

Marriage Migration and National Boundary-Making:  
A Comparative Study of Marriage Migration in South  
Korea and Canada

by

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## Abstract

This dissertation provides a comparative analysis of marriage migration to South Korea and Canada. It examines how marriage migration has been regulated and how it has contributed to national boundary-making in these countries. In each country's endeavours to manage the population and shape the boundaries of the nation, the entry and integration of marriage migrants are regulated reflecting intersecting social relations of gender, race/ethnicity, class, age, and the divide between global South/North. The research draws upon multiple theoretical frameworks including intersectional and critical race feminist frameworks, political economic approaches to neoliberalism and human capital theory, and critical security studies. In order to comprehend the interactions among government policies, discourses and organizational and individual practices of marriage migration in the two countries, I implement a qualitative methodological research design including document analysis, discourse analysis, in-depth semi-structured interviews with diverse actors, and participant observation.

Through the analysis of laws and policies, discourses of 'fraudulent marriage,' and the experiences of marriage migrants and Korean and Canadian spouses, I develop five key arguments. Firstly, Korea and Canada, two major destination countries, have exerted hegemonic power over the entry of marriage migrants from developing countries in the global South. In Korea, the entry of female marriage migrants is encouraged as desirable source of immigration for their expected role as reproducers of the patrilineal Korean nation, and gendered subjects who are expected to solve the country's crisis of social reproduction. In contrast, in Canada, spousal and partner immigration currently takes a smaller role in reproducing the Canadian nation and is perceived more as an undesirable source of immigration compared to economic immigration. Even though the direction of each government is different, each government has built gendered, racialized/ethnicized and classed mechanisms of inclusion and exclusion at their national border and within the nation, and have hierarchized marriage migrants by producing certain marriage migrants as 'ideal' while weeding out those deemed unsuitable and risky.

Secondly, I argue that neoliberal logic and human capital thinking function as a tool to divide migrants into 'productive' (thus 'desirable') migrants and 'unproductive' (thus 'undesirable') migrants. Whereas family class immigrants in Canada are discursively constructed as 'unproductive,' marriage migrants and their children in Korea are hierarchized based on their potential cultural resources, which can be transferred to economic assets for the Korean economy.

Thirdly, I argue that discourses of 'fraudulent marriage' serve as an effective governmental tool to securitize and exclude certain gendered and racialized marriage migrants in both countries. The construction of certain marriage migrants as security threats and objects of national anxiety is consistent with general trends of securitization of migration, which have intensified since 9-11 with heightened anxieties regarding migrants (particularly Muslim migrants). The criteria of who constitutes a threat differs in Korea and Canada, reflecting the respective place of marriage migration in the two countries' overall immigration policies.

Fourthly, visa and immigration officers play a major role as gatekeepers, shaping the boundaries of the nation by regulating the entry and belonging of marriage migrants to the nation.

Finally, I argue that the multiple processes of national boundary-making are negotiated by marriage migrants (and their Korean or Canadian spouses) who employ a variety of successful and less successful strategies in order to be accepted as 'legitimate' members of the nation.

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## **Chapter 1: Introduction**

Marriage migration is one of the oldest forms of migration. It has been a significant avenue through which migrants acquire immigration and citizenship status in so-called white settler immigrant countries (such as Canada, Australia, and the United States), and in countries that have more recently emerged as immigrant receiving countries (such as South Korea, Taiwan and Japan). Globalization and the subsequent increase of international encounters through traveling, working and studying abroad, and the development of diverse mediums such as Internet dating websites and commercialized marriage brokers, have accelerated marriage migration globally and changed the patterns and modes of marriage migration over the last few decades (Beck and Beck-Gernsheim, 2014). Spouses (and common-law partners) of citizens and permanent residents are permitted to enter receiving countries through ‘legitimized’ familial linkages, ultimately becoming entitled to citizenship when they fulfil certain conditions such as residence period, language requirements, and citizenship tests. Each destination country has placed a different weight on marriage migration, either by encouraging or discouraging it, in relation to other types of migration.

A seed for my PhD study on marriage migration was planted when I happened to watch a 15-second video clip distributed online by then Citizenship and Immigration Canada (CIC hereafter) in 2013. The short ad begins by offering an illustration of a stereotypical Western heterosexual wedding including a groom in a black tuxedo and a bride in a white wedding dress standing on top of a wedding cake. Soon the groom gradually disappears, and the bride is left alone. The male narrator, in a low and solemn tone, states that “sometimes marriage is a scheme to jump the immigration queue. Victims are left financially responsible if the spouse goes on welfare. Being a sponsor is no

cakewalk. A message from the Government of Canada” (see Figure 1). Following the narration, the video ends with the written message, “Marriage Fraud. Don’t be a victim.” What struck me about this video was that the federal government initiated the public campaign against ‘marriage fraud.’ Soon I became curious about why the Canadian government was so attentive to problematizing and curbing ‘marriage fraud.’ My initial response, as a South Korean national, was to view this negative and punitive approach by the Canadian government to marriage migration as the polar opposite to that of the South Korean (Korean hereafter) government’s attitude towards marriage migration, where female marriage migrants have been actively encouraged to immigrate as a ‘desirable’ group of migrants, and are increasingly regarded as a solution to the country’s declining population and aging society. My PhD research began by pondering the ostensibly different attitudes of the Korean and Canadian governments towards marriage migration.

[Figure 1]



(FluidDigitalPro, 2013)

Noticeably, these two countries have different historical trajectories of nation-building and immigration policies: Canada is an immigrant country based on white settler colonialism with an official policy of multiculturalism, while Korea is a state where the myth of one ethnically homogeneous nation has played a pivotal role in its nation-building process and has recently emerged as a destination country for marriage migration. Since the mid-1990s, the Canadian government has characterized family immigrants not only as

economic and social burdens but also as security threats to the Canadian immigration system (discussed in chapter 7 in detail), whereas the Korean government has actively encouraged female marriage migration as a solution to the country's declining birth rate and aging population over the last two decades (discussed in chapter 4 in detail). At the same time, both countries share similarities insofar as that they are currently considered economically developed countries and major destination countries for marriage migration. My study situates Korea and Canada, which represent Western and non-Western destination countries for marriage migration respectively, and explores the regulation of marriage migration in Korea and Canada. More specifically, I examine how national boundaries have been drawn and shifted through the regulation of marriage migration in each country in their efforts to manage the population in certain ways, conforming to gendered, racialized and neoliberal logics.

### **1.1 Why a comparative study?**

Conducting a comparative study of Korea and Canada with respect to immigration and migration policies is not a conventional approach in migration literature.<sup>1</sup> Little research compares the migration policies of both western and non-western countries (but see Solinger, 1999; Brubaker and Kim, 2011; Garcés-Mascreñas, 2012; Michel and Peng, 2012). The majority of comparative studies do not include both Canada and Korea. Canada has been compared mainly to white settler immigration countries such as the United States or Australia where large-scale immigration populations have a longer history of being accepted. A considerable body of comparative literature has centered on diverse patterns and characteristics of migration and immigration laws and policies, as well as changes to

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<sup>1</sup> Most western-based research assumes that migration flows from non-western and global South countries to western and global North countries. Until recently, there has been a dearth of literature that considers south-to-south migration (see Oishi, 2005).

the demographic composition of immigrants, social and labour market integration, settlement processes, and racial segregation, to name a few prominent foci (Boyd, 1976; Borjas, 1993; Meyers, 2000; Bauer, Lofstrom and Zimmermann, 2000). Some research identifies different governmental approaches towards family immigration undertaken by each of the Canadian and American governments (Boyd, 1976; Kaushal and Lu, 2015). For example, the United States' immigration system has emphasized family reunification since the 1965 *Hart-Cellar Act* (Immigration and Nationality Act) (Kaushal and Lu, 2015, p. 483); in contrast, Canada began moving towards labour market-focused immigration policies with the implementation of a points system in the 1960s based on the perceived human capital of applicants (understood as educational credentials, official language competence and occupational preferences) while family reunification was officially articulated as the central objective of immigration through the *1976 Immigration Act*<sup>2</sup> (DeShaw, 2006).

The United States has provided entry permits mainly on the basis of an applicant's family ties with U.S. residents or citizens, thus visas granted on the basis of employment preference have comprised a small share of all visas granted (Kaushal and Lu, 2015). That means that American policy makers do not automatically consider family immigrants as dependents or non-workers, in contrast to Canada where economic immigrants have been given priority over family immigrants through policies that have severely disadvantaged female marriage migrants (Boyd, 1986; Das Gupta, 1994; Mooney, 2006; Dua, 2007; Gabriel, 2017). In other words, the discursive construction of family immigrants as being dependent upon selected economic immigrants has not transpired in the United States

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<sup>2</sup> However, as DeShaw (2006) demonstrates, the concept of family reunification existed in the Canadian immigration system as early as 1908 when provisions were made to accept some immigrants with relatives (10).

(where the proportion of family immigrants has been much higher) to the extent that it has in Canada.

In the case of Korea, a handful of comparative studies have centered on examining laws and policies of spousal immigration and temporary migration among East Asian countries such as Japan and Taiwan that have emerged more recently as immigrant receiving countries (Jones and Shen, 2008; Hiroo and Lee, 2009; Chung and Kim, 2012). Korea is most often compared to Japan given the fact that both countries are relatively homogeneous in relation to culture and ethnicity/race, and because both have notable income gaps between rural areas and urban areas and decreasing fertility rates. Hiroo and Lee (2009) provide a comparative analysis of Korea and Japan as major Asian receiving countries for marriage migration to rural areas. Their research describes differences between Korea and Japan, such as the varying composition of major sending countries (e.g. China, Vietnam and the Philippines for the Korean case, and Korea and the Philippines for the Japanese case), and similarities in terms of characteristics of rural areas where marriage migrants settle down. For example, their findings demonstrate that households with marriage migrants in rural communities have a lower household income than the national average in both countries. Their analysis produces descriptive explanations of similar features of Japan and Korea as destination countries, however, they do not provide an in-depth comparison of marriage migration policies between the two countries.

Chung and Kim (2012)'s comparative study focuses on how attempts to address low fertility rates in both Korea and Japan have brought about several changes in each country's nationality (citizenship) laws. They argue that the increase in marriage migrants has challenged a long-held conception of blood-based nationhood and belonging in Korea and Japan. Chung and Kim argue that the increasing number of female marriage migrants

had created a political opening for revisions to nationality laws, and thus Korean national identity is accordingly broadened to incorporate new groups of marriage migrants and their children. I also take this revision as an inclusive move towards marriage migrants given the long-standing tradition of Korean ethnic nationalism which had thwarted the introduction of dual citizenship. At the same time, my study takes a more critical approach to the interpretation of changes to the ideas of blood-based nationhood and belonging. I argue that the inclusion of marriage migrants as beneficiaries of dual citizenship demonstrates the Korean government's favourable attitude towards marriage migrants in relation to their demographic goals, given the fact that *this Act* disadvantages marriage migrants who do not maintain their marital relationship. Despite the expansion of beneficiaries of dual citizenship to include marriage migrants in *the Nationality Act*, I argue that the ethnic-centeredness of the Korean identity has not simply weakened, but has also reinforced marriage migrants' reproductive roles of the patrilineal Korean nation and the gendered roles of marriage migrants inside the family by the implementation of various laws and policies on marriage migrants (see chapter 4).

To my knowledge, there are no published comparative studies of Korea and Canada on marriage migration. Thus, comparing Korea and Canada is an 'unconventional' attempt that presents both a challenge and an opportunity. The fact that there is little or no prior research may denote analytical difficulty given these two countries' different historical trajectories as nation-states. However, my study focuses on the contemporary globalization of migration, where both Korea and Canada serve as major destination countries for marriage migration, and the types of considerations that guide both countries in selecting and screening migrants (particularly those from developing countries in the global South).

On the surface, the ways in which Canada and Korea encourage and discourage the flow of marriage migration seem markedly different; however, the regulation of marriage migration plays a role in reproducing national boundaries in both countries. In each country's endeavour to manage the population and shape the boundaries of the nation, marriage migrants are hierarchically regulated based on intersecting social relations of gender, race/ethnicity, class, age, and the developing/developed country divide. I demonstrate the similarities and differences between Korea and Canada when it comes to regulating the flow of marriage migrants, and analyze what these similarities and differences illustrate with respect to the role of each country's migration policies in defining their respective national boundaries. What becomes clear in both countries is that certain subjects who become or wish to become marriage migrants are automatically regarded with deep suspicion and as external to the official (and popular) imaginaries of 'national subjects' (Thobani, 2007).

This comparison is particularly timely because the regulation of marriage migration has been a notable trend over the last two decades not only in European countries (through the recent restrictive measures such as language and age requirements for marriage migrants [See Wemyss, Yuval-Davis, and Cassidy, 2018; Gutekunst, 2015; D'Aoust 2014; Wray 2006]), but also in some Asian countries that have recently emerged as receiving countries such as Japan, Taiwan, and Singapore (Jones and Shen, 2008). Rather than following the traditional divide between western (treated mainly as destination countries) and non-western (treated mainly as sending countries), I situate both Korea and Canada as two hegemonic receiving countries against the entry of marriage migrants from developing countries in the global South. My comparative research attempts to draw academic attention to the similar roles of receiving countries as well as their differences,

and to suggest a larger framework of comparing migrant receiving countries with respect to the regulation of marriage migration beyond the traditional division of western and non-western.

