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GENERAL ARTICLE (PEER REVIEWED)

## Migration, Brokerage and Recruitment: Socio-cultural Factors Surrounding Thai *phi-noy* Undocumented Migrant Workers in South Korea

Steve Kwok-Leung Chan

**Corresponding author:** Steve Kwok-Leung Chan, Assistant Professor of Sociology, Keimyung University, Daegu 42601, South Korea, [stevec@kmu.ac.kr](mailto:stevec@kmu.ac.kr)

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### Abstract

This study investigates the phenomenon of unskilled labour migration facilitated by private intermediaries in South Korea from a socio-cultural perspective of migration. The research was conducted using a qualitative approach, including semi-structured interviews with Thai undocumented workers in Daegu, as well as a supplementary trip to Bangkok, Thailand to explore the migration origin. The study examines the process of documented and undocumented labour migration in the context of the culture of migration. The findings help to explain why more Thai workers choose to work undocumented in South Korea compared to other Southeast Asian nationals. These undocumented migrant workers are known as “*phi-noy*” in Thai slang which means “little ghosts”. Formal or informal agencies or brokers are very popular in Thailand though excluded in South Korea’s Employment Permit System. These intermediaries still play a role in the brokerage of labour migration into South Korea. The study aims to provide a better understanding of the labour migration process and the existing empirical research on the culture of migration, including the brokerage role of labour recruitment agencies.

### Keywords

**Culture of Migration; Informal Broker; Labour Recruitment Agency; Undocumented Migrant Worker(s); Thailand; South Korea**

## 1. Introduction

Labour migration is a popular research topic in the era of globalisation due to the increasing movement of people across international borders, which is a result of the interconnectedness of nations, economies, cultures, and transnational activities. South Korea is a mature economy facing population ageing and a labour shortage and has responded by gradually adjusting its foreign labour policy by opening its door to more migrant workers, including the signing of memoranda of understanding with 16 Southeast Asian countries to ensure that the labour migratory process strictly follows a well-designed Employment Permit System (EPS). Despite excluding private agencies from the application procedure, private agencies and individual brokers have flourished, particularly in the case of Thai workers, who also frequently work undocumented in South Korea by taking advantage of a 90-day visa exemption for Thai passport holders. Thai workers enter South Korea for sightseeing but overstay and breach the conditions of their visa.

While existing literature covers a wide range of topics related to the migration process, empirical research addressing the culture of migration is rare. This research seeks to address this gap by exploring cultural factors that may help to explain why more Thai workers choose to work undocumented in South Korea compared to other Southeast Asian nationals. Formal or informal agencies or brokers are very popular in Thailand and it is therefore worth closely examining their role in the brokerage of labour migration. Despite previous studies on the role of intermediaries, their aspirations have rarely been connected to the culture of migration, making this research unique in its approach. By filling this gap, the study aims to provide a better understanding of the labour migration process and the brokerage role of labour recruitment agencies.

## 2. Methodology

The aim of this research was to investigate the role of private agencies or brokers in the labour migration process of Thai undocumented workers in South Korea. Specifically, the study sought to understand why Korea's Employment Permit System fails to exclude private agencies or brokers from the migratory process. How do these agencies or brokers attract and facilitate Thai workers to come without going through the formal procedure? And does the culture of Thai migration draw them to the undocumented path of labour migration?

The qualitative research design consisted of a semi-structured interviews as the primary method of data collection, supplemented with key informants' interviews and archive research. The initial key informants' interviews were conducted in Bangkok and several cities in Korea. Several Thai NGOs on labour and development were interviewed in 2018, including the Pattanarak Foundation, the Human Rights Development Foundation, and the Labor Rights Promotion Network. The author also visited the Asia Center of Migration Research, Chulalongkorn University in Bangkok to meet with researchers who had recently conducted empirical research on the management of Thai labour out-migration. In South Korea, various trade unions and NGOs were approached, including the Korean Confederation of Trade Unions, the Osan Migrants Workers Culture Center, the Sungseo Industrial Complex Trade Union, and the Women Migrant Human Rights Center in Daegu. These visits enabled the author to gain a better understanding of the empirical situation of undocumented workers in Korea and the role of migration agencies in the process.

In addition to interviews, the author conducted archive research on eight Facebook groups and seven pages related to undocumented workers and labour recruitment agencies. These groups and pages were searched using the keyword “ผี-น้อย KR” (or Romanized as *phi-noy KR*) which literally means ‘little ghosts in South Korea,’ a term used to allegorically represent undocumented labourers. It included three open groups set up by Thai undocumented workers in South Korea for connection and sharing and five closed groups created by labour recruitment agencies to target clients in Thailand. The closed groups needed the hosts' approval to be accessed, which helps these intermediaries maintain a low profile to hide information

from the authorities and the general public. The other seven Facebook pages contained general information and experiences of undocumented working in South Korea and included messages to recruit prospective undocumented workers to use the services of these agencies or brokers. Further contact was needed to add the hosts' LINE (Instant Messenger) account. All these groups and pages are in the Thai language. [Table 1](#) summarises the type and titles of these Facebook pages.

