former to settle more easily for ethnonational reproduction while restricting the latter's family rights to minimize their impact on the homogeneous national community. Yet these narratives of belonging and threat also interact with deeper socioeconomic and political hierarchies, producing further stratification within migrant populations themselves.

Scholarly accounts of migrant exclusion, including those by Kim and Raijman, identify three recurring dynamics in discriminatory narratives (S. Kim, 2015; Raijman, 2013). These are concerns over cultural homogeneity; socioeconomic anxieties regarding competition over social resources; and political and security fears tied to geopolitical conflict, national tensions or criminality. This combination of 'threat' narratives shapes preferences organised around country of origin, favouring migrants from Western nations while discriminating against those from post-Soviet or developing countries. Geopolitical security considerations and genealogical proximity further subdivide migrants within the ethnonational hierarchy.

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1. Ethnonational subdivisions in the Korean context

In the context of Korea, the intricate ethnonational labour subdivisions, influenced by political and social factors, are evident among diaspora Korean migrants. Legally designated as 'overseas Koreans' but commonly referred to as *Dongpo* (meaning 'compatriot'), Koreans residing abroad without Korean citizenship are closely associated with the development of the country's migrant labour system. In 1997, a few years after South Korea timidly launched its first migrant labour programme under the Industrial 'Trainee' System, a working visa for overseas Koreans called the 'Dongpo visa' (F-4 visa) was introduced. Thus, technically, the Dongpo visa is the first major working permit for non-citizens, acknowledging their legal status as workers. The visa grants Koreans and their descendants who hold foreign nationality residence for two to three years, with the possibility of extension from short-term to permanent. An interesting feature of the F-4 visa is that it allows holders to work without sponsorship, with unrestricted access to most occupations but explicit exclusion from the low-skilled jobs typically allocated to 'industrial trainees' and later to holders of the unskilled labour visa (E-9 visa). This unique provision suggests that while the country welcomes returning Koreans, it discourages them from participating in the lower-class job market, indicating an ethnonational preference for a segregated job market where Koreans are expected to remain in higher-class positions.

One notable aspect of the earlier development of Korean Dongpo policy is its overt discrimination against compatriots based on their country of origin, favouring individuals from 'Western' countries while discriminating against those from former adversaries of the Cold War. Initially, the F-4 visa was open to individuals from primarily Western countries, while excluding Korean Chinese, who represent the largest segment of overseas Koreans, along with those from the former Soviet states. As the policy faced criticism for discriminating against diasporas perceived as threats to national security and economically disadvantaged, Korean Chinese migrants began arriving in Korea undocumented. Facing an influx of Korean Chinese filling numerous low-skilled positions as undocumented workers, the South Korean government introduced the Dongpo visiting-working visa, the H-2 visa, specifically targeting Korean Chinese to work in low-skilled jobs. This new compatriot working permit again coincided with the full implementation of EPS, the official migrant worker programme. Compared to E-9 unskilled labour visa holders, the H-2 visa offers more extensive benefits, including freedom in workplace selection, job transfers and the opportunity to apply for permanent residency. The initial F-4 visa also gradually expanded to include applicants from the Korean Chinese community, albeit limited to those holding university diplomas or similar credentials indicating an 'unlikelihood of engaging in low-skilled work'. Currently, with 92 per cent of H-2 visa holders being Korean Chinese, these 'compatriot' workers occupy a significant portion of low-skilled jobs, yet constitute a distinct class from non-Korean ethnic migrant workers as they often enjoy better working conditions and have more options available.

The other migrant group with ethnonational ties, marriage immigrants (*Gyeolhon-iminja*), also benefit from unrestricted access to the labour market. In Korea, marriage migrants are predominantly wives from Vietnam, followed by China and Thailand, aligning with the major countries of origin of E-9 unskilled workers. These marital migrants play a significant role in the agricultural and service industries. There is a unique policy regarding their family reunification and labour market access. Marriage migrants in Korea, as well as compatriot migrants, can invite their extended non-Korean family members, including first cousins, to apply for seasonal work in farming and fisheries under the E-8 visa. This policy demonstrates the country's inclusive and preferential stance towards kin-bonded individuals, encouraging their increased participation and expansion in the labour market, even with less direct blood ties. However, for general cohabitation purposes, only compatriot immigrants can invite their spouses and children, who are culturally accepted as part of the extended 'Korean'