## **1.2 Problematization: why ‘fraudulent marriage?’**

Both Korea and Canada, as major migrant receiving countries, inevitably face flows of both ‘wanted’ and ‘unwanted’ immigrants. Under unequal geo-economic and political global structures, holding a specific passport and citizenship is positively correlated with life chances and prospects. Shachar (2009) astutely problematizes the arbitrary and accidental nature of birthright citizenship and its unequal impact on individuals. She argues,

the acquisition of automatic (birthright) membership in the polity is the least defensible basis for distributing access to citizenship because it allocates rights and opportunities according to aspects of our situation that result from unchosen circumstances that are fully beyond our control (124).

Those who do not have the privilege of a robust, rights-based birthright citizenship in fact choose to move to another place that is typically more economically developed, politically stable, and environmentally safe. Thus, the majority of immigration and migration continues to flow in a certain direction, mainly from the global South to the North, or from poorer countries in the global South to the more developed global South (Castles and Miller, 2013; Oishi, 2005), even though immigration and migration flows have diversified to some extent over the last few decades. As long as there are more people who want to migrate than receiving countries purported to be able to accommodate new immigrants, attempts to utilize any means including so-called ‘fraudulent marriage’ will inevitably continue. Governmental efforts in receiving countries to standardize entry requirements are in critical tension with individuals who want to enter the country through any means by which they can mobilize. As scholars point out, factors that compel people

to leave their home countries (such as poverty, family strategies, gender norms, military and climate-related devastation, political instability, and diverse individual motivations) will continuously encourage immigrants to find any available way to enter destination countries (Kofman et al., 2000; Castle and Miller, 2003; Oishi, 2005). Potential immigrants may look for other possible ways or legal loopholes to convert their lives into the norm and standard of the destination country in order to enter as smoothly as possible.

The focus of my dissertation is not whether migrants are using ‘fraudulent marriage’ as a way to immigrate to destination countries or why they are using it if they do. Rather than digging into the practices of ‘fraudulent marriage,’ I am more interested in how discourses of ‘fraudulent marriage’ emerged and how they have been utilized by receiving countries to regulate ‘undesirable’ marriage migrants. I pay attention to the construction of discourses of ‘fraudulent marriage’ to question why and how it has been problematized and on the receiving end of government attention in both Canada and South Korea at a particular historical moment.

Problematization, which investigates “how and why certain things (behavior, phenomena, process) become a problem” (Foucault, 1983, p. 66), is a useful tool to analyze how discourses of ‘fraudulent marriage’ have developed in order to demonstrate changes in immigration laws and regulations and its impact on the lives of marriage migrants. How and why has the issue of ‘fraudulent marriage’ become problematized? What is it that is considered a problem? What discourses are created in the process of problematization? Paying attention to the development of discourses of fraudulent marriage, which target particular groups of marriage migrants in Korea and Canada, this dissertation examines how the problematization of fraudulent marriage works as a governmental tool to regulate the flow of marriage migration, and how discourses of ‘fraudulent marriage’ shape the

experiences of different racialized/ethnicized marriage migrants and their Canadian or Korean spouses.

The boundary of ‘immigration fraud’ is not always straightforward. Fitting an individual life into a receiving country’s particular bureaucratic procedure inevitably brings about certain forms of change or ‘fiction’ because different societal systems and cultures exist between sending and receiving countries as well as individual variations regarding their relationship. In particular, in the case of marriage migration, which requires the translation of personal and intimate lives into ‘understandable’ and ‘reasonable’ language for visa officers, the issue of ‘immigration fraud’ becomes more controversial and difficult to determine: to what extent are certain changes or ‘fiction’ permitted before applicants are accused of being ‘fraudulent’? There is no easy answer to this question. My research pays attention to what kinds of relationships are subject to suspicion by the governments and how this explains the goals of each government in Korea and Canada in their regulation of marriage migration. In this research, I examine how the regulation of marriage migration has been a part of national boundary-making processes for each of the two countries.

The issue of ‘fraudulent marriage’ has not been extensively researched in either Korea or Canada. In Korea, spousal immigration has been receiving more attention in academia mainly over the last decade, but most research has focused on the problematic nature of commercialized marriage, the Korean government’s policies and laws on integration and settlement, and female marriage migrants’ struggles and negotiations (Lee, Seol and Cho, 2006; H.-M. Kim, 2006; Kim, H.-J. 2007; H.-K. Lee, 2009; Lee-An, 2010; M.-J. Kim, 2013). The research on fraudulent marriage has thus far been confined to a few studies (H.-K. Lee, 2005; Freeman, 2005, 2011; H.-M. Kim, 2011a). While H.-K. Lee

(2005) pays attention to the fine line between ‘fraudulent’ marriage and ‘real’ marriage through qualitative interviews of Korean Chinese (Joseonjok) women, she approaches the issue of ‘fraudulent marriage’ as a criminal act to be tackled legally by punishing marriage brokers and Korean spouses who are involved in the process. Freeman (2005, 2011) examines the in-depth ethnographic journeys of Joseonjok women who utilize ‘fraudulent’ kinship networks or ‘fraudulent’ marriage as a tool to secure their migration to Korea. Her ethnographic work clearly demonstrates how ‘paper marriages’ exist as a survival strategy for Joseonjok women who negotiate difficult circumstances such as economic insecurity in China and gender and racial discrimination in Korea. H.-M. Kim (2011a) problematizes the clear-cut distinction between ‘fake’ and ‘real’ marriage and criticizes the ways in which the authenticity of marriage is determined by the Korean government, mainly based on patriarchal notions of ‘money exchange’ between couples or children as proof of the relationship.

While these studies contribute to debunking widespread discourses of fraudulent marriage on Joseonjok women as “heartless opportunists who actively exploit the South Korean men they marry” (Freeman, 2005, p. 81), all of them focus on one specific group, namely Korean-Chinese women. None of these studies disentangle the larger social and political structures, which create multiple hierarchies of, and differential treatment of distinctive groups of marriage migrants with respect to discourses of ‘fraudulent marriage.’ By focusing on the hierarchization of marriage migration based on gender, ethnicity/race, class, national origin and age, I question how various regulations and state and non-state actors play a role in Korea’s national boundary-making with respect to who is accepted as ‘Korean’ and who is not.

In Canada, there has been extensive research on spousal immigration. Some research has focused on its gendered patterns and has criticized immigration policies that constructed disproportionately female immigrants as less productive and thus undesirable (Boyd, 1986; Das Gupta, 1994; Arat-Koc, 1999; Mooney, 2006; Dua, 2007; Gabriel, 2017). Some work analyzes female spousal immigrants' contributions to Canadian society by illuminating their roles in the family and workplace, and how they adjust, survive, and negotiate in a new host society (McLaren and Dyck, 2004). Other work explores specific governmental controls and regulations of marriage migration at the border with respect to the legitimacy of conjugal relationships. For example, Walton-Roberts (2004) examines the racialized and gendered practices of the Canadian government in the process of determining the validity of a marriage or partnership. She argues that the value of gender equality advocated for within Canada was contradicted in the name of accommodating local cultural norms in the decision-making process of Canadian visa officers in regards to the genuine intention of marriages/partnerships (276). Satzewich's (2014a, 2014b, 2015) work outlines empirical data provided by visa officers on the processes of assessing the validity of marriages and partnerships. He emphasizes the competitive work environment in Canadian consulates across the world which provides structural incentives for visa officers to make decisions that are more favourable for spousal immigrants. According to Satzewich, visa officers are under pressure to meet annual processing targets in each visa office; thus, they tend to reject 'suspicious' applications less often when the issues of a relationship's credibility emerges because extra work is required for visa officers. While partially agreeing with his point on the administrative and structural motivations to process immigration quickly, I argue that patterns of visa officers' decision-making on the

legitimacy of the conjugal relationship reflects institutional racism embedded in the Canadian immigration system (I examine this point in chapter 8).

Bhuyan, Korteweg, and Baqi's work (2018) employ a lens of securitization to explain how discourses of fraud are mobilized to criminalize and construct marriage migrants as a threat to the Canadian nation. They interpret the implementation of the conditional 2-year permanent residence as part of Canada's expanding border controls, both geographical and temporal, through "enabling the exclusion and removal of immigrants who are deemed a threat to the nation" (347). The creation of a precarious immigration status (following from the two-year conditional status) is justified by criminalizing potential marriage fraudsters in line with other punitive immigration measures such as immigration penalties and the threat of deportation (352). They argue that the punitive measure of the two-year conditional permanent residency disproportionately impacts certain racialized communities, mainly, Muslim majority and South Asian countries (361-364). The intimate lives of racialized marriage migrants thus become a site of expanded Canadian border controls.

Similarly, Gaucher (2014, 2018) also takes note of the securitization of marriage migration through her in-depth analysis of Canadian governmental anti-fraud campaigns (which entangles the binary discourse of 'fraudulent' immigrants versus innocent Canadians), and an analysis of appeal court cases reviewed by Immigration Appeal Boards and cases of common-law partnerships. With respect to who is considered eligible to enter Canada, certain forms of conjugality are privileged and particular family forms are valorized through gendered, racialized and sexualized mechanisms of inclusion and exclusion. Gaucher extends her analysis of marriage migration into the theoretical linkage between family, citizenship, and security, by arguing that "citizenship, through the

privileging of conjugality, is awarded to those who develop their personal relationships in a manner consistent with state views on relationship recognition” (8). Conjugality becomes not simply a way to immigrate, but “an access point for citizenship,” and ultimately political belonging (8).

Building upon this literature, which highlights the securitization of marriage migration and gendered and racialized mechanisms of inclusion and exclusion with respect to the legitimacy of the conjugal relationship, I aim to analyze the entire spousal application process in Canada as a venue where hierarchies of gender, race and class are reproduced and reinforced under the guise of celebrating Canadian multiculturalism. Throughout the spousal application process, racialized marriage migrants negotiate their own cultural/racial identities to prove themselves. Certain forms of conjugality have become barometers that measure who is considered legitimate to belong to the Canadian nation and who is not. The regulation of the spousal application process with respect to who is accepted as legitimate and who is not, contributes to the reproduction of the exclusionary boundary of the Canadian nation by regulating the norms of conjugality.

### **1.3 Research questions**

In this dissertation, I aim to examine the relations between the regulation of marriage migration and national boundary-making processes in Korea and Canada. Firstly, I examine the ways in which marriage migration is regulated in Korea and Canada by analyzing laws and policies on marriage migration and discourses of ‘fraudulent marriage’ in each country. Secondly, I examine the experiences of marriage migrants and their Korean or Canadian spouses in the spousal application processes. I explore the similarities and differences between these two countries and enunciate particular patterns of regulatory

practices that are taken for granted and thus not questioned in each country. This research addresses the following research questions:

- 1) How is marriage migration regulated and controlled in Korea and Canada? What are the underlying discourses and logics that shape policies and regulations of marriage migration in Korea and Canada?
- 2) How does the regulation of marriage migration assist in constituting the boundaries of the Korean and Canadian nation by allowing certain migrants in while keeping other migrants out?
- 3) Through laws and regulations, which marriage migrants are constructed as desirable and which as undesirable?
- 4) Why and how does the issue of 'fraudulent marriage' come to the fore both in Korea and Canada? How has it been problematized? Who are the main targets of these regulations? How do different social relations such as race, ethnicity, gender, age, global South/North divide and class affect the ways in which certain groups are targeted for 'fraudulent marriage'?
- 5) In the face of widespread discourses of 'fraudulent marriage,' how do marriage migrants and their Korean/Canadian spouses strategize in order to be accepted as 'legitimate' members of the host society?
- 6) What are the commonalities and differences in the processes that regulate marriage migration in Korea and Canada? What do these commonalities and differences imply in the nation boundary-making process in Korea and Canada?

### **1.3 Feminist reflexivity on positionality and postcolonial knowledge production**

My study has been influenced by feminist scholars who provide insights of reflexivity on positionalities and power relations between researchers and research participants. Feminist research challenges the dominant approaches of social science, which treat knowledge as objective, impartial and neutral, and opposes the strict dichotomy between the object and subject as a prerequisite for objectivity (England, 2008[1994]). Reflexivity plays a crucial role in interpreting and producing knowledge by focusing on how knowledge is situated and constructed in the research process. The recognition of the position of researcher and participants, and sensitivity to power relationships with respect to knowledge production contribute to challenging existing hierarchies of social orders (Lazar, 2005, p. 15). A critical reflection of the researcher's positionalities, however, does not equate to 'confessional' tales (England, 2008[1994]). England suggests overcoming these narcissistic or egoistic attitudes by researching the "betweenness" of "a world that is already interpreted by people who are living their lives in it" and the researcher's world (251). Researchers do not represent the lives of research participants, but they contribute to the re-interpretation of these two worlds and the gap between the two by focusing on their "betweenness." I do not think positionality is ontologically pre-destined; as Nencel (2013) emphasizes, positionality is constructed and reflexivity is a "situated act." She highlights the agency of research participants and the importance of creating dialogical spaces between researcher and research participants (76).