Table 1. The type and titles of “*phi-noy* KR” Facebook groups & pages

	Title of Facebook Groups & Pages	Type
1	Labor in South Korea, the life of <i>phi-noy</i>	Open group
2	<i>phi-noy</i> SK: garden work, hotel work, farm work	Open group
3	Healthy, strong, wealthy, the news of <i>phi-noy</i> SK	Open group
4	Thai workers in South Korea, the life of <i>phi-noy</i>	Closed group
5	Free work, not free work, <i>phi-noy</i> escaping Immigrants in South Korea	Closed group
6	Find a job in South Korea to all <i>phi-noy</i>	Closed group
7	Know the news of <i>phi-noy</i> SK	Closed group
8	<i>phi-noy</i> SK turning crisis into opportunity	Closed group
9	Search for jobs in South Korea, job guarantee, high-paid jobs	Page
10	South Korea work, good work, well-paid, accommodation provided, take care of all the journey, training provided for passing the immigration	Page
11	Money for sure, work for sure in South Korea, book a tour	Page
12	Work in South Korea: farm, factory, garden	Page
13	Find workers to work in Korea	Page
14	Looking for a job in Korea, Thai-to-Korea delivery	Page
15	Looking for a job in South Korea: garden, farm & factory; selling air tickets	Page

Source: produced by the author (accessed in April to June 2019)

The study conducted semi-structured interviews with Thai undocumented workers in South Korea, with a focus on the role of private agencies or brokers in the labour migration process. The researcher initially recruited interviewees through the Sungseo Industrial Complex Trade Union and a Thai worker from an NGO concerning women migrant workers in Daegu. Additional interviewees were found through snowball sampling. A semi-structured questionnaire that guided the interviews consisted of four sections covering job and visa status, job searching and agency, hardship in Korea, details of undocumented experience and the interviewees' demographic information. Repeat interviews were conducted for shortlisted interviewees for clarification and further probing into their situations and experiences as undocumented workers. Bilingual Korean and Thai students, speaking both Korean and English, or Thai and English, were hired as translators during the interviews, transcription, and translation of the website(s) and Thai documents. All the interviews were conducted anonymously to protect the privacy of the interviewees. Eighteen Thai undocumented workers were interviewed in Daegu in 2019 and their personal particulars are not disclosed

in this paper to ensure their anonymity. The interviewees' background is listed in the appendix at the end of this paper (Appendix 1).

### 3. Literature Review

#### 3.1 THE CULTURE OF MIGRATION

Although some studies have employed cultural factors to explain migration trends, little research connects it with migration intermediaries. By examining the migration culture of a specific group or community, a broader picture of the causes can be provided by including the 'history and socio-cultural setting of the movers' (Cohen 2011: 2). The culture of migration includes 'those ideas, practices and cultural artefacts that reinforce the celebration of migration and migrants. This includes beliefs, desire, symbols, myths, education, celebrations of migration in various media, and material goods' (Ali 2007: 39). The sustainment of the migrant flow in a sending community occurs because a culture or practice becomes established over time. Many younger members of the community follow in their predecessors' footsteps. Previous migrants act as role models (Kandel & Massey 2002). Their decent earnings and frequent remittances become a 'demonstration effect' to promote the labour flow (Galam 2015: 141). These material gains subsequently turn into consumer behaviours and fixed assets for the left behind family members and return migrants, who build new houses, buy large plots of farmland, and are willing to spend money for a better standard of living.

In a study of the Mexican culture of migration into the USA, Wilson (2010) emphasises the social relationships at the sending origin, suggesting 'householding'<sup>1</sup> and 'reciprocity networks based on social, kinship and ritual kinship ties' (415) constitute the driving forces for the out-migration. Conflict can also be a driving force for out-migration, as perceived insecurity over time can lead to the development of a culture of migration (Sirkeci & Cohen 2016). Kandel & Massey (2002) claim that the migration experience is the rite of passage in the migration origin, becoming a challenge that the younger generation must undergo to move on to another life stage. Peers leave their community, usually in a group, sharing their overseas experience during long holiday sojourns back home, or tell their stories to other community members when they relocate back to the migration origin years later. Those who do not pass through this challenge may be regarded by others as 'lazy, unenterprising, and undesirable' in the community (Kandel & Massey 2002: 982). However, a study on rural youth in post-Cold War Romania found that these young people were less willing to further their studies at a tertiary college when the local labour market became precarious. They tried to explore the external labour market, not for the '[proof] of adult-like abilities, but to prolong the transition to adulthood' (Horvath 2008: 783).

Moreover, the cultural factors that gradually accumulate in the communities of origin are not limited to material things such as remittances and capital brought back by the migrants. This cultural fact consists of new artefacts, habits, skills, ideas and entrepreneurship learnt or developed in the destinations (Horvath 2008). These incoming mentalities may bring along corresponding adjustments to value systems in their hometown, leading to the shifts in lifestyle, economic modernisation, a rise of individualism, and wider aspects of social change. The returnees bring along these changes, which may happen in a more dynamic sense as migrants communicate back home through transnational social space. The flourishing of social media benefitting from the advancement in technology in the internet age, facilitates the maintenance of transnational connections and communication. However, frequent contacts between emigrants and their hometowns may or may not promote migration aspirations. Van Mol et al. (2017) found no significant difference between people living in high- and low-migration-sending regions in Ukraine regarding

<sup>1</sup> 'Householding' is a process of capitalist economy that forces subsistence farmers to abandon their farms and migrate to cities where they become 'wage-labourers' and earn money to finance their farming expenses and to pay rent back home in the sending origin (Wilson 2010: 410-411).

migration aspiration. Another similar study in Turkey showed that contacts might produce negative feedback that discouraged emigration in times of economic downturn in Europe because there exists an identified culture of migration at the sending origin ([Timmerman et al. 2014](#)).