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family. Conversely, marriage migrants are restricted to inviting just one nuclear family member and only for the purpose of caring for a child born to the immigrant and their Korean spouse. This uniquely restrictive policy highlights another ethnonational perspective towards immigrants without blood ties, emphasising their role in 'reproducing' Koreans. Reunion with non-blood-related family members is permitted only when the invited member can contribute to the country's least desirable jobs on a temporary basis or help maintain the Korean ethnic group by caring for a child with Korean heritage.

2. Ethnonational subdivisions in the Israeli context

In Israel, unlike their South Korean counterparts, labour policies do not exhibit overtly discriminatory practices towards compatriot migrants or marriage migrants. Diaspora Jews (*Yehudei Hatfutsot*) enjoy an unconditional right to immigrate under the Law of Return—a process termed *Aliya*—and are granted immediate, unrestricted access to the labour market upon arrival, regardless of employment status or sector.[10] Yet even within this privileged category, ethnonational stratification persists. Newly arrived Jewish immigrants tend to sort by country of origin into distinct labour market positions, continuing a pattern established since the state's founding (D. V. Bartram, 1998, p. 319; Semyonov et al., 2015). Ashkenazi Jews—whose communities originated in Central and Eastern Europe—have historically dominated upper and middle-class positions, while Sephardic, Mizrachi and later post-Soviet and Ethiopian Jewish immigrants were disproportionately represented in lower-status occupations. The Israeli government actively encouraged these new immigrants to fill construction and agricultural positions previously held by Palestinian workers, framing this as a national mission (D. V. Bartram, 1998, p. 310). In practice, however, many declined these positions, widely stigmatized as 'Arab jobs', leaving them to be filled by non-Jewish migrant workers instead, even during periods of unemployment (D. V. Bartram, 1998, p. 319).

A further dimension of Israeli labour market stratification is shaped by national security politics. The most notable example is Palestinian workers from the Occupied Palestinian Territories. While not strictly migrants, they constitute a significant share of Israel's foreign workforce, yet are excluded from the legal protections extended to other migrant workers, including judicial reviews of binding visa arrangements (Niezna, 2022, p. 381). Their work permits are subject to frequent arbitrary suspension during periods of security tension, and those permitted entry face checkpoint delays and, in some cases, employer surveillance and document confiscation (Niezna, 2022, p. 382). Refugees and undocumented migrants from countries classified as hostile entities, notably Sudan and Eritrea, face analogous conditions of detention risk and legal precarity (Office to Monitor and Combat Trafficking in Persons, 2023, p. 19), compounding their exposure to labour exploitation and trafficking.

C. The dual logic: Inclusion, exclusion and ethnonational reproduction

The preceding subsections have examined how labour and family policies in Israel and South Korea differentiate among migrant subgroups according to their perceived proximity to the Jewish people and Korean Minjok, extending preferential access to co-ethnic diaspora and marriage migrants while systematically restricting the settlement, family formation and

[10] Referred to as *Olim Chadashim* (meaning new immigrants or 'one who ascends'), returning diaspora members are granted an *Aliya* visa or A-1 Temporary Resident visa, which confers full labour market access. These rights extend to children and grandchildren of Jewish individuals.

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mobility of non-ethnic foreign workers. Taken together, these patterns reveal a governance structure that operates not simply as a hierarchy from nationals to foreigners, but as a more finely graded spectrum of ethnic closeness. This spectrum runs from compatriots, to immigrants with familial ties, to migrant workers, with each group subjected to qualitatively different legal regimes. Further differentiation arises within these categories along lines of national origin, geopolitical context and perceived security risk, producing a multi-tiered society and a segmented labour market.

What this analysis makes visible is something that existing scholarship on migrant labour governance has not fully theorised: that ethnonationalism functions simultaneously as a logic of exclusion and a logic of selective inclusion and that these two movements are not merely parallel but mutually constitutive. The state simultaneously excludes non-ethnic outsiders from long-term social membership and actively recruits ethnic insiders into the national community, with each movement reinforcing and legitimizing the other. The exclusion of foreign workers justifies and naturalizes the privileged access of co-ethnic migrants; the preferential incorporation of diaspora affirms the ethnic boundary that exclusion maintains. Together, they reproduce an aspired ethnonational state.