Throughout my PhD study in Canada, I have continuously been reminded of the shifts in my positionalities. In Korea, I am a member of the mainstream 'Korean nation'; in Canada, I am a new female 'non-white' racialized immigrant. The shift of my positionality from a member of the mainstream Korean nation to the member of a racialized

minority immigrant community due to my decision to pursue PhD studies in Canada has consciously and unconsciously shaped my focus on the topic, interactions with interviewees, the interpretation and analysis of my interview data, and the respective weight of different data and forms of knowledge. While I situate myself in line with postcolonial, anti-racist, feminist scholars who have illuminated the voices of marginalized racialized groups, and analyzed and re-interpreted their challenges, difficulties, and struggles, I also realized that, in my fieldwork in Korea, my focus was geared more toward pinpointing and analyzing the regulating process of the Korean government and non-state Korean actors, than illuminating the practices and voices of marriage migrants. I did not fully realize until the last stage of my dissertation that I have ‘unconsciously’ distanced myself from being a researcher who may resemble someone ‘representing’ the voices of marriage migrants in Korea. As a feminist activist and researcher in Korea, my focus has been more on critically analyzing regulating practices at the macro level, the discriminatory structure of Korean society, and unearthing the unjust practices of the Korean government and migration industry mainly operated by Koreans, in contrast to my work in Canada. This unintentionally influenced my selection of interviewees.

Meanwhile in Canada, my positionality as a racialized female immigrant has unconsciously shaped my relationship with marriage migrants in Canada. In my everyday life, when people find out that I have a common-law partner who is a Canadian of Korean-descent, the most frequent question asked by people in my everyday life is whether I received permanent residency through my partner or if I am interested in acquiring Canadian permanent residency. Interestingly enough, when I say that I acquired my permanent residency through a Federal Skilled Worker program, I usually receive ‘positive’ reactions as if they do not suspect me of being a potential ‘marriage fraudster.’ This

experience in my everyday life shapes my empathy with racialized spousal immigrants who face diverse forms of suspicion. During my research, even though I am not technically a ‘spousal immigrant,’ my physical appearance, accent, etc. have helped me to create rapport with racialized spousal immigrants. During my interviews, my interviewees frequently told me, “you know, Canada, [laugh].” That sentence, “you know, Canada” was sort of a sign, which reminded me of our shared positionalities as racialized minorities in Canada, and what it means to be ‘the Other,’ who is in contrast with mainstream Canadians. An unspoken meaning of “you know” and the following laugh were the bases of shared feelings I had with most of my interviewees who identify themselves as non-mainstream Canadians. Throughout my interviews with spousal immigrants in Canada, I was already emotionally tuned to empathize with their anxieties, feelings, challenges, negotiations, and compliance without much effort. My experiences as a racialized immigrant have shaped my sensitivity and have led my Canadian research to be geared towards analyzing and re-interpreting the voices of spousal immigrants.

My decision to do my PhD in Canada was not a simple geographical shift from Korea to Canada, but a continuous reminder of the hegemonic production and circulation of knowledge in academia. I am hugely indebted to postcolonial and decolonializing feminist scholars who have been vocal against the Western hegemonic knowledge production of the ‘third world women.’ Mohanty (1988)’s work influences me to be critical of “the implicit assumption of ‘the west’ (in all its complexities and contradictions) as the primary referent in theory and praxis” (62). She critically engages with Western feminist writing on women in the third world in the context of the global hegemony of western scholarship in “its production, publication, distribution, and consumption of information and ideas” (64). As Mohanty warned, the positionalities of scholars do not guarantee the

resistance of western knowledge production per se. Then, how can I avoid being part of the hegemonic western knowledge production on a non-western society while I am conducting my PhD in a western university? My strategy to overcome this hegemonic and neo-colonial regime of knowledge production is to conduct a comparative study by provincializing (in other words, decentering) the Canadian case and situating the two cases under the broader frame of the regime of global migration. Rather than using a Canadian reference point to compare Korea against, I decided to examine both countries as equivalent cases in order to analyze their respective flows of marriage migration.

At the same time, my research aims to echo Shih's (2002)'s critique of "asymmetrical cosmopolitanism," which is prevalent in western-centered academia. She points out

[N]on-Western intellectuals need to be knowledgeable about Western cultures and speak one of the metropolitan languages to be considered "cosmopolitan," while Western intellectuals can be cosmopolitan without speaking any non-metropolitan language. The Western subject's strongest weapon in practicing asymmetrical cosmopolitanism is not that s/he denies the non-West access to cosmopolitanism, but that s/he has the power to assume sheer neglect or ignorance of the non-West (Shih, 2002, p. 95).

While recognizing the problem of "asymmetrical cosmopolitanism," Shih also astutely warns about the dangers of nativism and cultural nationalism, or the non-West's mimeticism of the West, to which many non-western scholars can easily fall into (92). Similarly, I encountered some challenges in my analysis of the Korean case. I continuously observed myself referencing Western theories to understand Korean cases, and much of the Korean literature that I reviewed likewise seems to use western scholars as a reference point and not vice versa. I do not simply intend to dismiss all western knowledge. However, I pay more attention to the importance of historically nuanced and contextualized understanding of both cases. Furthermore, I am fully aware of my particular movement of

‘transnational encounter’ created by my decision to enrol in a doctoral program in Canada, and the opportunities and challenges of the translatability between the two cases. I do not think this single study can change the broader picture of long-standing western-oriented knowledge production, however, I hope to situate my comparative study as part of postcolonial and decolonizing knowledge production.

#### **1.4 Research design and methodology**

Based on a qualitative methodological research design, my PhD research implements multiple methods to explore the process of regulating marriage migration and highlights the synthetic analysis of interactions between diverse discourses, and organizational and individual practices. These methods include document analysis, discourse analysis, in-depth semi-structured interviews with diverse actors (including visa officers, immigrant rights advocates, anti-fraudulent marriage campaigners, marriage brokers, marriage migrants and their spouses and partners), and participant observation by attending political events organized by migrant rights advocates.

##### **1.4.1 Document analysis**

I use the method of document analysis to identify, organize and compare the key policy goals of marriage migration in Korea and Canada. Document analysis is a systemic procedure for reviewing documents which entails, “finding, selecting, appraising (making sense of), and synthesising data contained in documents” (Bowen, 2009, p. 28). For document analysis, I began by searching the Korean and Canadian government websites to collect marriage migration related documents. In Korea, I examined the content of relevant laws and policies on marriage migration including 1) *the Nationality Act* and *the Exit and Entry Control Act* and reforms of these acts, which stipulate the legal process of visa applications and the citizenship entitlements of marriage migrants; and 2) a series of newly

legislated laws and policies which have directly targeted marriage migrants and their families since 2006. These laws and policies<sup>3</sup> include in Korea: the *Measures to Support Social Integration of Female Marriage Immigrant Families* (2006), the *Framework Act on Treatment of Foreigners Residing in the Republic of Korea* (2007), the *Multicultural Families Support Act* (2008), the *Supporting Multicultural Families on Family Life Cycle Policy* (2008), the *Comprehensive Plans for Improving Supports for Multicultural Families* (2009), *The 1<sup>st</sup> Basic Plan for Immigration Policy* (2008-2012) and the *2<sup>nd</sup> Basic Plan for Immigration Policy* (2013-2017), and the *1<sup>st</sup> Multicultural Families Support Policy* (2010-2012) and the *2<sup>nd</sup> Multicultural Families Support Policy* (2013-2017). In Canada, I searched immigration laws and regulations with respect to spousal and partner immigration in the *Immigration Act* 1976, the *Immigration Regulations* 1978, the *Immigration and Refugee Protection Act* 2002, the *Immigration and Refugee Protection Regulations*, CIC's Annual Report on Plans and Priorities (2007-2015), and CIC's website for policy change announcements on spousal immigration.

Secondly, I examined a selection of parliamentary debates in order to grasp what political debates and justifications were offered in introducing changes to laws and policies on marriage migration. In the Korean case, I examined both historical and contemporary legislative debates around changes to the *Nationality Act* on marriage migration since 1948 (when it was legislated for the first time), and around the legislation of the *Multicultural Family Support Act* (2008), which targets marriage migrants and their family members in particular. In the case of Canada, I looked into parliamentary debates (2006-2015) that included discussions relating to 'fraudulent marriage' and, in particular, the adoption of the

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<sup>3</sup> See Table 1 in chapter 4, which provides an overview of laws and policies on marriage migration in chronological order.

conditional two-year permanent residency, which was one of the most significant changes to spousal immigration policy in Canada.

In reading the content of each law and policy and each of the selected legislative/parliamentary debates, I organized them into categories, which demonstrated the government's approach to marriage migration. Rather than using theoretical frameworks set prior to my research or employing prior assumptions, I used a heuristic approach to arrive at conceptual framing to analyze my data and structure my analysis. The document analysis assisted me to map out key issues and themes in governmental directions of marriage migration in both countries.

#### **1.4.2 Discourse analysis**

In order to analyze how the issue of 'fraudulent marriage' has been problematized and how discourses of 'fraudulent marriage' are disseminated, I implemented a discourse analysis of governmental documents including press releases and websites that mentioned fraudulent marriages, and some media reports. Discourse analysis holds that "language is a medium of domination and social forces," and thus it aims to investigate power relations by looking at how they are expressed, constituted and legitimized by the use of language (Habermas, 1977, p. 259 as cited in Wodak, 2001, p. 2). In other words, discourse analysis is understood not simply as the use of language, but "as a system of meaning that constitutes institutions, practices and identities in contradictory and disjunctive ways" (Larner, 2000, p.12). Discourse analysis is an analytical methodology to investigate language in relation to social relations of dominance and power. Discourse analysis in public policy is particularly important because discourse is used by political actors "as a vehicle to harness power and assert their ideology over others while at the same time jousting with other competing discourses" (Bhuyan, Korteweg, & Baqi, 2018, p. 351). In

my study, I focus on the relationship between the production of discourse and the construction of reality with respect to discourses of ‘fraudulent marriage.’ My research pays attention to how the production of discourses of ‘fraudulent marriage’ is connected to mechanisms and institutions of power, which hierarchize marriage migrants based on intersecting social relations such as gender, ethnicity, race, and class.

Firstly, I reviewed a variety of government-published textual and video materials which specifically addressed the issue of ‘fraudulent marriage.’ In Korea, I collected government documents that had mentioned ‘fraudulent marriage’ on relevant ministries’ websites. In Canada, I examined both press releases on CIC’s website that addressed the issue of fraudulent marriage and relevant changes in laws and policies and, in particular, two anti-fraudulent marriage campaign videos produced by CIC as part of its 2013 anti-fraud campaigns.

Secondly, I reviewed newspaper articles particularly related to policy changes in both countries. In the Korean case, I primarily used the comprehensive newspaper database of Korea, KINDS (<http://www.kinds.or.kr/>) with the keyword ‘fraudulent marriage’ between the 1990s and 2015. In the Canadian case, I used the database Canadian Newstream and Google’s news page with the keywords ‘marriage fraud,’ ‘fraudulent marriage,’ and ‘marriages of convenience’ between 2006 and 2015, in order to understand how a purported case of ‘fraudulent marriage’ is portrayed in the media.

### **1.4.3 In-depth and semi-structured interviews**

In order to grasp the grounded experiences of marriage migrants and their spouses and partners, and state and non-state actors including visa officers, marriage brokers, NGOs, migrant rights advocates, and anti-fraudulent marriage campaigners, I conducted 51 in-

depth semi-structured, open-ended qualitative interviews<sup>4</sup> in Korea (and Vietnam to supplement the Korean case) and Canada with diverse actors related to marriage migration. Most of the interviews were conducted face-to-face with the exception of five that were conducted via Skype or over the phone due to geographical distance and/or in response to interviewees' requests. Interviews ranged between one hour and two hours. All interviews were voluntarily taken. As an expression of my gratitude, I prepared small souvenirs such as maple syrup or cookies for participants in Korea and Vietnam, and hand mirrors or wooden chopsticks for participants in Canada. Each item cost less than CAD 10 dollars. For some interviewees whom I interviewed via skype, I sent a postcard to thank them for their interview.

I conducted fieldwork in Korea from July to September in 2014 and from May to August in 2015. I did not plan to conduct fieldwork in Vietnam, but the opportunity to visit came up through a previous colleague in 2015, and thus I decided to interview diverse actors involved in the pre-migration stage (such as commercialized brokers, Korean language institutions, and non-profit organizations) in Vietnam. I conducted in-depth interviews of non-state actors in the pre-migration stage to supplement the data I had collected specific to Korea. This is in contrast to the data I had collected for my Canadian case, which did not include similar field research analysis in the pre-migration stage in any sending countries.