The desire to work overseas is often instilled in younger generations in labour-sending countries through a gradual development of migration norms. The migrants themselves can serve as an intermediary or broker of these norms, beliefs and practices, facilitating the diffusion of the migration culture. Many returnees act as migration brokers, providing valuable information and services to prospective migrants in their home communities. Usually, those who possess bilingual skills, maintain connections across country borders, and are familiar with the receiving country, are highly qualified to perform the brokerage role. These private brokers have the knowledge, connections, and client base to run the microbusinesses ([Sakaew & Tangpratchakoon 2009](#)). Migration intermediaries can be sizable, profit-making firms, unofficial or licensed, usually taking the form of a labour recruitment agent. Almost all of them offer a wide range of services to prospective migrants or migrant workers, from documentation, language training, transportation, job-matching, and for some, even remittances ([Chantavanich 2008](#); [Chan 2018, 2022](#)). The labour recruitment industry has become a lucrative market for many individuals, companies, and organisations. In recent decades, the industry has seen a surge in profit-making agencies, both official and unofficial, that offers services to prospective and current migrants ([Lindquist et al. 2012](#)).

The International Labor Organization ([Chantavanich 2008](#)) recommends the institutionalisation of the labour migration process through the formulation of a Memorandum of Understanding (MOU) between the labour-sending and labour-receiving countries. With an MOU, the two governments may set quotas and criteria for the importation of migrant workers, establish application procedures for employers and employees, and even licence official agents to recruit and provide pre-departure training, arrange transportation and handle documentation, to prospective migrant workers. However, many migrant workers still rely on informal channels to enter and work in receiving countries. Thailand has both licensed agencies and informal brokers in its labour immigration and emigration industry. Existing literature rarely associates the role of these brokers in facilitating the formation of the migration culture in labour-sending communities.

### 3.2 KOREAN EMPLOYMENT PERMIT SYSTEM

South Korea is a mature economy experiencing an ageing population and labour shortage. In order to tackle these challenges, unskilled foreign labourers are imported into the country. The Industrial Trainee Scheme (ITS), a quasi-labour migration program, was established and enforced from 1992 to 2006 but was criticised for exploiting ‘trainees’ as cheap labour for unskilled 3Ds work. The ITS was subsequently replaced by an Employment Permit System (EPS) in 2003, with a limited quota of migrant workers and a list of eligible industry sectors that include agriculture and stockbreeding, fishery, construction, and manufacturing. Companies employing less than 300 regular workers are allowed to hire foreign workers.<sup>2</sup> From the onset, the EPS tried to close the loopholes of the former ITS by excluding agencies from the application process ([Hahn & Choi 2006](#)) leaving the Korean government to administer all steps of the application process, from applying in the sending countries to arriving in South Korea ([EPS, n.d.](#)). To be eligible for the EPS, prospective migrant workers from the 16 labour-sending countries that have signed a memorandum of understanding (MOU) with South Korea must pass in advance the Test of Proficiency in Korean (EPS-TOPIK), a Korean language examination whose result is valid for two years. However, the examination does not guarantee a job in Korea as applicants are put in a pool for Korean employers to consider ([OECD 2019](#)). About 962,000 migrant workers have come to work in South Korea under the EPS, many of whom

<sup>2</sup> About 45 percent of the companies participating in the EPS have fewer than four employees and another 20 percent are small enterprises with five to nine workers only ([Cho et al. 2018](#)).

work in low-paying jobs in small companies (Kim 2016). Before the COVID-19 pandemic, the estimated number of unregistered immigrants was 356,095, or 14.9% of the 2,379,805 foreign residents in South Korea (Lee 2019).<sup>3</sup>

### 3.3 MIGRANT WORKERS FROM THAILAND

Thailand is one of the countries that have signed an MOU to send workers to Korea. In fact, Thailand is both a labour-sending and labour-receiving country in the region. Despite having a working-age population of about 55.8 million, of which 37.9 million are available for work, population ageing and increases in salary level have encouraged *en masse* import labour from neighbouring countries (National Statistics Office, Thailand 2019). In 2018, Thailand had an estimated 3.9 million migrants, mainly from Cambodia, Lao PDR, Myanmar and Vietnam (Harkins 2019). Of these, about 3 million people came from Myanmar with approximately 2.2 million people undocumented workers registering officially in Thailand by the end of 2018 (Nyein 2018). Cambodians were the second-largest group of migrants in Thailand, after the Myanmar, with about 750,000 people working in Thailand and 350,840 registered (Kijewski 2018). It should be noted that the status of 'registered' is not equal to holding a 'work permit' in Thailand. The formal procedure, according to the MOUs signed between Thailand and its three neighbouring countries, should be applied in their country of origin before working in Thailand. However, there have been more than three million undocumented workers smuggled into Thailand or overstaying their work permits, leading to temporary measures of registration and country verification being adopted in 2017–18, similar to the asylum offered in Thailand. For decades, several million undocumented Myanmar and Cambodians have crossed the border to enter and work in Thailand and were tolerated by the Thai government due to economic pragmatism, accepting undocumented foreign workers to ease the labour shortage of the country.