This dual logic distinguishes the South Korean and Israeli cases from other forms of exclusionary migration governance based on statehood or nationhood. Even in one of the most exclusionary systems—the Kafala system in the Gulf states, for example, the administrative boundary operates along a citizen/non-citizen binary; while similarly deeply hierarchical and closed to upward mobility, the organising principle is not primarily one of ethnic, racial or cultural affinity. In Israel and South Korea, by contrast, ethnic identity precedes and overrides citizenship as the basis for inclusion. Co-ethnic diaspora and marriage migrants and their families are welcomed before they hold citizenship, while non-ethnic workers remain excluded regardless of how deeply they become embedded in local communities. The boundary is not between legal members and non-members, but between those who belong to the ethnonational polity and those who do not. This dynamic also carries gendered dimensions, as family reunion and marriage migration policies reflect assumptions about ethnic reproduction.

The implications of this multi-layered stratification extend well beyond its immediate impact on marginalised migrant worker groups. When a substantial portion of the workforce is rendered structurally vulnerable—unable to organise, change employers, form stable communities or participate in workplace governance—the collective bargaining power of the entire labour force is weakened. This effect is particularly pronounced when stratification is based on ethnicity and nationality, as these characteristics are externally observable and thus easily mobilized as the basis for differential treatment (Roscigno & Tomaskovic-Devey, 2024). Furthermore, such stratification compounds inequality along other axes, including those based on gender (Cohen, 2001). In this respect, the ethnonational governance of migrant labour in Israel and South Korea is not merely a matter of migration policy or border management; it is a structuring feature of the labour market as a whole—one that fragments solidarity, naturalises hierarchy and produces social consequences for all.

V. Breaking the tied chains: Labor citizenship and meaningful stakeholder engagement

The preceding analysis demonstrated that migrant workers' vulnerabilities are structurally embedded within ethnonationalist migration regimes that weaken workers' collective power and restrict democratic inclusion. This section turns to a broader normative and institutional question: how can such a form of exclusion be challenged, and what are the

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possibilities and limits of reform within ethnonationalist states? More specifically, how should labour governance and the BHR framework respond when vulnerability is generated not merely through workplace practices, but through state-designed systems of migration governance themselves?

These questions challenge both labour governance scholarship and the BHR field to undergo conceptual expansion. The stratification examined throughout this article constitutes a structural condition that facilitates exploitation across sectors and supply chains. Manufacturing factories, agricultural employers, labour brokerage agencies, construction firms and platform-based intermediaries operate within and benefit from official migrant systems and their derivative undocumented labour markets, which intentionally produce deportability, dependency and restricted social integration. To that extent, both states and businesses, each bearing a duty to protect and a responsibility to respect human rights, become active participants in reproducing ethnonationalist structures. Existing BHR approaches have largely focused on identifying and remedying harms caused by individual business conduct within specific corporate operations or value chains. However, the risks analysed in this article call upon BHR scholarship to engage more directly with such structural human rights risks through a broader law and political economy lens. Such macro-level approaches have already been suggested in prior BHR scholarship. Monshipouri et al. (2003), for example, emphasised the importance of examining broader structural conditions and governance arrangements that enable socially harmful corporate practices. Likewise, Cho distinguished between direct corporate violations and indirect or systemic human rights impacts arising from broader structures of global economic activity (Cho, 2008). Building upon these approaches, this article argues that BHR scholarship should engage more directly with the structural conditions that systemically produce labour vulnerability and exploitation.

This article proposes two complementary responses: the first is labour citizenship, which provides a normative and political framework for reimagining migrant workers as participants in the labour market regardless of nationality; the second is the BHR framework, particularly MSE, as a practical institutional channel for creating leverage and alternative governance spaces where domestic inclusion remains structurally constrained.