To recruit interviewees, I used my personal networks developed through my work as a program officer of gender and migration in the Asian Regional Exchange for New Alternatives between 2006 and 2009, as a regional coordinator for the "Pre-departure Orientation Program for Vietnamese Marriage Migrants to Korea" at the Vietnamese

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<sup>4</sup> See Appendix A for the list of my interviewees.

Branch of Korea Center for United Nations Human Rights Policy in 2009, and as a member of the Migrant Women Human Rights Forum since 2007 to present. Snowball sampling was implemented afterwards. To recruit commercial brokers, I searched marriage broker websites by searching for ‘international marriage brokerage’ on NAVER (the most popular Korean portal site), and sent interview requests to several companies via their official mailing address: only one website owner that arranges marriages between Korean men and Vietnamese women responded to my email and agreed to do an interview. Another broker was introduced to me by a person whom I met through a prior interview. In Korea and Vietnam, my interviewees include 1) six marriage migrants (four female marriage migrants: two from Vietnam and two from China and two Pakistani male marriage migrants who married Korean women); 2) five Korean spouses (three Korean women who married Pakistani men) and two Korean men who married a woman from China and Vietnam respectively and currently work for the Center for International Marriage Victims. I initially planned to interview both marriage migrants and their Korean spouses, however, all interviewees preferred being interviewed alone mainly due to conflicting availability; 3) one Korean consulate member who is in charge of the spousal visa application process; 4) three Korean immigrant rights advocates; 5) two Korean marriage brokers who run a marriage brokerage business in a local town in Vietnam; 6) four service providers for marriage migrants in two cities in Vietnam; and 7) one citizenship judge who determines the eligibility of immigrants who apply for Korean citizenship.

All interviews except two (by interviewees’ requests) were recorded. Interviews in Korea and Vietnam were conducted in the Korean language with the exception of one interview with a Chinese immigrant to Korea who required an interpreter. I took the responsibility of translating Korean transcripts into English.

In Canada, I conducted 29 interviews from December in 2014 to April in 2015. They include 1) three retired visa officers; 2) the president of a Canadian website which facilitates marriages between Canadian men and Russian women; 3) three lawyers who specialize in spousal immigration; 4) the president of the Canada Employment and Immigration Union; 5) 19 international couples (foreign spouses and/or their Canadian partners). Based on availability, I interviewed 14 interviewees one on one and 5 couples; 6) one Canadian who took responsibility for the spousal application process for his brother and sister from India; and 7) one Canadian who was asked to be involved in a 'fraudulent marriage,' but refused.

To recruit participants, I first used snowball sampling starting from my personal networks. Despite my limited personal network as an international student who came to Canada in 2011, I received a good response from my colleagues in the Sociology department at Carleton University and from No One Is Illegal-Ottawa, which I have participated in as an organizer since 2013. In addition to utilizing my personal network, I searched for potential interviewees online. Using the keywords of 'spousal immigration,' 'mail-order-bride,' and 'marriage fraud,' I came across two community lawyers who have been vocal around the issue of marriage migration, and one lawyer who wrote a column on new marriage migration regulations in the newspaper. All three lawyers I found online agreed to take part in an interview. In addition, I searched Canadian online marriage broker websites using the keyword 'mail-order-bride' on Google, and sent an interview request to all of the companies who appeared in the search results: only one website owner that arranges online courtship between Canadian men and Russian women responded to my email and agreed to do an interview.

I also joined the closed Facebook group “Canada Spousal Sponsorship Petitioners,” whose members have publicly demanded the speedy processing of inland spousal sponsorship applications. I got to know about this group through one of my interviewees, who invited me to join the closed Facebook group after our interview. I posted a recruitment advertisement on the Facebook group and received several responses from spousal immigrants who have applied for the inland spousal sponsorship application and waited for the result. They provided in-depth explanations of the spousal application process and shared with me some of the problems and hardships they had faced.

Another interview was done with someone I encountered by chance. One day, a salesperson knocked on the door of my new apartment to sell an internet package. After we signed the contract, he asked me whether I was Chinese, saying he had married a Chinese woman whom he had met online, and that he was waiting for his wife to join him. I told him about my research, asked whether he would be interested in talking about his experience and he agreed to participate. Interviews in Canada were done in the English language with the exception of three interviews with Korean spousal immigrants to Canada, who preferred to speak in the Korean language.

I did 49 out of 51 transcriptions myself; the remaining two were done by two friends who volunteered to help me with transcription and who both signed a confidentiality agreement. I used pseudonyms to protect the anonymity of my interviewees. All interviews and transcriptions were conducted based on the Carleton University Research Ethics Board guidelines. After the transcription, a citizenship judge I interviewed in Korea contacted me and asked for her interview transcript because she later realized that her interview might breach her confidentiality contract with the Ministry of Justice in

Korea. After reviewing the transcript, she asked for some parts of her interview to be redacted which I agreed to do.

#### **1.4.4 Participatory observation**

I did not initially plan to do participatory observation as part of my research design; however, as I started to recruit interviewees, I had the opportunity to participate in a political gathering organized by spousal immigrants in Canada. On March 1, 2015, the Facebook group (the Canada Spousal Sponsorship Petitioners) mentioned above, organized a march in front of the CIC building in Ottawa. I participated in the march and also talked to several participants. A key issue in the march concerned the difficulties and hardships of spousal immigrants and their Canadian partners, whose spousal applications had not been processed for more than 2 years. Participating in the march provided me with the opportunity to understand their hardships, and the importance of my research as an endeavour to contribute to a fairer and more just reform and implementation of immigration policies.

During my fieldwork in Korea, I participated in a short-term action-research project in 2015 organized by the Women Migrants Human Rights Center of Korea, to do a study of the work conditions of female marriage migrants in shelters in order to produce a policy report recommendation for the Korean government. While this was not initially a planned part of my PhD research, visiting shelters and meeting with female marriage migrants in different cities in Korea has shaped my understanding of their lives in Korea.

#### **1.5 Intersectional approach**

My analysis of marriage migration in two national contexts utilizes an intersectional approach in order to grasp their respective governments' regulatory practices and the diverse experiences of marriage migrants. These policies, practices and migrant

experiences reflect multiple hierarchies of social relations based on gender, race/ethnicity, class, age, and the global South/North divide. Adopting an intersectionality framework by no means suggests that the axes of race, gender, class and other types of power relations are weighted equally for all social groups and social issues. Instead of examining the different axes of social relations separately or simply treating them as additive or cumulative, I focus on their relationality and simultaneity in order to unravel the complex configuration of those relations (Collins, 1986; Crenshaw, 1989; Stasiulis, 1999; Yuval-Davis, 2006). I see such relations as being socially constructed and continuously shaped by different social forces, practices, contexts, and histories. In my research, I pay attention to different articulations, configurations, and the relative weight of distinct relations of power as they play out in Korea and Canada.

In the Korean case, I highlight the intersections of gender, ethnicity/race, class, age, and the global South/North divide in order to analyze how the boundaries of the Korean nation are drawn through the hierarchical mechanisms of inclusion and exclusion. In the context of Korea, I sometimes differentiate ‘ethnicity’ from ‘race’ in my analysis of Korean nationalism. For example, when the discussion is related to ethnic nationalism in Korea (which highlights the ethnic, cultural, and language homogeneity of the Korean nation as one homogeneous ethnic group), I use ‘ethnicity’ as a marker to differentiate the Korean nation from foreign (non-Korean) marriage migrants, and to delineate boundaries amongst different foreign marriage migrants. Ethnicity is used to stress marriage migrants’ “cultural differences of language and customs as well as national origin” in relation to the Korean nation (M. Kim, 2013, p. 458). As I examine in Chapter 4, the Korean government’s approach to marriage migrants is geared towards an ethnic and national project rather than a racial project.

When I refer to ‘race’ in my analysis in both national contexts, I am mainly referring to the racism and racialization that marriage migrants experience at both the institutional and individual levels. While I understand ‘race’ as a social construct, I also see the necessity of the analytical category of ‘race’ in my study as a sociohistorical category, “that signifies and symbolizes sociopolitical conflicts and interests in reference to different types of human bodies” (Winant, 2004, p.155). In other words, whereas I analyze race as a socially imagined reality, I also acknowledge that ‘race’ operates in people’s lives and works as a basis of racism against certain racialized groups of people.

Through the concept of ‘nouveau-riche nationalism/racism,’ Han (2016) emphasizes the rapid economic development of Korea as a major component of Korean racism against migrants from developing countries in the global South. He interprets the condescending attitudes of Korean people towards lower class migrants from developing countries (mainly South East Asian countries where the majority of marriage migrants and migrant workers originate from) as a form of nouveau-riche nationalism/racism. The Korean word Dong-Nam-A (‘South East Asia’) is widely used with a ‘contemptuous’ tone to describe the ‘inferiority’ of migrants from South East Asian countries (H.-H. Kim, 2014).

Given the lower economic class that the majority of low-skilled migrants from developing countries hold in Korea, race, class, and the global South/North divide constitute a particular form of racialization for them. For example, the majority of migrants from developing countries are recruited to fill positions in low-skilled and low-paying, so-called ‘3D’ (Dangerous, Difficult, and Dirty) industries that Korean workers typically avoid. In contrast, the majority of professional workers are from developed countries such as the United States, Canada, Australia and Japan (Lee and Kim, 2011). The divide between developed and developing countries and lower class positions that the majority of low-

skilled migrants hold are easily coded as a racial language. In other words, migrants from less economically developed countries (compared to Korea, where rapid economic development has taken place in a short period of time), mainly South East Asian countries, are racialized (rather than ethnicized) as ‘inferior’ to Koreans.

As such, I refer to the global South/North (developing/developed) divide as another social relation that influences the entry and integration of migrants to Korea (and Canada). By agreeing with Slater (2004) and Bell (1994), who problematize the premise of the terminology of west/non-west, first world/third world, and developing/developed, which are rooted in Occidental and First world primacy and western modernization as ideal developmental model, I prefer adopting the global North/South divide. I understand the divide of the global South/North as part of “the asymmetrical relations intrinsic to colonial and imperial power” which continuously reproduces inequality, poverty, exclusion and oppression in the global South (Slater, 2004, p. 8). However, when I emphasize racism against migrants from the global South, I sometimes refer to the developed/developing divide to emphasize institutional barriers of destination countries against migrants from developing countries in the global South. I include the North-South divide as an important social relation which determines the entry and integration of migrants to destination countries.

Lastly, I highlight age in the Korean context as an important social relation that intersects closely with gender, particularly with respect to the Korean government’s demographic goals towards female marriage migrants. When I mention age, it is mainly contextualized to refer to female marriage migrants’ fertility.

In the Canadian context, I highlight gender, race/ethnicity, class, and the global South/North divide in order to analyze how the boundaries of the Canadian nation are

drawn through hierarchical mechanisms of inclusion and exclusion. In Canada, I highlight the formation of racial/ethnic hierarchies and the exclusion, segregation and discrimination of racialized Others as an integral part of the nation-building process throughout history. Racialized ‘Others’ and their family members have been targeted, excluded, segregated and discriminated in different ways, both within the nation and at the national border in different times and places based on the reproduction of the ‘ideal’ Canadian white nation and nationhood (read: British and French settlers). Diverse forms of racism have existed throughout history against aboriginal groups (Lawrence, 2004) and differently racialized immigrants including anti-Asian hostility reflected by the Chinese head tax and Komagata Maru (Li, 1998; Grace and Helms, 1998; Dua, 2007; Coloma, 2013), the forced segregation of Black students in western Canada (K. McLaren, 2008) and anti-Black racism (Calliste, 1994), discrimination against Eastern and Southern Europeans until the 1950s (Elliott and Fleras, 1990), and anti-Muslim racism (Razack, 2008) to name a few. The complex and shifting order of racial and ethnic hierarchies demonstrate that “Canadian racism has been evoked not only by skin colour, but by ‘ethnic’ markers as well, based on language, religion and other components of ethnic culture” (Stasiulis, 1990, p.278). Drawing upon historical constructions of diverse forms of racism and racialization in Canada, my research uses ‘race’ as a distinctive marker to examine how Canadian laws and policies on marriage migration have excluded certain racialized Others and constructed them as threats to the nation, and highlight the experiences of racialized immigrants and Canadian spouses during the contemporary process of spousal immigration.

‘Race’ is also closely tied to the global South/North divide, which is rooted in colonialism and imperialism and continuously reproduces the asymmetrical relations. Gender and race intersect with the global South/North divide in shaping Canadian

immigration policies, and in particular, when it comes to suspicions around the motivation of spousal immigrants from the global South with respect to ‘fraudulent marriage.’ I pay attention to the intersections of race, gender and the global South/North divide when it comes to gendered and racialized constructions of certain marriage migrants as security threats to the Canadian nation.

Sexuality has clearly played a role in determining the entry of marriage migrants to Canada (see Lavolette 2004, which specifically deals with sexuality as an important area of immigration research). In chapter 3, I discuss how the fear of interracial sexuality helped determine the entry of non-white female migrants to Canada in the early 20<sup>th</sup> century. I also discuss the adoption of both heterosexual and homosexual relationships as legitimate intimate relationships in *2002 Immigration and Refugee Protection Act*. My study, however, does not highlight sexuality as a major social relation due to a limitation I encounter in recruiting interviewees who could speak about issues of sexuality in spousal and partner immigration processes.