Although various studies have been undertaken into in-migrant workers in Thailand, out-migrant workers who went to work in other countries are seldom addressed in existing research. Smutkupt's (2014) research note on his fieldwork in a designated 'multicultural zone' for migrant workers in South Korea provides some information on the undocumented working experience in the destination. It is a case study of a Thai national who initially worked as documented in Korea and subsequently became an undocumented migrant worker. One reason for this switching from documented to undocumented workers is the Korean Government setting a ceiling to limit the duration of their stay. The typical practice is that upon the contract expiring, the originally documented worker overstays and becomes undocumented. The undocumented workers call themselves a *khon phi*, literally 'ghost person' which means an undocumented migrant worker hiding like a ghost in the hosting society. The latest figures show that about 25,000 Thais work in South Korea under the Employment Permit System (EPS), but an estimated 140,000 Thai labourers are undocumented (Charoensuthipan 2022).

To understand how the culture of working overseas is aspired, one must consider it is a two-way process. On the one hand, the involvement of a migration broker facilitates the build-up of the prospective migrants' nonmaterial desire, which is 'a process from initial desire creation to motivation accumulation and then, transformation into a concrete plan' (Chan, 2022). On the other hand, prospective migrants under economic pressure turn to such services to actualise the move, even though they may not be eligible for a work permit. A comprehensive study of both documented and undocumented migrant workers using Korean brokers found that brokers play a role during the migratory process despite the existing EPS mechanism purposively excluding them (Laodamrongchai 2016). Despite the existence of legal application channels, many Thai workers migrate to work undocumented in Korea. They are all unskilled workers working in the agricultural sector, small factories, and Thai massage parlours. They take advantage of the 90-day tourist visa exemption

<sup>3</sup> The latest figure recorded a total of 395,068 undocumented foreign nationals living in Korea. The increase could be the result of individuals being stranded in the country during the COVID-19 pandemic (Lee 2022).

to enter the country, pretending to be tourists, but going straight to the workplace. Some work for less than 90 days and leave the country without breaching the law, but most others overstay from several years to over ten years. Workers who are residing and working illegally will not be afforded protection under the Korean Labor Protection Act, nor will they receive any health benefits.

How do prospective undocumented workers entering Korea manage to find employment and bypass immigration control? According to research by [Laodamrongchai \(2016\)](#), three common methods were identified: independent travel, joining a package tour, and travelling with a broker. First of all, those who are well-connected with friends and relatives in Korea often travel in small groups of two or three persons. To avoid suspicion at immigration, they dress and pack like genuine tourists, carry round-trip air tickets, print out hotel booking confirmations and carry sightseeing brochures to create the impression that they are legitimate tourists. Many workers of this type have previous working experience abroad and are able to communicate in limited English. The second type of workers join either a genuine package tour, or a labour recruitment agency that operates a travel agency for its clients. Package tours are a good cover for those who lack connections and cannot speak English or Korean. Upon arrival, they inform the tour guide that they will not be joining the itinerary as they will stay with friends or relatives in Korea. For those recruitment agencies that also run a travel agency, they coordinate not only transportation but also provide job-matching services for their clients ([Laodamrongchai 2016](#)). The last type of worker requires a broker to accompany them in-person from Thailand to Korea. Many of these Thai workers are employed in the agricultural sector, small factories and Thai massage parlours. Whether they are sizable recruitment agencies or sole-proprietors who serve as brokers for labour migration, these intermediaries primarily rely on social media to advertise their services. They prepare all the documents, brochures and logistics required for the journey into the country:

The broker usually takes these workers in small groups of five to eight people with the Thai broker or sometimes a Korean broker travels with them [...] [I]n case the Korean immigration officer at the airport is suspicious of these Thais, the Korean broker's presence and answering helps to ease the officer's doubts [hence there is more chance for smuggling these workers through the immigration check]. ([Laodamrongchai 2016](#))

In fact, overstaying a visa and working without proper documentation in a country constitutes a violation of immigration and labour laws, which may result in fines, imprisonment, and repatriation. However, both Thailand and South Korea appear to tolerate these undocumented workers to alleviate their labour shortages. Consequently, both societies have effectively decriminalised undocumented workers, treating their actions as 'illegal but licit.' The author uses the term 'licit' to describe such acts as minor offenses or necessary evils that can be morally tolerated in order to achieve a more pressing objective.

This study aimed to review the EPS of South Korea, with a specific focus on Thai undocumented migrant workers. The author acknowledges the common use of private agents by these Thai workers even though the EPS purposively excludes these intermediaries from taking part. The research findings contribute to our understanding of the relationship among culture of migration, private agents, undocumented workers and the EPS. Does the culture of migration in Thailand exacerbate the influx of undocumented workers? Do these popular labour recruitment agencies facilitate this culture and facilitate labour migration?