A. *Labour citizenship: Possibilities and limits in ethnonational contexts*

Among the responses that labour scholarship has developed to address migrant workers' precarious status and exclusion from social membership, the concept of labour citizenship has emerged as one of the more promising and generative normative concepts. Emerging from broader debates surrounding social citizenship and democratic inclusion, it draws on a lineage extending from Marshall's theorisation of citizenship as the gradual expansion of civil, political and social rights within industrial society. This framework is extended to labour, detaching participation in labour and social life from formal nationality status (Gordon, 2006, pp. 514, 544). Within this tradition, scholars argue that all workers, regardless of formal citizenship status or national origin, deserve political subjecthood within the labour market: rights-based membership and the capacity for political agency (Mundlak, 2007). This standing is grounded not in a particular legal status or employment agreement, but in workers' labour and social contribution. Such contribution is conceived as expressing constitutional rights inherent in the dignity of the worker as a person and as reconciling the language of universal human rights with that of citizenship (Fudge, 2014; Mantouvalou, 2013; Mundlak & Fudge, 2016). Labour citizenship encompasses more than equal workplace protections. It includes the capacity for solidarity and participation in the

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democratic processes affecting their working conditions—with migrant workers' legal and social status connected to worker organisations rather than employers, enabling iterative renegotiation of rights and social membership (Gordon, 2006, 2009).

The cases examined in this article, however, reveal stronger constraints on the realisation of labour citizenship and the creation of solidarity-based membership. This iterative process of community building and normative expansion is, within an ethnonationalist context, structurally impeded from the outset. First, as the preceding sections have shown, the democratic spaces in which such contestation might occur are intentionally constrained. State migration schemes prevent migrant workers from joining existing workers' organisations by imposing short-term settlement conditions and obstructing social integration, depriving them of the very conditions under which solidarity is initially built. Second, even within the labour institutions, the potential for solidarity across ethnic lines is weaker than in other settings, because the symbolic boundaries of the community are shaped not only by state policy but also by cultural attitudes towards ethnic belonging.

B. Organised labour and migrant worker inclusion within an ethnonational framework

The historical experience of organised labour in both Israel and South Korea provides evidence for structural limits in an ethnonationalist context. In both countries, major workers' organisations emerged within broader ethnonational political projects, but have also shown partial, contested yet meaningful ways in which they have begun to overcome those limits.

The early history of organised labour movements in both countries was fuelled by a strong sense of nationalism during their quests for state independence. In Israel, the Histadrut—founded in 1920 and representing, at its peak in the 1970s, 80 per cent of the country's workforce (Tzafrir et al., 2007, p. 116)—functioned simultaneously as a trade union, the country's largest employer and a key institution of Zionist state-building (Preminger, 2018, pp. 5–7). Despite formally opening its membership to Palestinian and Arab Israeli citizens from the 1950s, their representation remained very limited, reflecting the organisation's deep ethnonational foundations.

In South Korea, organised labour emerged in 1945 from the postcolonial nationalist movement. The Federation of Korean Trade Unions (FKTU), established with the inaugural government's support, operated as the sole legally recognised federation until 1999 (Yi, 2013), functioning in close alignment with state policy, a relationship widely characterised as 'puppet' corporatism (Choi, 2011, p. 79). Its founding creed declared principles rooted in democracy and 'neo-ethnonationalism (*Shin Minjokjuui*)', with organising focused almost exclusively on large corporations.

Since the late 1980s, both labour movements have undergone significant transformation under the dual pressure of neoliberal restructuring and demographic change. In Israel, unionisation rates collapsed from a peak of 80 per cent in the 1970s to 33 per cent by the early 2000s and to only 10–12 per cent in the private sector (Adler, 2011, p. 26; Preminger, 2018, p. 9). Preminger observes that, confronted with the fragmentation of labour, the Israeli union began to reorient around the identity of the worker as such—irrespective of nationality or employment form—as a basis for solidarity among an increasingly diverse membership (Preminger, 2018, p. 211). Yet this reorientation has not extended to full institutional inclusion of migrant workers. Palestinian workers from the occupied territories and non-Jewish migrant workers remain outside the formal membership structures of the Histadrut and other major unions—a limit that reflects the continuing purchase of ethnonational boundaries within Israeli labour institutions. It is in this gap that

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civil society organisations have stepped in to play a complementary, if structurally distinct, role. *Kav LaOved*—a legal aid NGO advocating for the rights of migrant and precarious workers—has, since 2009, contributed to expanding migrant workers' access to legal protections and public visibility through litigation, advocacy and documentation (Mundlak, 2007, pp. 133–139). Critically, however, *Kav LaOved* operates according to a human rights logic rather than a labour organising logic. It is not a union; it is not led by migrant workers themselves; and its mode of action—primarily legal intervention—differs fundamentally from the collective power and democratic participation that define labour citizenship. Its significance lies not in demonstrating inclusive solidarity, but in illustrating the limits of union inclusion and civil society's capacity to fill that gap through advocacy.