In sum, I utilize an intersectional approach in order to unpack the diverse power dynamics operating in national boundary-making processes in both Korea and Canada, reflecting multiple hierarchies of social relations. An intersectional lens assists in investigating the local and historical configurations of social relations embodied by marriage migrants and their Korean and Canadian spouses and partners. The contours of these social relations are negotiated and re-drawn to correspond with governmental goals of regulating marriage migration. An intersectional lens is utilized to capture the hierarchical positionalities of marriage migrants and the impacts of those positionalities on their experiences as they encounter discourses of ‘fraudulent marriage.’

## **1.6 Use of terms**

### **1.6.1 Marriage migration, marriage immigration, multicultural families, spousal and common-law partner immigration**

When I refer to international migration flows through a medium of intimate relationships between two individuals, I use the terms ‘marriage migration’ and ‘marriage immigration’ interchangeably. The Korean government coined the term ‘multicultural family’ to refer to international marriage couples and their children in *the Multicultural Families Support Act*.<sup>5</sup> I do not use this term in my analysis except when referring to its use by the Korean government. In the Canadian case, I additionally use the term spousal immigration as a short form for spousal and common-law partner immigration.

### **1.6.2 ‘fraudulent,’ ‘sham,’ ‘paper,’ ‘fake,’ ‘marriage fraud,’ ‘marriage of convenience’**

I use the terms ‘fraudulent,’ ‘sham,’ ‘paper,’ ‘fake’ marriages, ‘marriage fraud,’ and ‘marriage of convenience’ interchangeably to describe marriages or partnerships arranged by foreign spouses and/or Korean/Canadian spouses for the instrumental purpose of gaining immigration access to Korea or Canada. However, in using these terms, I do not take the position that they exist as concrete social facts. Rather, I argue that the social premise of the rigid, dichotomous definition of the relationship either as ‘fake’ or ‘real’ needs to be tackled and problematized since they may not capture the experiences of some marriage migrants and Korean/Canadian spouses. These terms have also consolidated negative public perceptions of foreign spouses as potential perpetrators of these practices. When I refer to these terms, I use quotation marks in order to indicate my problematization of those terms.

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<sup>5</sup> See chapter 4 for my critique of use of the term, multicultural family.

## **1.7 Chapter outline**

This dissertation is organized to provide a comparative analysis of marriage migration in Korea and Canada. In chapter 2, I outline the theoretical foundations that this comparative study draws upon to theorize the relations between marriage migration and national boundary-making processes in Korea and Canada. Firstly, I introduce intersectional and critical race feminist scholarship which theorizes national boundary-making of the nation-state through an intersectional lens of social relations including gender, race, ethnicity, class, age, and the developed/developing country divide. Secondly, I critically engage with neoliberalism as a political economic policy framework, which determines the flows of marriage migration in relation to other types of migration. Thirdly, I draw upon critical security studies, which focus on the ‘securitization’ of migration and the construction of ‘threats.’ Lastly, I examine the role of gatekeepers in drawing the line between legitimate immigrants who are permitted to be part of the nation and those who are excluded by determining the legitimacy of conjugal relationship.

In chapter three, I examine the history of marriage migration in Korea and Canada in order to provide the historical context for the basis of the comparative study of contemporary flows of marriage migration in Korea and Canada. This chapter aims to tease out the historical continuities and discontinuities in regulating the flows of marriage migration in both countries.

In chapters four, five and six, I examine the regulation of marriage migration to Korea. In chapter 4, I analyze laws and policies relating to marriage migration in Korea from the mid-1990s to 2017. I argue that newly adopted laws and policies relating to marriage migration serve to reinforce the demographic, nationalistic and neoliberal interests of the Korean state. Uniquely for the case of Korea, I explore the roles of non-

state actors in ‘migration industry’ in the pre-migration stage in Vietnam in regulating flows of marriage migration to Korea in chapter 5. Based on my fieldwork in Vietnam, I examine how the migration industry in Vietnam also plays a key role in regulating marriage migration and shaping gendered and ethnicized boundaries of the Korean nation by facilitating particular forms of belonging of marriage migrants to the Korean family. In chapter 6, I examine the development of ‘fraudulent marriage’ discourses and analyze the roles played by such discourses in relation to the boundary making of the Korean nation, specifically with respect to the construction of marriage migrants’ desirability and undesirability.

In chapters seven and eight, I analyze the regulation of marriage migration in Canada. In chapter 7, I examine laws and policies on spousal and common-law partner immigration in Canada. By doing so, I argue that the regulation of spousal immigration contributes to the gendered, racialized and neoliberal boundary-making of the Canadian nation by constructing spousal immigrants as economic and security threats to Canadian society. In chapter 8, I focus on spousal and partner immigration application processes as a site where the boundaries of the Canadian nation are drawn and shifted with respect to the legitimacy of the relationship. First, I examine the roles of visa officers as gatekeepers who are tasked with determining the legitimacy of applicants’ relationships and analyze experiences of marriage migrants in the process of the spousal immigration application. Second, I examine long-term and often lasting barriers that marriage migrants face based upon negative assumptions among family members and neighbours regarding marriage migrants’ motivations.

In chapter 9, I synthesize some of the insights gained from the two case studies of Korea and Canada. Here I provide a comparative analysis of the flows of marriage

migration to both countries and of the roles of marriage migration in each nation's boundary making processes. In chapter 10, I provide a summary of key arguments, identify contributions of my research and present policy suggestions.

## **Chapter 2: Theorizing ‘national boundary-making’ through marriage migration**

In this chapter, I discuss the theoretical foundations for my comparative research on the regulation of marriage migration in Korea and Canada focusing on its roles in national boundary-making processes. I analyze the regulation of marriage migration relative to contemporary nation-building processes which reshape the boundaries of the nation by allowing certain marriage migrants in while keeping certain marriage migrants out both at the nation-state border and inside the national border. The mechanisms of inclusion and exclusion do not operate randomly. The boundaries of the nation are drawn and shift in gendered, racialized/ethnicized and neoliberal ways reflecting the multiple hierarchies of social relations of gender, race/ethnicity, class, age, and the divide of the global South and North.

In this chapter, I introduce intersectional and critical race feminist scholarship that theorizes the modern state’s nation-building processes as complicated, multi-layered mechanisms of inclusion and exclusion with respect to determining the entry and integration of foreigners into receiving countries. I begin by delving into how the nation is understood in each country in gendered and ethnicized/racialized ways (i.e. ethnic nationalism in Korea and white settler colonialism and multiculturalism in Canada), and how the regulation of marriage migration is tied to the ongoing nation-building processes in each country. Secondly, I critically engage with neoliberalism as a political economic policy framework, which determines the flows of marriage migration in relation to other types of migration. While neoliberalism presents itself as a dominant framework in both countries, I argue that the way in which neoliberal logic is mobilized to encourage and discourage marriage migrants is different in Korea and Canada. Neoliberal policies and human capital thinking shape the intersection of gender, class, and race/ethnicity

differently for each country with respect to determining the desirability and undesirability of marriage migrants in becoming part of the nation. Thirdly, I draw upon critical security studies, which have expanded their scope from traditional security concerns (e.g. military) to the issue of migration in order to understand how certain marriage migrants are discursively constructed as threats to the nation. I argue that the securitization of marriage migrants draws exclusive boundaries of the nation against certain gendered and racialized migrants. Lastly, I examine the role of gatekeepers in drawing the line between legitimate immigrants who are permitted to the nation and those who are regarded as unfit for national membership.

## **2.1 Theorizing intersections of the nation, gender and race/ethnicity: intersectional and critical race feminist framework**

The question of ‘who belongs and who does not belong to the nation’ is integral to understanding the process of nation-state building. The boundary of the nation has historically been contested and subject to change, mainly with respect to various marginalized groups’ political struggles to be included to the nation. In mainstream literature on the nation and nationalism, the nation is understood as a socially constructed ‘imagined community’ as Anderson (2006[1983]) illustrates through the development of print capitalism (which made it possible to create the abstract concept of the nation as a community), or as a collective group with a pre-existing ethnic origin built upon geographical or cultural foundations (Smith, 1986). Smith (1986) emphasizes the ethnic aspect of the nation by arguing that

the ‘modern nation’ in practice incorporates several features of pre-modern *ethnie* and owes much to a general model of ethnicity which has survived in many areas until the dawn of the ‘modern era.’ (p. 18, emphasis in original)

However, these two traditions of mainstream literature on the nation and nationalism (as socially constructed and as based upon ethnic ties) do not incorporate gender relations as an important part of establishing and reproducing the nation. Women are 'hidden' in the theorizations of the nation and nationalism (McClintock, Mufti, and Shohat, 1997; Yuval-Davis, 1997; McClintock, 1991; E.-S. Kim, 1994; T.-L. Yoon, 1994; Chizuko, 2004). Yuval Davis and Anthias (1989) emphasize the crucial roles played by women as biological, cultural and political reproducers of national identities in shaping the boundary of the nation. Gender and gender relations function as an integral element in the ways in which the nation is imagined and reproduced. Yuval-Davis (1997) examines how gender relations are crucial to nationalist projects such as national reproduction, national culture, national citizenship, national conflicts and wars (3). For example, historical incidents such as 'ethnic cleansing' (the mass killing of members of certain ethnic or religious group) and subsequent gender-based violence through the targeted rape of women reveal how nationalism is intertwined with gender ideology in its manifestation (Hayden, 2000). In this context, the female body is mainly imagined as a terrain of male domination and is easily utilized as a tool to manifest male-dominant power over women's body as a form of nationalist practice (Carpenter, 2002; Hayden, 2000). It is important to emphasize the gendered aspects of the construction of the nation in order to examine how female and male marriage migrants are understood as desirable or undesirable migrants with respect to reproducing the nation both biologically and culturally.

As well as the gendered aspects of the construction of the nation, critical race scholars emphasize racialized/ethnicized processes of nation-building. They examine how the inclusion and exclusion of certain racialized/ethnicized groups both inside the nation and at the nation-state border play a constitutive role in formulating an ideal of the nation

(e.g. 'white' in western countries) (Balibar, 1991; Goldberg, 2002; Thobani, 2007; Dhamoon and Abu-Laban, 2009). The nation-building project has been premised on discourses of race and the accompanying exclusion of racialized Others; such discourses are also an intrinsic feature of nationalism. The borders of the nation-state have constituted a meaningful site to examine the mechanisms of inclusion and exclusion with respect to gendered and racialized/ethnicized contestations of national boundaries (Salter, 2013, p. 151). Determining who is allowed or not allowed to enter is the question that defines the population along the un/desirability divide. In other words, the control and regulation of migration plays a key role in the modern state's nation-building process and contributes to the social, cultural, and symbolic boundary-making of the nation (Brubaker, 1992; Li, 2003; Chung and Kim, 2012). Diverse social relations and their multiple intersections (which construct the desirability and undesirability of migrants along such lines as gender, race/ethnicity, class, sexuality, the divide of developed/developing countries) have been important areas of study for intersectional and anti-racist feminist scholars (Collins, 1986; Crenshaw, 1989; Stasiulis, 1999; Yuval-Davis, 2006; H.-M. Kim, 2007, M. Kim, 2013). Drawing upon critical race feminist scholarship, which emphasizes gender relations, and racialized and ethnicized hierarchization in the construction of the nation, my study theorizes the link between the regulation of marriage migration and 'national boundary-making processes' by examining how populations of marriage migrants are hierarchized along multiple intersecting lines of social relations with respect to the Korean and Canadian hegemonic notion of the nation.

### **2.1.1 The social construction of the Korean nation**

In order to understand the connection between the regulation of marriage migration and national boundary-making, I first analyze how the Korean nation and Korean

nationalism are understood. I analyze Korean nationalism as a form of ethnic nationalism, which identifies nationhood with the ethnicity and cultural homogeneity of a nation, borrowing Brubaker's (1992) distinction between ethnic nationalism and civic nationalism. In Brubaker's (1992) analysis of French and German nationhood, he distinguishes between two traditions of nationhood in Europe, with Germany being *Volk*-centered and differentialist, and French nationhood being state-centered and assimilationist. This clear-cut distinction was subject to criticism insofar as the civic and ethnic elements of nationhood for each country overlap more often than they are separate. Generalizing the whole nation with one category can be analytically simplistic. In addition, as Brubaker (1999) himself later acknowledges, this distinction had also been used as a neo-orientalist framework, which distinguishes Western Europeans as a representation of civic nationalism, from Eastern European countries and non-European countries as representations of ethnic nationalism by denoting civic nationalism as morally superior to ethnic nationalism (56).

While I situate Korean nationalism as a form of ethnic nationalism, I do not argue that there exists a 'pure' ethnic nationalism in Korea or that ethnic nationalism is simply the opposite of civic nationalism. Rather, I focus on analyzing how the main tenets of ethnic nationalism, such as ethnic and cultural homogeneity, have predominantly affected the construction of the Korean nation and national identity of 'Koreanness,' and how Korean ethnic nationalism influences the ways in which marriage migrants are integrated into Korean society.