## 4. Findings

### 4.1 INFORMATION FROM SOCIAL MEDIA

Social media is the main source of information for prospective Thai workers who desire to work in South Korea. Many of them learn of these agencies or brokers from Facebook and online forums in Thailand (such

as the popular Pantip Forum). They either search for these Facebook groups on their own or are referred to them by their Thai friends or relatives. When they search for the keyword *phi-noy* meaning ‘little ghost’ (in Thai: ผี-น้อย), these sites appear. *Phi-noy* is an open-secret keyword used to refer to working undocumented overseas via the services of an agency. The agencies’ Facebook pages are not open to the public and access approval is required. For the open Facebook groups reviewed in this study the hosts were not necessarily brokers but rather shared their undocumented working experience in South Korea and provided a platform for further information seeking and discussion. Closed Facebook groups serve as the virtual office of agencies and brokers to recruit clients who opt to use their services. The agencies’ Facebook pages generally advertise available jobs and conditions in South Korea. For further contact, details of the service and cost, one needs to contact them via LINE. We acknowledge that social media offers a transnational social space that connects prospective workers in Thailand with undocumented workers currently in South Korea, as well as connecting Thai workers with migration business intermediaries.

The author was able to gain access to one of the closed Facebook groups, ‘Free work, not free work, *phi-noy* escaping Immigrants in South Korea,’ believed to be hosted by a labour recruitment agency. The company operates like a travel agency and provides air ticket booking services, as well as organised package tours to South Korea and other countries. But many of the posts were actually job advertisements for the recruitment of migrant workers. For example, one post advertised a small restaurant’s need for a migrant worker, as shown in Table below (Table 2).

Table 2. Example of an advertisement on a Facebook Group<sup>4</sup>

Item	Job description and requirement
Title	Small restaurant in Central part of South Korea recruiting one female worker
Duties	Washing dishes, cutting vegetables, preparation work in the kitchen and serving in the sitting area
Requirement	Female below 30 years old
Salary	1,500,000 KRW per month (US\$1,247)
Working hours	07.00 ~ 21.00 (break-time 15.00 ~ 16.30), day off every Saturday
Other benefits	Free accommodation at the restaurant and free meals supplied
Charge	Job allocation fee + local transportation (one time, from the airport to the workplace) = 250,000 KRW (US\$208)
Contact	Let’s get people ready to move. Interested parties, please chat with us.

Source: The table presented by the author was based on information obtained from the Facebook group found at [https://www.facebook.com/groups/1664843747120423/?ref=br\\_rs](https://www.facebook.com/groups/1664843747120423/?ref=br_rs) (accessed on February 9 2019).

The Facebook pages were explicitly posting recruitment ads, which were clearly shown on their page titles, including ‘South Korea work, good work, well-paid, accommodation provided, take care of all the journey, training provided for passing the immigration,’ ‘Money for sure, work for sure in South Korea, book a tour,’ ‘Looking for a job in Korea, Thai-to-Korea delivery.’ The content of the ads consisted of flowery words aimed at convincing the reader to enlist their services in order to find jobs in South Korea.

<sup>4</sup> The author presented the original advertisement, which was in bullet point format, in a table for improved readability. Furthermore, the Facebook group post advertising the workplace included a picture, which was translated into Thai and English by the Thai research assistant involved in this project.

For instance, on the 'Work in South Korea: Farm, Factory, Garden' Facebook page, the page administrator stated: 'Our job pool always has job openings for everyone ready to travel [...] what kind of work? Farm work, gardening, factories, restaurants, hotels, etc.' Another Facebook page with the title 'Looking for a job in South Korea: Garden, Farm, & Factory, selling air tickets' advertised its full range of services and job guarantee, including:

Going to work is on a voluntary basis of the commuters; no one forces you. The travel cost is 60,000 Thai Baht [US\$1,958] per person, including all expenditure in Thailand, such as an air ticket, the tuition for training, hotel/accommodation [in Bangkok] before the trip, and documentation fee [...] 30,000 Thai Baht [US\$979] down-payment to be paid before departure from Thailand, and the remaining 30,000 Thai Baht [US\$979] to be paid upon arrival in South Korea [after passing through immigration] [...] Free airport pick up and bring you directly to the workplace. No need to wait for a job, a job is waiting for you there.

Many of these pages feature the success stories of former clients, including photos taken on passing through immigration in a South Korean Airport, and photos of their workplaces and living quarters in South Korea, which help to build up the confidence of the readers. Some of the photos' captions include 'from the flight this morning,' 'greeting our customers on their safe arrival,' 'after passing through immigration, we don't waste time, bringing clients to go shopping, open a bank account and sending them to the factory.' They even provide 'passing through immigration training,' which includes tips on appearance, dressing, and list of standard Q&A to help clients pass through immigration without Korean language proficiency. However, it is important to note that Korean language proficiency is a basic requirement for the application through EPS. These Facebook pages make it seem as though passing illegally into South Korea is simple and accessible. For example, the 'Looking for a Korean job with Thai-Korea delivery' Facebook page advertised their 'business trip' as follows:

Two more vacancies [...] we have organized a "Business Meeting" with a company in South Korea for you to go on a business trip, with high credibility. Anyone ready to fly can chat with me. The owner of our company will also fly with you on this business trip [...] 25,000 Thai Baht [US\$816] for the flight ticket and 45,000 Thai Baht [US\$1,469] for the job referral fee.

The information posted on Facebook pages offering illegal migration services is often quite misleading and deceptive. They exaggerate potential incomes and minimise the risk of working undocumented in an overseas country, leaving prospective migrant workers with an incomplete and unrealistic understanding of the situation.