In South Korea, the establishment of the Korean Confederation of Trade Unions (KCTU) in 1995 offered a more progressive alternative to the corporatist legacy of the Federation of Korean Trade Unions (FKTU). Yet its founding creed retained a commitment to the 'healthy ethnonational spirit (provision 7 of the KCTU Creed)', reflecting the continuing entanglement of labour organising with nationalist identity. The country's historical financial crisis in 1997 and the subsequent market liberalization dramatically expanded the pool of non-standard and informal workers, including migrant workers classified as 'industrial trainees', who remained outside the protection of formal labour organisations. The South Korean trajectory diverges from its Israeli counterpart, however, in one analytically significant respect. In 2010, migrant workers themselves established the Migrant Trade Union (MTU), an organisation founded and led by migrants. The MTU represents a qualitatively different form of labour citizenship—not the extension of rights by established unions to migrant members, nor the provision of legal aid by civil society on behalf of migrant workers, but the autonomous self-organisation of migrants as labour citizens in their own right. This distinction matters analytically: it suggests that the trajectory from ethnonationalist exclusion towards more inclusive forms of solidarity is neither linear nor uniform, but is shaped by each country's specific institutional landscape and the degree to which migrant workers have been able to claim organisational agency within it.

Taken together, the two cases reveal a pattern of limited but meaningful transformation: one in which the ethnonationalist foundations of organised labour have been partially destabilized by neoliberal fragmentation and the growing presence of migrant workers, yet without producing a wholesale shift towards cosmopolitan inclusion. In Israel, change has been mediated primarily through civil society advocacy operating outside union structures; in South Korea, in addition to civil society aid, it has found expression in migrant workers' self-organisation. What both suggest is that the labour market itself, through the contradictions that ethnonationalist governance produces, generates pressures towards broader solidarity, despite limitations. Labour citizenship thus retains its force as a horizon towards which these pressures continue to move.

C. BHR framework as a complementary pathway: Meaningful stakeholder engagement

The limits of the labour citizenship approach within ethnonationalist states lie both in the state's deliberate reproduction of ethnonational identity and in the structural weakness of labour institutions themselves, including their limited inclusiveness towards migrant workers. Together, these forces restrict the creation of public spaces in which migrant workers can be recognised, heard and positioned as labour citizens in solidarity with others. Given this condition of structural invisibility, this article argues that the BHR framework, and in particular the principle of MSE as a core mechanism within it, can serve as a

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complementary institutional pathway capable of creating precisely such spaces of recognition and representation.

BHR frameworks have gained increasing attention in labour governance for their potential to address labour rights issues that domestic regulatory systems leave unresolved, particularly in transnational contexts (Bellace & ter Haar, 2019; Bright, 2021; Landau, 2023). Worker-driven corporate social responsibility schemes, HRDD processes, trade conditionalities, multi-stakeholder initiatives (MSIs) and BHR-based grievance mechanisms such as OECD National Contact Points have all been explored as instruments for advancing labour rights where state-led or judicial remedies remain inadequate. Despite their individual limitations, these mechanisms are recognised for opening channels through which workers can express their concerns; these channels are particularly significant where global value chain (GVC) connections create leverage that purely domestic frameworks cannot generate.