Ethnic nationalism in Korea operates based on the myth that all Koreans are descendants of the mythical male figure, 'Grandfather' Dan-gun. It follows from this myth that the Korean nation has been ethnically and culturally homogeneous for more than 3,000

years. This collective belief first emerged in the colonized Joseon dynasty (1910-1945) as a form of resistance by the Korean nationalist movement against Japanese colonization (J.-H. Lim, 1999; Shin, 2006; H.-B. Kwon, 2014). Shin (2006) explains the emergence of Korean ethnic nationalism as being constructed through competition with alternative ideologies such as pan-Asianism and international socialism within the historical context of the late-nineteenth century: this was a time when Chinese and Japanese geopolitics were turned upside down (China declined, and Japan emerged as a stronger power in the region since the late 19<sup>th</sup> century), and the presence of ‘Western’ power increased in the East Asian Region. Koreans were pressured to both modernize their country and create their own identity in the context of a newly shaped geopolitical reality, whether that be by Koreans disassociating from the East and becoming more Western or alternatively, by developing their own nation and separating from the West. Most of all, Japanese colonization and subsequent colonial racism provoked the development of ethnic nationalism as one of the most widespread ideologies (competing with international socialism for the Korean independent movement). The Japanese colonial government legitimized its colonial rule on the grounds that Koreans were ethnically inferior and thus in need of Japanese intervention in supporting the “civilization and enlightenment” of Koreans (42). In response, the Korean nationalist movement spotlighted the unique heritage of the Korean nation against Japan’s strong military-based rule and assimilation policies, which attempted to eradicate the Korean identity and invoke its inferiority. Shin (2006) points out that Korean nationalist scholars at that time actively contributed to creating the Korean nation as one ethnically homogeneous group. For example, they emphasized the greatness of the Korean nation by highlighting pre-colonial stories of historical heroes, preserving ancient remains and monuments, invigorating studies such as *Silhak* (Practical Learning),

and encouraging use of the Korean language in the face of attempts by Japanese colonials who attempted to replace it with the Japanese language (Shin, 2006, p. 49-52; J.-W. Kang, 2013, p. 195-196).

Feminist scholars, however, argue that ethnic nationalism mobilized by the Korean nationalist movement was highly gendered by emphasizing the patriarchal gender roles and social relations reflected in nationalist discourses. For example, questioning why the national liberation movement against Japanese colonization did not bring about women's liberation despite the large number of women participating in that movement, T.-L. Yoon (1994) argues that women's issues were situated in the lower rung of the ladder of a so-called larger problem of the male-dominated national liberation movement by confining women's roles mainly to the education of motherhood. Kim and Choi (1998) furthermore argue that the Korean nationalist movement was "hostile to the New Women's movement of the early 1920s, which stressed women's explorations of their own sexuality and emancipation from the patriarchal household" (2). Under these nationalist and anti-imperialist movements, gender issues had been neglected and treated as subordinate to nationalist causes (5). This critique resonates with other postcolonial feminists' points about 'double colonization': women are colonized by both the colonial state and by patriarchy in the nation (Mohanty, 1988; Peterson and Rutherford, 1986). Postcolonial feminists of Korea furthermore criticize the male-oriented perspective on Korean nationalism in which women symbolized national honour, whereby any act that violates women's bodies is regarded as destroying the nation's honour (E.-S. Kim, 1994).

After the 1945 liberation from Japanese colonization, ethnic nationalism was continuously mobilized by authoritarian and military governments in South Korea. The term *danil-minjok* (one ethnic group) was introduced in 1948 in a history book by Jintae

Son, one of the most influential Korean nationalists, and the term soon came to characterize the Korean nation (G.-B. Kim, 2009 cited in M. Kang, 2015, p. 7). After the Korean War (1950-1953) divided the Korean peninsula into two separate states, North Korea and South Korea, subsequent authoritarian and military governments in South Korea mobilized ethnic nationalism as a major political rhetoric against the North Korean government (J.-W. Kang, 2013) and as a tool to pursue pro-developmentalism (which set economic growth as a top priority for the government) (Y. Cho, 2008). For example, Syngman Rhee's authoritarian government (1948-1960) set the reunification of North and South Korea as a nationalistic agenda in the name of saving the Korean nation from North Korea's communist government. Similarly, Park's military dictator regime (1961-1979) demonized the North Korean government for being an enemy of the people of the Korean nation (including both North Koreans and South Koreans), thus justifying their military regime in the name of saving North Koreans (J.-W. Kang, 2013, p. 201). South Korean authoritarian and military governments emphasized ethnic homogeneity as a reason to liberate North Korean people from communism, and in doing so, justified the military dictatorship and their suppression of democratic movements (Choe, 2006, p. 95).

Not only was ethnic nationalism imposed from above, it also developed from below as a political ideology by democratic movements. The 1980 Kwangju democratic movement was an important turning point which transformed the Korean democratic movement into a nationalistic one against the American government (which backed a Korean military dictatorship) as well as against the military government (J.-W. Kang, 2013). Democratic movements reinforced the exclusive aspect of ethnic nationalism to acquire its mobilizing power through demonizing other nations and countries, particularly against the United States (207). As such, Korean ethnic nationalism has taken different

forms as political rhetoric both from above and below, actively utilizing the ‘primordial’ characteristics of nationalism (such as the bloodline of the nation and shared language and culture).

#### **2.1.1.1 Boundary-making of the Korean nation through marriage migration**

Rapid growth to the foreign population since the 1990s has brought about new debates surrounding Korean ethnic nationalism. Some scholars adopt a ‘rosy’ view that Korean ethnic nationalism is declining. For example, Y. Lee (2009) argues that Korean ethnic nationalism has declined and offers three examples to support this: demographic change with respect to the growing foreign population; active migrant rights advocacy by social movement organizations; and changes in recent survey data reflecting more open attitudes towards foreigners.

Since the Korean government actively began to tout ‘multicultural society’ as its new direction in 2006, multicultural rhetoric has expanded in Korean society. However, as Seol (2010) argues, official discussions about the meaning of multiculturalism in Korea with respect to the kinds of multicultural models that should be adopted have been absent. There have been no initiatives to legislate a multiculturalism act. Multiculturalism in Korea simply refers to the social phenomenon of increasing ethnic/racial diversity in Korea resulting from the influx of immigrants (rather than political ideologies or discourses), or refers to newly implemented governmental policies that address the integration of the foreign population in Korea (605-6). As I explain in detail in chapter 4.1.2.2 with respect to the invention of the term multicultural family, multiculturalism has been equated to any policy relating to international marriage migrants and their families.

Anti-racism feminist scholars have criticized the widespread of multicultural rhetoric in Korean society and emphasized the exclusive characteristics of Korean ethnic

nationalism, in particular, discrimination against the ethnic and racial Other in Korea (H.-M. Kim, 2007; J.-S. Kim, 2011; N.-Y. Lee, 2015; J.-H. Ahn, 2018). These scholars critically engage with newly emerged ‘multiculturalism’ discourse in Korea and argue that ethnic nationalism still powerfully influences the ways in which non-Korean populations are regulated in Korea. They furthermore argue that multiculturalism discourse is an attempt to ‘modernize’ the Korean nationalist project rhetorically rather than a new change in national identity in Korea. For example, H.-M. Kim (2007) argues that the Korean government’s purported rhetoric of multicultural society comprises an important tool to perpetuate Korean nationalism rather than replacing it with an acknowledgement of the cultural differences of immigrants and respect for their cultural rights. In particular, marriage migrants, who emerged as a major target of newly legislated so-called ‘multicultural family’ laws and policies, are easily appropriated by the Korean government as a part of the nationalist project of increasing the country’s population (H.-M. Kim, 2007, p.103-104).

Building upon H.-M. Kim (2007)’s point, I argue that encouraging marriage migration is part of the nationalist project to reproduce the patrilineal Korean nation and that it fulfills the demographic interests of the Korean government. While multicultural rhetoric has emerged by the Korean government, ethnic centeredness as a basis of Korean nationalism has not weakened accordingly as I examine through the case of marriage migration in Korea. My dissertation provides analyses of how Korean ethnic nationalism reconfigures the boundary of the Korean nation by arranging hierarchies of marriage migrants based on gender and ethnicity/race (in interaction with other social relations such as age) rather than dismantles the ethnic-centered Korean nation

Most of all, the increase in ‘foreign’ (non-Korean) female marriage migrants from developing countries brings up theoretically interesting questions for critical race feminist scholars about the ways in which gender and race/ethnicity play a role in reproducing the boundary of the ‘Korean’ nation: who belong to Korean nation and who does not? The encouragement of female marriage migrants obfuscates the existing distinction between ‘our’ women and ‘theirs’: non-Korean women are encouraged to join the nation as biological reproducers of the patrilineal Korean nation. This phenomenon is somewhat different from western feminists’ work on gender and nationalism, which examines how the “fear of miscegenation [in the United States] becomes central to the nationalist discourse” given the case of the ‘one-drop rule’ (Yuval-Davis 1997, p. 23). As long as female migrants perform their expected biological and social reproductive roles as gendered subjects (as wives, mothers, and daughters-in-law), they are more easily incorporated into the Korean nation, whereas male marriage migrants are not appreciated as biological reproducers of the Korean nation. I theorize intersections of gender and ethnicity which hierarchize marriage migrants in Korea in relation to the biological function they fulfil for the Korean nation, and analyze what these intersections explain about the ongoing project of Korean nation-building. In line with anti-racist feminist scholars who debunk the blood-oriented imagination of a homogeneous Korean nation, my research examines how Korean ethnic nationalism reinforces and reshapes (rather than weakens) the centrality of Korean identity, culture and value in gendered and ethnicized ways by actively incorporating female marriage migrants into the biological, social and cultural production of a patriarchal Korean nation.

### **2.1.2 Canada as a white settler nation and the role of marriage migration in national boundary-making**

While the myth of ethnic and cultural homogeneity and the reproduction of the Korean nation have been at the center of the construction of the Korean nation and ethnic nationalism, the myth of cultural plurality and Canadian tolerance have become an integral part of the construction of the Canadian nation and national identity. Multiculturalism is celebrated as a uniquely Canadian identity and an ideal model to manage diversity. However, anti-racist feminist scholars critically engage with Canada's 'multicultural' national identity pointing to the predominance of white settler national identity embedded in multiculturalism. Dhamoon (2010) analyzes Canadian multiculturalism as a mechanism to secure Canada's nation-building based on "the already-established colonially defined territorial borders of the Canadian nation" by promoting the idea that the Canadian nation was legitimately co-founded by two European nations of French and British (258). Discourses of multiculturalism are used to build "a unified national identity" (262).

Haque (2012) problematizes that the framework of 'bilingualism and biculturalism' was finalized into 'multiculturalism within a bilingual framework.'<sup>6</sup> While biculturalism was indeed re-named to multiculturalism, bilingualism remained signifying British and French preponderance to pursue national unity through language: language represented a symbol of inclusion and a barometer of the continuation of British and French dominance.

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<sup>6</sup> In the Official Language Act (1969) and Multiculturalism Policy (1971) legislation, the boundary of the Other is reorganized and the bicultural hegemony of white-settler and Anglo-Celtic dominance is sustained (22). Haque takes this process as contradictory: while "language was identified as a fundamental element of culture by the commission [B and B] and mobilized as an essential component of the 'founding races,'" it also became detached in the new framework of multiculturalism, which treats language as a private element of culture for other groups (6). The survival of bilingualism and the adoption of multiculturalism, in fact, denotes that the notion of white settler nationalism was "smuggled back in through the contradictory operation of language and culture" (22). Expert academic knowledge was mobilized in order to develop a rationale for distinguishing between bilingualism and biculturalism and defining integration as linguistic assimilation. While disavowing racial and ethnic exclusions, language becomes "a defining feature of Canadian nationhood and belonging" (93).

She analyzes this transition as a part of “the ongoing project of white settler nation-building” which re-articulates “a racial order of difference and belonging” through language (4-5).

The myth of tolerance in Canadian multiculturalism holds that Canada has managed different cultural groups in a tolerant way (compared to other white-settler colonial societies) (Mackey, 2002, p. 23-24). This myth disguises the brutal histories of extermination, violence, and cultural genocide towards Indigenous groups in Canada, and racialization and racism within the nation and at the national border (Lawrence, 2004). Diverse forms of racism and racialized exclusion have been integral parts of white settler nation-building throughout the history of Canada. Racialized ‘Others’ have been excluded, segregated and discriminated both within the nation and at the national border in different times and places based on the reproduction of the ‘ideal’ nation and nationhood (Elliott and Fleras, 1990; Calliste, 1994; K. McLaren, 2008; Razack, 2008). Different ethnic/racial groups (perceived as unassimilable) have been either restricted from entering Canada or banned from bringing their family members to Canada, or paid a high price for admission (Li, 1998; Grace and Helms, 1998; Coloma, 2013). With the construction of the ‘ideal’ Canadian nation and nationhood based on a (British and French) white settler nation, the complex order of racial and ethnic hierarchies have shifted.