#### 4.2 PREFER AN AGENT TO EPS

The study found that interviewees who desired to work undocumented in South Korea skipped the legal application procedure of the EPS, and instead many turned to private agents. The author identified several reasons for this including: 1) unwillingness to learn the Korean language, 2) lack of confidence in their ability to pass the EPS-TOPIK examination, 3) no desire to wait for job allocation, 4) flexible financial arrangements, 5) the freedom to choose a job, 6) being over the eligible age of 40, and 7) the exclusion of small businesses and some industries<sup>5</sup> from the EPS. The EPS procedure is lengthy and takes about half a year to allocate a job after the applicant has passed the EPS examination in their home country. The prospective migrant workers in this study were generally less educated individuals who were unwilling to attend classes and sit for a test.

5 The EPS accepts only five industrial sectors in which foreign workers can be employed, namely 1) manufacturing, 2) construction, 3) agriculture and breeding, 4) fisheries and 5) the service sector.

I followed initially the EPS application procedure, passed the examination but no Korean employer chose me. More farm jobs were available but I prefer factory jobs. The examination result was valid for two years only. After it expired, I had to sit for the examination again. So I switched to an agent. (A female interviewee who had been working for 5 years in South Korea) [S/N# 4]

The individuals in question are a low-income group, often working in precarious jobs, serving on their family's farms, or unemployed when in Thailand. Due to their financial situation, they prefer not to wait for an extended period for a job to be allocated to them in South Korea through the formal EPS procedure. While the cost of complying with the formal EPS procedure is relatively inexpensive with tuition fees for language classes and examination fees costing about 30,000 to 40,000 Thai Baht (US\$984–\$1,312), many workers opt for private agencies instead. These agencies typically charge a down-payment of about 40,000 to 60,000 Thai Baht (US\$1,312–\$1,969), which covers the cost of the worker's airfare and all-inclusive services, with the remaining amount deducted from the worker's salary in instalments. Some brokers take advantage of these workers by seizing their passport and even ATM cards to prevent them from running away and not paying back the debt.

Although the lower immediate cost of the EPS compared to agency fees, almost all agents provide flexible financial arrangements that allow their clients to pay a down-payment, with the remainder of the agency fee being deducted directly from their salary. South Korean jobs generally offer a decent salary, and some individuals even choose to immediately enter the country as a tourist and get a job through an agent. The salary earned during the first few months is enough to cover the agency fee. Moreover, undocumented workers are free to choose their jobs, whereas under the EPS program, Korean employers select the workers, not the other way around. Also, undocumented workers are free to change jobs as they wish, while EPS regulations allow for only a maximum of three job changes, which require the former Korean employer's signed approval for release.

Some Korean employers take advantage of undocumented workers by not paying them any wages. In such cases, the workers are left with no option but to leave the job which could result in their deportation if reported to the authorities (SN#4, S/N#8). Temporary jobs and small enterprises that are excluded from the EPS also offer opportunities for undocumented workers. For example, farms may need additional manpower during the harvest season and may hire some undocumented workers to work for a few months before moving on to other jobs. However, there might be hidden costs that ultimately result in undocumented workers paying more than they anticipated:

I initially paid 35,000 Thai Baht [US\$1,142], then another 25,000 Thai Baht [US\$] upon getting a job [which could be paid by instalment from the salary during the first few months]; if I change job, the first time, an additional 25,000 Thai Baht [US\$816] will be charged by the agent and subsequently 200,000 to 500,000 KRW each [US\$166 to US\$416] [...] I have been in Korea for one year but changed jobs several times: strawberry farm first, then vegetable garden, then another strawberry farm [...] if I keep on changing job, I will earn no wage. [The case of an interviewee, S/N#3]

#### 4.3 A CASUAL DECISION FOR THE MOVE

While working overseas ought to be a serious decision that requires careful consideration, some individuals are pressured to come by their partners, even if they have no desire to go. As a result, they leave in a rush, without a plan. A 33-year-old male interviewee talked about his story as follows:

I have been working in South Korea undocumented for 3 years. It was my wife who wanted to come [to work in South Korea] but I didn't want to. Her sister came here first and mentioned that the salary was good.[...] We didn't have much time to prepare [for the move], the EPS process takes

too long and sometimes you may not even get a job allocated [so, I used a broker instead]. She went back to Thailand last year to take care of our kid. [S/N#10]

For others, the decision is made in a rush without considering the costs, benefits, and risks. Their decision is often based on hearsay and emotional factors rather than comprehensive information checks. These incautious individuals may not have a clear plan for what they will do once they arrive overseas and simply just wait and see what happens:

My friend who is also an undocumented worker in South Korea suggested that I come. My Facebook friend recommended me for a job here; we are casual friends only. They said this way (undocumented) is faster so I tried [...] [The author asked about his plan] I don't know; I can't answer [...] I feel strange and a bit excited here; I'm just trying it out; it's just fun here. (The interviewee is a male, 26 years old, primary school level educated). [S/N#12]

Some individuals embark on their journey to work overseas with little consideration or planning, treating it almost like a short vacation. They may hastily look for a broker and pack their luggage without fully weighing the potential risks and benefits. The decision to go or not go may seem just a whim. One of the interviewees, a 32-year-old masseuse shared her dramatic journey with the author:

I worked in a massage parlour in Malaysia before, and then I went back to Thailand. I decided to work overseas again, and this time, in South Korea. I searched for information on the web and found a broker. I paid the agency fee by crediting his bank account and headed to the airport in Bangkok, but the broker did not show up. I was cheated and lost my money. I immediately searched on the Internet again at the airport and found another broker. I left on the same day to South Korea and work in the present massage parlour. [S/N#14]

Not all masseuses' experience is like this, and their decision to work abroad is not necessarily occupation related. In this case, the woman's 36-year-old partner hired a broker on her friend's recommendation and came to South Korea safely (S/N#13). It is important to note that massage parlour jobs are reserved solely for blind masseuses in South Korea and not included in the foreign labour supplied by the EPS. Therefore, all foreign masseuses working in Korea are undocumented and usually need the help of a broker to find work. In fact, the government tolerates the existence of Thai massage parlours in the country, as evidenced by the numerous signboards found throughout the business districts in major Korean cities.