Within this emerging landscape of BHR tools, MSE stands out as particularly foundational. MSE is a core procedural component of HRDD as articulated in the UN Guiding Principles on Business and Human Rights (UNGPs) (UN Office of the High Commissioner for Human Rights, 2011, p. 19), and it is through MSE that the broader promise of BHR frameworks, as spaces for worker voice and engagement, can be realised. For example, at its most basic level, HRDD requires that business enterprises identify, assess and take steps to prevent actual and potential adverse human rights impacts, act upon their findings and communicate how those impacts are being addressed. MSE provides the essential epistemic infrastructure for this process: as defined across major normative frameworks, MSE is characterised by two-way communication conducted in good faith, with genuine openness to modifying decisions based on stakeholder input. It is both proactive and responsive, ongoing rather than episodic and designed to inform the substantive decisions of enterprises rather than to fulfil post hoc reporting requirements (OECD, 2017, pp. 18–20).

Here, stakeholders are broadly defined as 'persons or groups that may have an interest in or could be impacted by an enterprise's activities' (OECD, 2017, p. 19). The UNGPs further specify that this category prioritises *affected stakeholders*—those whose individual or collective human rights are, or could be, directly impacted by business activities (UN Office of the High Commissioner for Human Rights, 2012, p. 8). Critically, the UNGPs are explicit that companies should pay particular attention to 'groups or populations that may be at heightened risk of becoming vulnerable or marginalized' (UN Office of the High Commissioner for Human Rights, 2011)—a formulation that squarely encompasses migrant workers operating under the conditions of structural precarity that this article has documented.

What this stakeholder approach makes possible is the recognition of migrant workers in their dominant sectors and industries as at-risk stakeholders and rights holders, whose voices must be actively sought. The case of distant-water fisheries in South Korea illustrates this dynamic with particular clarity. Migrant workers in this sector are exempt from the protections of the Labor Standards Act or even the EPS framework and are unrepresented in the dominant trade unions. Under the existing wage-setting arrangement, the Ministry of Oceans and Fisheries delegated its wage determination to labour-management negotiation bodies composed solely of Korean workers, with the result that domestic union members participated in processes that produced systematically lower wages for migrant workers (Korea Public Interest Lawyers Group [KPIL], 2023; Migration and Human Rights Institute, 2022). In this context, civil society organisations working on migrant workers' rights engaged in sustained government dialogue and contributed to the gradual dismantling of this discriminatory wage structure. This case illustrates how a stakeholder engagement channel—specifically oriented towards migrant workers as a distinct rights-holder group and conducted in partnership with civil society advocates—can create an alternative

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channel through which they can participate and articulate their concerns directly as affected stakeholders, even where state institutions and dominant labour organisations have failed to do so.

Several pathways exist through which BHR frameworks and MSE mechanisms may generate meaningful pressure and institutional leverage in the contexts analysed in this article. The first operates through external accountability via supply chain governance, particularly through HRDD. The growing proliferation of HRDD frameworks, reporting standards and sector-specific MSIs has produced an increasingly dense normative architecture. South Korea's manufacturing, shipbuilding and seafood sectors, and Israel's agricultural and construction industries, for example, rely heavily on migrant labour while also being deeply integrated into transnational commercial and supply chain networks, whether through export-oriented production, foreign investment, imported industrial inputs or relationships with overseas business partners. HRDD requirements apply to multinational enterprises sourcing from or operating in these sectors across supply chains. The EU's recent Corporate Sustainability Due Diligence Directive has raised the institutional stakes for MSE by embedding it as a principle of corporate due diligence obligations and extending its reach to EU-connected supply chains. This provision has relevance for both Korean and Israeli industries with significant European market exposure.

The second pathway operates through domestic mandatory HRDD legislation and the institutionalisation of stakeholder engagement channels within national regulatory frameworks. An increasing number of countries have enacted mandatory HRDD or supply chain transparency laws, and several more—including South Korea—are currently deliberating such legislation.[11] National-level mandatory HRDD laws would not only amplify the voicing mechanisms described above, but would promote institutionalised engagement channels that create domestic legal obligations to consult migrant workers as affected stakeholders. Where direct engagement remains structurally constrained, the UNGPs and the OECD Due Diligence Guidance both provide that companies should engage 'reasonable alternatives, such as independent experts, civil society organisations and human rights defenders'. This provision creates normative space for states and businesses operating in migrant-worker-dominant industries to recognise organisations such as South Korea's Migrant Trade Union as legitimate MSE interlocutors. Other civil society organisations can similarly serve as alternative engagement channels where direct worker participation is structurally blocked. MSE principles also encourage consultation across multiple stakeholder constituencies simultaneously, including trade unions, civil society organisations and international advocacy networks, creating the conditions for new forms of transnational and cross-organisational solidarity. The KTNC Watch, a civil society network that brings together NGOs and trade unions to address the human rights impacts of Korean corporations, represents one model through which migrant worker concerns can be raised collaboratively across labour and human rights advocacy boundaries.