Sharma (2006) argues that the erasure of Canada’s colonial and racial foundations of Canada has been key in constructing the Canadian identity as multicultural (93). Furthermore, two colonial ‘founding’ races/nations of Canada, the English and the French, are presented as ones who overthrew colonialism and built the modern Canadian state. Sharma (2006) says,

[t]he reality Canada being built on the *colonialization* of diverse indigenous peoples and their traditional lands by those with a privileged position *within* the French and British empires was rendered invisible (93, emphasis in original).

The language of multiculturalism has played a major role in concealing racialization in the construction of the contemporary Canadian nation by omitting the issue of colonialism from the discussion with respect to Canadian identity and national pride. Paying attention to the legacy of white-settler colonialism in Canada, I argue that the construction of the Canadian nation and national identity has been on the continuum of its white-settler colonial history rather than being distinctly separate from it. I situate the regulation of marriage migration as part of Canada's contemporary nation-building process which produces 'ideal' marriage migrants (who fit the white settler model of acceptability) while weeding out those deemed unsuitable and risky.

I define Canada as white settler colonial society where the Indigenous population was colonized through violence and other means, while the descendants of European settlers have remained both politically and economically dominant over Indigenous peoples and racialized migrants (Stasiulis and Jhappan, 1995). Thobani (2007) examines Canada's white settler colonialism's historical variations from the colonial period to the current form of the Canadian welfare state through the construction of subject-and-object making processes. The formation of white settlers as exalted law-abiding subjects in contrast to Indigenous peoples and non-white immigrants was key to white settler colonialism (39). The justification of colonial violence is conducted through the formation of exalted national subjects, i.e., law-abiding white settlers and the legitimization of their superiority over Indigenous peoples. Thobani (2007) expands her analysis of the deployment of 'exaltation' as a technique of power over 'non-preferred race' immigrants, and explicates the triangulated, hierarchical subject formations:

the aboriginal, marked for physical and cultural extinction, deserving of citizenship only upon abdication of indigeneity; the 'preferred race' settler and future national, exalted as worthy of citizenship and membership in the nation; and the 'non-preferred race' immigrant, marked as stranger and

sojourner, as unwelcome intruder whose lack of Christian faith, inherent deviant tendencies and unchecked fecundity all threatened the nation's survival (75).

Canadian multicultural national identity is based on this hierarchical and triangulated subject formation and a distinction between exalted 'authentic' Canadians and both indigenous peoples and racialized newcomers (who are "defined always against authentic Canadian-ness as perennial outsiders" irrespective of how many generations these racialized newcomers have lived in Canada) (Park, 2013, p. 584). The myth of cultural plurality and celebrated Canadian tolerance, which have become an integral part of Canadian national identity, successfully conceals this triangulated and hierarchical formation of subjects-making process and institutional racism (Mackey, 2002).

In line with Hage (1998), who defines multicultural tolerance as "a form of symbolic violence in which a mode of domination is presented as a form of egalitarianism" (87), Dhamoon argues that Canadian multiculturalism, which obscures the social relations of domination and power, reinforces "the objectification and Otherness of that which is tolerated by the tolerator, and clouding elements of coercion by presenting tolerance as a generous gift" (262). Without challenging and dismantling the economic, cultural, and political dominance of white settlers and institutional racism embedded in Canadian society, a multicultural Canadian identity is imagined and constructed as being neutral. Borrowing Mackey (2002)'s metaphor of "house of difference," this 'multicultural' house contains a distinct white Anglophone head<sup>7</sup> of household with ethnically different family members (12).

In order to maintain its plurality and multicultural identity, this multicultural household necessitates Indigenous and racialized minority groups. The notion of Canadian

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<sup>7</sup> In Mackey's metaphor, the hegemony of white francophone settlers within Quebec is omitted. See Austin (2010) and Leroux (2010) for further explanation of the colonial history of French-Canadian Québécois against Indigenous peoples, and its practice of slavery and racial exclusion.

multiculturalism and its rhetoric of tolerance is premised on racial and cultural hierarchies, rather than disentangling them. As Bannerji (2000) argues, under the notion of seemingly ‘neutral’ multiculturalism, “an element of whiteness quietly enters into cultural definitions, marking the difference between a core cultural group and other groups who are represented as cultural fragments (10)” and thus concealing racial relations and institutional racism.

Dhamoon (2010) articulates the relations between liberal multiculturalism and Canadian nation-building in terms of perpetuating the division between real Canadians and Others. She argues,

In the process of securing the identity of Canada as a tolerant nation, which is committed to diversity-within-unity, nation-building practices have relied on historically generated distinctions between white and non-white bodies. Initially such distinctions were operationalized to secure an open colonial project, but now they are operationalized so as to represent and secure Canada’s formal identity shift from monoculturalism to multiculturalism *while simultaneously maintaining a set of Western Europecentric norms rooted in colonial ideas* [emphasis added]. As such, rather than explicit racist policies of immigration and assimilation, multiculturalism is deployed to secure the dominance of whiteness, whether intentionally or not. ... Since cultural Others (read: non-white Others) are blamed for national disunity, but overt racial exclusion is not consistent with the values of the ‘new’ nation, other mechanisms are needed to secure the limits of difference. One such mechanism is liberal multiculturalism (265).

Dhamoon critically approaches Canadian liberal multiculturalism as a new mechanism to manage diversity which does not dismantle existing colonial orders and legacy. Drawing upon the anti-racist feminist scholarship mentioned above, which highlight liberal multiculturalism as a new mechanism for nation-building by perpetuating the division between real Canadians and Others, I situate the regulation of marriage migration in Canada as part of the national boundary-making process. Historically, marriage migration played a key role in biologically and culturally reproducing the white

settler colonial society; as I examine in detail in Chapter 3.2.1<sup>8</sup>, gender, race/ethnicity and the nation are explicitly articulated to produce a white settler nation. Encouraging the entry of white (French and British) female marriage migrants was an essential part of the racialized nation-building project in white settler colonial society (Arat-Koc, 1997, p. 54; Thobani, 2007, p. 75). In contemporary Canadian society, the ways in which the regulation of marriage migration plays a role in reproducing the nation are less ‘racially’ explicit. However, racialized projects that perpetuate the white settler nation persist by keeping certain racialized and gendered marriage migrants out based on the reproduction of ‘ideal’ nationhood and the valorization of certain norms of conjugality as ‘legitimate.’

Racialized groups are easily accused of being involved in ‘fraudulent marriage’ and are the main targets of intensive governmental scrutiny, eventually leading to the expulsion of marriage migrants. Which relationships are constructed as tolerable and thus legitimate, and which are considered problematic and fraudulent? By analyzing complicated intersections of social relations (including nation, gender, race, and the divide of developing/developed countries, which constitute the inclusive and exclusive boundaries of Canadian nation), I examine spousal immigration processes as contemporary nation-building practices that produce ‘ideal’ marriage migrants, and weed out those deemed unsuitable and risky in pursuit of constituting gendered and racialized boundaries of the Canadian nation. Racial and cultural hegemonic norms are reproduced and institutional racism is actualized in the process of screening the legitimacy of conjugal relations by targeting certain racialized groups for suspicions of ‘fraudulent marriage.’ Park (2013) offers insight on cultural racism and the practice of expulsion in Canadian public discourse, particularly, “the easy elision between the fraudster and all non-white citizens”

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<sup>8</sup> See chapter 3.2.1 for more contextualized historical explanation of the roles of female marriage migration to the reproduction of white settler societies.

in online commentaries with respect to the case of the revocation of 1,800 immigrants' citizenship (who allegedly gained citizenship through fraudulent means). This understanding of cultural racism resonates with the ways in which discourses of 'fraudulent marriage' produce and securitize certain racialized immigrants as potential threats to Canadians. Rather than blaming the individuals who are accused, the entire racialized population becomes the target of public grievance (593). Drawing upon critical race feminist scholars' approaches to seemingly 'neutral' Canadian multicultural identity and examination of hidden racial hierarchies which divide 'real' Canadians and Others, I explore the racial and cultural hierarchies embedded in spousal immigration processes, and the connection between the regulation of marriage migration and boundary-making of the nation.

## **2.2 Critical security studies: racialized and gendered construction of security threats to the nation**

In order to understand how discourses of 'fraudulent' marriage operate as a discursive tool to regulate marriage migration, I draw upon critical security studies, which have focused on the political and social processes whereby migrants are constructed as threats to host countries (Buzan et al, 1998). Critical security scholars view the end of the Cold War as a significant turning point for global security (Curley and Wong, 2008), or as Faist (2005) calls it "the most recent stimulus which favoured the spread of objectless fear" (6). Since the end of the Cold War, which brought about the "disappearance of a powerful external threat to [the] security of the West" (ibid), new areas of global society have become implicated in security problems. The scope of security issues has broadened to encompass so-called soft security issues by non-state actors (such as environmental, drug, and migration issues) as well as traditional hard security issues such as the military and

global terrorism (Huysmans, 2000). Paying attention to the discursive formation of security, Waeber (1995) defines security as a form of “speech act” (55). He argues,

[i]n its usage, security is not of interest as a sign that refers to something more real; the utterance *itself* is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By ‘uttering security,’ a state-representative moves a particular development into a specific area, and thereby claims special right to use whatever means as necessary to block it (55).

Similarly, Bigo (2002) looks at the securitization of migration as the outcome of contestations among (speech) acts of diverse institutions and players including security professionals and political leaders, with latter fearing “losing their symbolic control over the territorial boundaries” (65-66). Security itself is constructed and created by the integration of security institutions that had previously been used to deal with internal and external threats separately. The security institutions of police and military are now intertwined in the management of risk and threats that are believed to originate from transnational migration. The securitization of migration:

[t]ransform[s] structural difficulties and transformations into elements permitting specific groups to be blamed, even before they have done anything, simply by categorizing them, anticipating profiles of risk from previous trends, and projecting by generalization upon the potential behavior of each individual pertaining to the risk category (Bigo, 2002, p. 81).

In other words, the securitization of migration entails the political and psychological construction of potential threats to the host society. Here I take security not as a noun that describes certain conditions of imminent threats, but a verb (“securitization”) that captures the processes of transforming other issues into ones of security (Nyers, 2009, p. 3). Securitization is conducted through the double movement of security: while acts of security aim to provide protection from danger, acts of security themselves also “encourage fear, foster apprehension, and feed off of nervousness in the population” (ibid). The object

of security is situated in a parallel with a plurality of risks such as crime, terrorism, unemployment, etc. that are believed to threaten the population as well as with the fight against specific external military threats. As Huysmans (2000) argues, “[l]etting migration figure as a dangerous challenge to the vaguer notion of social and political integration of society has strong securitizing effects” (762). Discourses representing migrants as threats to host society have become an important source for mobilizing security rhetoric and institutions. As Dhamoon (2010) analyzes, security is not a primary threat, but “a discourse of meaning-making” with respect to the nation and belonging (257)

Criminalization is an essential part of securitization discourses. The criminalization of migrants transforms migrants into ‘deviants’ who must be controlled and regulated (Vezovnik, 2018, p. 49). Through the criminalization of migrants, ‘immigration crimes’ are easily demonized and normalized. Rather than being treated as individuals, migrants are grouped as potential criminals and security threats who need to be managed collectively (Bosworth and Guild, 2008, p. 709). The criminalizing discourses surrounding migration work to “vindicate the restriction of transnational mobility” (707-8). Surrounding ‘fraudulent marriage’ discourse, marriage migrants, namely certain gendered and racialized marriage migrants, are grouped and portrayed as potential immigration criminals, rather than individual marriage fraudsters. By constructing them as potential criminals and security threats to host countries, punitive measures are easily implemented.

In the Korean context, given the history of military tensions with North Korea since the Korean War (1950-1953), traditional geopolitical and military issues have been at the forefront of security concerns on the Korean peninsula (S.-W. Lee, 2017). Only with the increase in migrant populations since the late 1980s has the issue of security with respect to migration become widespread. Securitization discourses relative to migration

centre on migrant workers, mainly portraying them as potential threats to the economic, public and national security of Korean society (S.-K. Kim 2015; S.-W. Lee 2017). For example, migrant workers are portrayed as economic threats who steal jobs from Koreans and drain Korean wealth to their countries of origin through remittances. When combined with a criminalization discourse, they are postulated as potential criminals who can threaten the public safety of Koreans and create social unease (ibid). In particular, discourses of securitizing migration have become widespread through different online platforms: migrant workers from developing countries are portrayed as social psychological threats to Korean society and national security (H.-H. Kim, 2014; H.-H. Kim, 2016). In addition, migrant workers' different religions and cultures are considered a source of cultural and religious conflicts, which can also be a threat to the 'cultural security' of Korean society which is imagined as homogeneous (S.-W. Lee, 2017). The securitization of (male) migrant workers is expanded to the ones who marry Korean women and settle down in Korea as marriage migrants. Compared to female marriage migrants, male marriage migrants have been the main target of securitization discourses: I examine the securitization of marriage migration in Korea in detail in Chapter 6.