## Discussion and Concluding Remarks

Despite South Korea's EPS excluding private agencies from its application procedure, they continue to play a significant role in the undocumented labour migration process from Thailand into the country. In Thailand, both licensed agencies and informal brokers are commonly used to facilitate labour migration. The Thai Government has adopted flexible measures concerning undocumented migrant workers, mainly from Myanmar and Cambodia. Regardless of the existence of MOUs and a concrete policy on the requirement of a Work Permit to work in Thailand, about three million migrant workers are staying in the country. Policy adjustments have been made through Cabinet resolutions instead of law amendment, or by an executive decree ([Chantavanich et al. 2007](#)). This demonstrates the government's flexible approach to cater to the economically needy on the one hand and avoid too much incitement of the strong labour unions and NGOs in Thailand on the other. The *en masse* importation of foreign workers can be a politically sensitive topic in a middle-low-income country like Thailand, which is both a labour-sending and labour-receiving country. Over time, this tolerant practice has socialised its citizens, such that the culture of migration does not just promote an outflow of migrant workers, but also decriminalises undocumented migration as 'illegal but licit.' Similar tolerance is observed in South Korea, where labour shortage in some industries has long been

a problem leading to reduced productivity. Furthermore, depopulation since 2020 has further intensified pressure on the country ([Stokes 2021](#)).<sup>6</sup>

This study reveals that many prospective Thai migrant workers accept using a private agent to help them secure employment in South Korea, even if it requires them paying for the smuggling services. Loopholes in the EPS provide avenues for market opportunities of for-profit intermediaries. Korean employers who run small businesses or Thai massage parlours, as well as those in industrial sectors excluded from the EPS, rely on agencies to recruit foreign laborers. Some migrant workers choose to work undocumented because it offers them the freedom to choose and change jobs as they please. Others find themselves in this situation because they might have exceeded their allowed duration of stay or their age exceeds the limit, and undocumented work becomes the only option for them to continue to stay in South Korea.

But for a small group of Thai migrant workers, their decision to migrate to South Korea is purely based on impulse rather than rational decision-making. They do not have a concrete plan and instead follow the migration flow or treat the move as a rite-of-passage. They rely on hearsay and often obtain limited information about the migration process and the destination country. Some even rely only on browsing the internet without bothering to verify anything with friends or relatives who have previous experience with the process, such as the reputation of a broker. This group of migrant workers tends to adopt a casual and relaxed attitude towards labour migration and that everything is ‘happy-go-lucky.’ As a result, this group of people is unlikely to attend Korean language classes and sit for the EPS test, but instead arbitrarily pick a broker from the Internet, pack and go on the journey. The visa exemption and 90-day stay permission for Thais entering South Korea for tourism purposes provide them with the opportunity to breach the visa-exemption condition and overstay.

Recruitment agencies and brokers for undocumented workers play an active role in their business, drawing on their own experience as former migrant workers familiar with the process. Some of them are multicultural couples, usually comprising a Thai wife and a Korean husband. Many are sole-proprietor brokers and several others are sizable Korean language schools and travel agencies. These intermediaries establish groups and pages on Facebook and other social networking sites to recruit potential clients. However, their advertising content is somewhat misleading, as they exaggerate the rewards and working conditions without disclosing any potential risks. In fact, some of the jobs are precarious, with some Korean employers cheating undocumented workers and failing to pay them as promised. These workers lack any legal protection or contracts. There are also hidden costs such as change-job fees, leading to frequent job changes that workers have no control over. While some lucky workers get a job within a very short time of arrival, others may need to wait in South Korea, incurring food and accommodation costs until the agency allocates them a job. One broker even failed to show up at the airport, as reported by one interviewee. Finally, although flexible payment options for agency fees are available, the agent usually seizes workers’ passports and even ATM cards until their debt is cleared, which can take several months. In this regard, undocumented workers’ freedom is restricted and they are put in a less secure situation under human trafficking. The schema below shows the social construction process of undocumented Thai labour migration into South Korea ([Figure 1](#)).

Labour migration agencies and brokers, therefore, have constructed a biased and misleading image of smuggling and undocumented pathways to work in South Korea, presenting an easy and optimistic but incomplete picture of the rewards and risks involved. The biased messages is matched to typical Thais’ perception of undocumented laborers as ‘illegal but licit.’ Interestingly, South Korea also tolerates illegality. The brokers thus actively cultivate this culture of migration, bypassing the formal EPS application procedure

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<sup>6</sup> The Ministry of the Interior and Safety of the Republic of Korea reported that the country’s population decreased by 20,838 individuals, representing a 0.04% decline since 2019, with a total population of 51,829,023 in 2020 ([Stokes 2021](#)).