Meanwhile, the article acknowledges that the proposal to develop MSE as a complementary pathway for migrant worker rights operates within a field defined by both normative ambitions and significant empirical limitations. Within the BHR field, MSE, while attracting increasing attention, remains far from a well-established or reliably implemented mechanism. HRDD practices have been criticised as business-driven, leaving corporations with wide discretion over stakeholder identification and the depth of engagement, frequently

[11] For example, France (Duty of Vigilance Act, 2017), the Netherlands (Child Labor Due Diligence Act, 2019), Germany (Corporate Due Diligence in Supply Chains Act, 2021), Norway (Transparency Act, 2021), Switzerland (Swiss Federal Ordinance on Conflict Minerals and Child Labor), the United States (Dodd Frank Act 1502, 2010; California Transparency in Supply Chains Act, 2010), the UK (Modern Slavery Act, 2015), Australia (Modern Slavery Act, 2018) and Canada (Modern Slavery Act, 2023).

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resulting in procedural compliance without transforming structural vulnerability. This article's argument is therefore not a claim about what MSE currently is, but a call for its more genuine institutionalisation. When understood as a governance space rather than a procedural formality, MSE and labour citizenship together offer mutually reinforcing pathways towards migrant worker protection and solidarity.

VI. Conclusion

This article has examined the structuring role of ethnonationalism in migrant labour governance through a comparative analysis of Israel and South Korea—two states that, despite their profound differences in geography, religion and geopolitical context, have developed convergent policy architectures for managing migrant labour. Moving beyond conventional binaries such as citizens/non-citizens or low-skilled/high-skilled workers, the analysis maps a more fine-grained spectrum of ethnic proximity through which migrant subgroups are subjected to qualitatively different legal regimes of protection, mobility and family rights. This stratification, which shapes access to rights, social membership and workers' exposure to labour exploitation and human rights risks, suggests that the marginalisation of migrant workers is not simply the product of particular cultural traditions, economic considerations or policy choices. Rather, it reflects a broader institutional logic through which ethnonational states reconcile economic dependence on migrant labour with the preservation of bounded national membership.

This article has sought to illuminate this structural logic rather than prescribe its remedy —attending not to individual policy failures, but to the broader institutional architecture through which ethnonational governance as a whole produces and sustains migrant workers' vulnerability. Nevertheless, attending to the specific institutional conditions that constitute this structure, the article advances the following concrete recommendations as necessary points of intervention: the abolition of employer-tied visa arrangements and their replacement with portable work authorization systems; the enactment of mandatory HRDD laws with the explicit inclusion of migrant workers, including undocumented workers, as vulnerable groups; and stronger governmental BHR guidelines and support for meaningful stakeholder engagement, including practical assistance for migrant worker organisations and civil society actors. Worker-led organisations, such as South Korea's Migrant Trade Union, should be recognised as legitimate stakeholders in both corporate human rights processes and broader policy dialogues.

Institutional reform of this kind is, this article argues, a necessary precondition but not an endpoint. This article's analysis points beyond specific institutional arrangements towards the structuring ethnos these policies reflect and reproduce. Against the ethnonationalist logic this article analysed throughout, this article proposes labour citizenship as an alternative normative principle: a commitment to grounding membership, rights and dignity not in ethnic belonging, but in the shared condition of work and vulnerability. Meaningful stakeholder engagement, as an emerging principle within BHR governance, offers a practical institutional expression of this commitment—a mechanism through which those most affected by human rights risks should be recognised as legitimate participants in shaping the conditions of their own labour. Together, these principles suggest the possibility of a different kind of tie: not one that binds workers to employers, state systems or ethnonational hierarchies, but one that connects all those who share risks, vulnerability and value of their labour, in solidarity and in dignity.

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