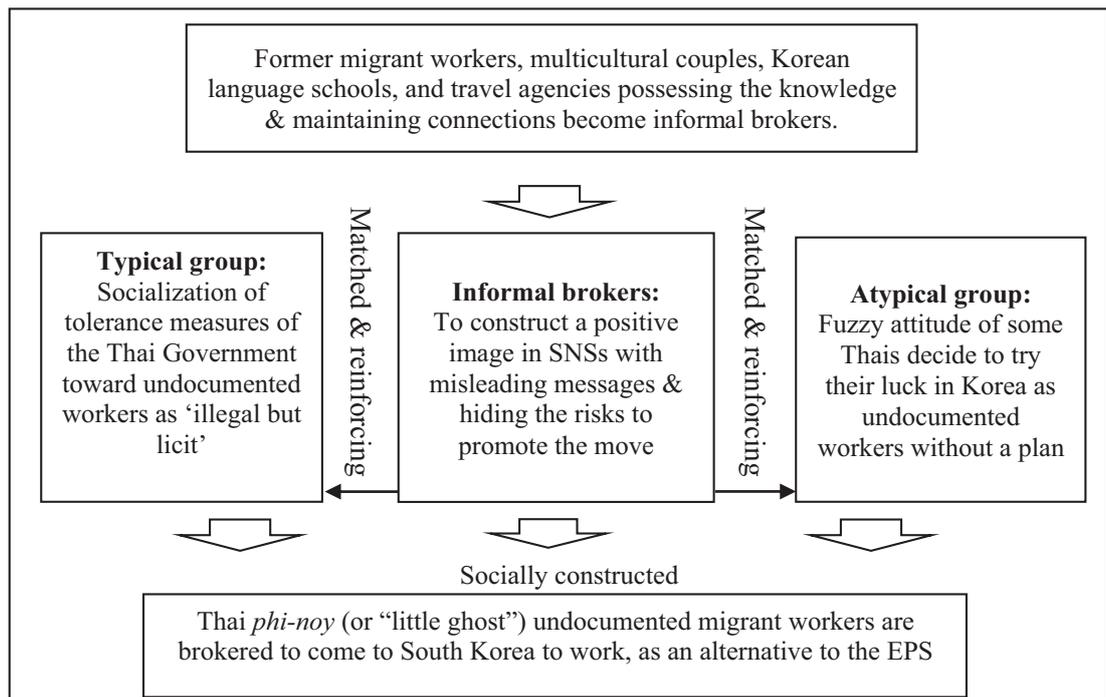


Figure 1. Social Construction of Thai *phi-noy* (or little ghost) undocumented migrant workers

Source: Produced by the author

for undocumented labour migration. Crackdowns and forced deportation of undocumented workers are therefore rare. The aforementioned labour shortage and depopulation may explain the phenomenon. Many migrants who were unable to pass the strict requirements of the EPS thus turn to underground brokerage services out of pressing economic needs. These brokers also cater to a small, atypical group of workers with a fuzzy and casual attitude towards labour migration. However, these agencies or brokers do not just facilitate the labour migration process from Thailand into Korea. The findings reveal that the brokerage fees charged by these agencies are substantial and place heavy a burden on migrant workers, and some even fall into debt. The brokers' profit-making practices further victimise the migrants who are already in difficult economic circumstances. We distinguish these brokers from conventional 'passive' brokers who facilitate the labour flow, as they actively promote a culture of migration with misleading messages and a biased image, bypassing the formal EPS application procedure for undocumented labour migration.

The term Thai *phi-noy* (or 'little ghost') is not just a negative identification, but rather a constructed identification that portrays undocumented migrant workers as 'smart' and resourceful for bypassing the formal procedure. The Thai workers, mainly comprised of low-income groups from rural areas, are under immense economic pressure to bypass the EPS. As a result, they become easy targets for profit-making underground brokerage services.

This study addresses the role of private agencies in the labour migration process beyond the EPS in South Korea. With their increasing importance in the labour migration process, undocumented workers are keen to use their services. Previous research has focused mainly on the material aspects of private agencies in facilitating labour migration but seldom investigates the cultural dimension. This research enriches the existing literature in this regard. However, the finding and conclusion in this paper are based on a small sample of interviewees and key informants, which was constrained by limited research funding. As such, future studies may benefit from a larger sample that includes different countries and cultures.

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## Appendix 1. The Background of Interviewees

S/N	Age	Sex	Duration of stay	Remarks
1	20-29	F	Less than one year	a factory with machines and mobile parts
2	20-29	F	5	Gardening work
3	20-29	F	1	Gardening initially, automobile parts factory now
4	20-29	F	5	Factory, gardening, factory again
5	40-49	F	3	Factory work
6	40-49	F	6	Documented turning into undocumented
7	30-39	F	1.5	Paper factory
8	Over 50	M	1	Part-time job, unstable
9	20-29	M	1	Car parts factory
10	30-39	M	3	Gardening, factory work
11	20-29	M	Less than one year	Automobile parts factory
12	30-39	M	Less than one year	Factory work
13	30-39	F	1	Thai massage
14	30-39	F	5	Thai massage
15	20-29	M	2	Factory work
16	30-39	M	3	Automobile parts factory
17	20-29	M	2	Factory work
18	30-39	M	1	Factory work

Source: produced by the author