In the Canadian context, the nexus of migration and security has intensified since 9/11 and the conflation of security and immigration materialized through the provision of the *Immigration and Refugee Protection Act* and the *Anti-Terrorist Act* which included new and tougher border security measures (Dobrowlsky, 2008, p. 466). The Canadian Border Services Agency was created by separating and strengthening its policing roles from CIC. Security measures such as Security Certificates have been more frequently used to target 'high risk' immigrants to Canada: Security Certificates had been in place since 1978, but the use increased dramatically after September 11, 2001 (Dobrowolsky, 2007). These

measures “reconstruct some foreign nationals as threats to Canadian society, especially those from regions deemed terrorist locations” (Ibrahim, 2005, p. 80; Kruger, Mulder, and Korensic, 2004). It was not a coincidence that ‘fraudulent marriage’ came to be the object of the securitization of migration, which stipulates ‘fraudulent marriage’ as a venue for ‘unqualified’ immigrants to come to Canada.

In both countries, I situate the securitization of marriage migration within the broader frame of securitization of migration. In particular, I conceptualize the securitization of marriage migration as the political, discursive and psychological processes of constructing certain groups of marriage migrants as threats to host countries, particularly through discourses of ‘fraudulent marriage.’ The securitization of marriage migration entails strong governmental intervention in border controls including the scrutiny of foreign marriage migrants’ intimate relations with their Korean or Canadian spouses. Most of all, the conceptualization of the securitization of marriage migration actively engages with racialization. If a key objective of the securitization of migration is to categorize and construct specific groups as being potential threats and risks to society, the securitization process cannot be separated from racialization. However, the link between the racialization and securitization of migration has not been fully developed in literature on the securitization of migration (Moffette and Walters, 2018). I place racialization at the center of my analysis on the securitization of marriage migrants. Racialization refers to the ways that “social relations between people have been structured by the signification of human biological characteristics in such a way as to define and construct differentiated social collectivities” (Miles, 1989, p. 75). In short, racialization refers to “a process of categorization, a representational process of defining Others (usually, but not exclusively) somatically” (75) or as Dhamoon and Abu-Laban (2009) refer to it, as “the socially

constructed work of race-thinking” (167). In theorizing the securitization of marriage migration, I first emphasize the importance of the lens of racialization and how it intersects with other social relations such as gender, class and age because not every marriage migrant is deemed a risk. The lens of racialization assists in delving into the hierarchy among migrants and to therefore understand the following question: how has racialization influenced the construction of certain groups of migrants as threats? Building on the literature which serves to cement securitization and racialization, this dissertation theorizes the securitization of marriage migration through a lens of racialization by analyzing how specific forms of racialization postulate particular subjects as being risky, threatening, and dangerous through (racialized) discourses of ‘fraudulent marriage.’

Second, I examine the affective politics of fear which has played an integral role in the securitization of marriage migration. It acts as a catalyst in accelerating the government’s imperative to securitize flows of migration. Ahmed (2005)’s work demonstrates how the affective politics of fear is incorporated into border politics and how it entails the securitization of racialized Others. Ahmed examines fear as an outcome of the bordering process which “create[s] a distinction between those who are ‘under threat’ and those who threaten,” rather than taking fear as a source of the distinction (72). In other words, fear is the outcome produced by the generation of the threat, not vice versa. The language of fear brings about border anxiety and thus is easily combined with “the language of ‘floods’ and ‘swamps’ by creating the impression that the nation is invaded by inappropriate others and thus must be defended” (ibid, p. 76). Discourses of fraudulent marriage center on emotionally appealing and heartbreaking stories of self-identified victims, and speak to the fear of the general public who easily identify themselves with victims of fraudulent marriage. In both countries, I examine the ‘fraudulent marriage’

discourses within a securitization framework, whereby securitization intersects with racialization and the affective politics of fear.

### **2.3 Neoliberalism and human capital thinking: articulations of gender, race, class, and the nation through marriage migration**

In both countries, neoliberalism has taken precedence as a dominant ideology, discourse and practice over the last few decades. I approach neoliberalism as a political economic policy framework in which the state and market are structured for the benefit of economic interests, wherein ‘homo economicus’ is valorized as an ideal model. Harvey (2005) defines neoliberalism as:

political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade (p. 2).

Neoliberalism constitutes the basis of market-oriented policies by reconfiguring the relationship between the state and the market, and privatizing social services formerly assigned to the state (Dobrowolsky, 2008, p. 467). In other words, neoliberalism is inclined towards smaller government and decreased social spending through fiscal restraint and the privatization of social services. Under the neoliberal policy framework, market values are prioritized over other social values. Smaller government, however, does not automatically result in the retreat of sovereign power with respect to regulating immigrants at the nation-state border. Neoliberalism, which valorizes the figure of ‘homo economicus’ (materialised as a form of human capital), plays an important role in constituting the boundary of the ‘ideal’ nation at the nation-state border by emphasizing its contribution to the national economy.

In Korea, nation-state borders have been eased to allow foreign investment and capital in after the 1997 Asian financial crisis and IMF structural adjustment policies. Since

then, Korean economic and social policies have shifted in a neoliberal direction including the liberalization of transnational capital and foreign business, and the encouragement of flexible labour practices (Lim and Jang, 2006). Under the neoliberal reforms, Korean women were disproportionately more affected than men by the deregulation of labour markets, which made it easier to lay off workers, force retirements, and replace regular workers with non-regular ones (Peng, 2011, p. 911). Women's insecure status in the labour market and the lack of public care and other social security budgets have given rise to a crisis of social reproduction<sup>9</sup> (H. Lee, 2012). Even though government support for public childcare and public social expenditures have increased over the last two decades (compared to prior to the 1990s when there were very limited public sources of care), childcare support and public social expenditures as a share of the GDP have been far below the OECD average (Peng, 2011; H. Lee, 2012). In the face of a social reproductive crisis, the Korean government has encouraged the flow of female marriage migrants into the country, expecting them to take up care labour necessitated in the family.

With respect to migration, neoliberal logic is frequently utilized in combination with human capital theory, which is a dominant approach to the analysis of labour markets in global capitalism (McBride, 2000). Human capital theory "frames the education and skills of individuals in terms of their potential contribution to a nation's economic goals and seeks immigrants who can hit the ground running and adapt flexibly to the labour market" (Creese, Dyck, McLaren, 2008, p. 270). In other words, human capital theory assumes that individuals who invest in human capital through education and training offer more to the market, thus setting the criteria and standards for selecting migrants as a neoliberal goal of the host state seeking economic growth (Li, 2003, p. 100-101).

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<sup>9</sup> See Peng (2011) for a more detailed explanation of political debates on the public care and labour market flexibility in Korea.

Recruiting skilled immigrants with human capital and financial resources has been a top priority of the Korean government's neoliberal economic agenda and it has sometimes taken precedence over its adherence to national cultural identity. The emphasis on ethnic homogeneity as an essential element of Korean national identity has been negotiated to incorporate new economic immigrants (Choe, 2006). In other words, ethnic-centered boundaries of the Korean nation are shifted to accommodate highly-skilled foreign workers, professionals and investors. Under the neoliberal emphasis of immigration policies, Koreans living abroad are also hierarchized based on their citizenship understood as a symbol of their economic resources (Choe, 2006; J.-I. Park, 2009). Overseas Koreans from developed countries such as the United States or Canada are afforded preference over overseas Koreans from developing countries such as China or members of the former Soviet Union to enter Korea. This demonstrates the 'fragility' of the Korean nation's ethnic-centeredness when it comes to the state's neoliberal economic interests. Neoliberalism transforms the relative weight of ethnicity and class in constructing the desirability of immigrants by prioritizing migrants with human capital or overseas Koreans from developed countries.

Similarly, in Canada, neoliberalism underlines immigrant policies as a macro-level policy framework and prioritizes economic contributions of immigrants in assessing the qualifications and entry of immigrants. Since the mid-1980s, the neoliberal turn of the Canadian government has accelerated socioeconomic and state restructuring. Neoliberal restructuring has included the privatization of the domestic economy, the removal of protectionist barriers, the liberalization of trade and finance, the retrenchment of social services, and the adoption of "workfare" policies (Walsh, 2011, p. 869). When it comes to the regulation of migration, neoliberal ideas are frequently utilized in combination with

human capital thinking. While the economic focus of determining the entry of immigrants based on the points system (which “link[s] labor force needs with immigration skills by scoring and selecting migrants based on human-capital endowments”) predated neoliberalism (Walsh, 2011, p. 864), the priority given to economic immigrants has recalibrated the various objectives of immigration policies to focus overwhelmingly on the economic benefits of the overall neoliberal reforms of the Canadian government.

Prominent features of Canadian immigration policy have included “human capital rationales, a market orientation, and a short-term focus on the economic bottom line” at the expense of family and humanitarian immigrants (Gabriel, 2017, p. 181). The neoliberal approach to migration constructs the desirability of migration based on market-based calculations: high-skilled workers, professionals, or financiers are constructed as ‘desirable’ whereas family immigrants are constructed as ‘undesirable.’ The most desirable and ideal immigrants are constructed as those who are postulated as self-sufficient and who do not depend on social welfare services (Abu-Laban and Gabriel, 2002, p. 65) and furthermore as human capital who can contribute to the Canadian economy. Over the last two decades, neoliberal restructuring of immigration in Canada has characterized family immigration as an economic burden to the Canadian welfare state, resulting in budget cuts, a reduction in resources, subsequent backlogs of family immigration and the implementation of temporary visa for family immigrants (Chen and Thorpe, 2015). This neoliberal logic of interpreting the contributions of immigration has constructed marriage migrants as less productive and therefore as less desirable as I examine in chapter 7 in detail.

The emphasis on human capital, which is seemingly gender-neutral, in fact, favours able-bodied male workers who have more educational and training opportunities, and thus expected to contribute to the growth of the national economy (Abu-Laban and

Gabriel, 2002; Dhamoon, 2010). Immigrant selection based on neoliberal rationales and human capital draws gendered and classed boundaries which divide ideal national subjects (i.e. male immigrants with human capital) from undesirable dependent female immigrants with less human capital.

The nexus of neoliberal logic and race/ethnicity is more complicated with respect to deciding immigrants' desirability at the nation-state border. Neoliberal logic and human capital thinking have been influential in selecting immigrants, insofar as immigrants who embody human capital are encouraged to enter Canada even though they may not be easily integrated to the 'real' Canadian nation. Under the neoliberal divide of economic and family immigration, racialized immigrants are differentiated as productive (male) economic migrants and undesirable (female) dependent family immigrants. Economic contributions of 'dependent' female immigrants are easily concealed by narrow understandings of 'economic contributions' based on labour market participation, whereas domestic and household care work performed mainly by female immigrants is devalued (Arat-Koc, 1999). The articulation of gender, race and class constructs an ideal 'nation' with human capital through neoliberal rhetoric which hierarchizes immigrants based on the economic value they bring to receiving countries. My research focuses on the articulation of gender, race, and class with respect to the regulation of marriage migration, and examine how it contributes the neoliberal national-boundary making of the nation.

#### **2.4 The role of gatekeepers and the migration industry in national boundary-making**

In the literature on migration, gatekeepers and gatekeeping represent important research metaphors and conceptual frameworks for the examination of mechanisms of inclusion and exclusion, which control and regulate the admission of migrants to receiving countries by nation-state authorities or intermediaries such as brokers. Some scholars focus

on specific border regulations and controls enforced by visa and immigration officers in their roles as gatekeepers (Wray, 2006; Pellander, 2015; Satzewich, 2014b). Pellander (2015) defines the role of immigration officers in determining the legitimacy of conjugal relationships as a form of “moral gatekeeping,” which refers to the way in which immigration officers’ values and normative framework connect to immigration regulations (1474). Immigration officers determine the legitimacy of marriage based on the “moral conceptions of what makes up a good and acceptable marriage” (1476). Wray (2006) defines the moral gatekeeping of immigration officers in the UK more explicitly in terms of practices whereby “preference is given to those whose marriages comply with majority values in the UK” (303). Iacovetta (2006) provides a broader definition of gatekeepers in receiving countries beyond regulation at the border, including practices of “reception, citizenship, and regulatory activities under scrutiny” that are related to immigration (xii).

Gatekeepers, including visa and immigration officers both at the nation-state borders and after immigrants enter, play an important role in drawing the line between legitimate immigrants who are permitted to join the nation and those who are not. The role of gatekeepers in the regulation of marriage migration is linked to normative conceptions of legitimate conjugal relationships in receiving countries and the question of who is considered legitimate and permitted to enter the nation. I pay attention to the role of gatekeepers in producing ‘ideal’ migrants while excluding those deemed unsuitable and risky.

Other scholars extend the role of gatekeepers to private intermediaries such as brokers including recruitment in sending countries and placement in receiving countries (Castles, 2004; Stasiulis and Bakan, 2005; Iacovetta, 2006). The scope of gatekeepers has expanded to include various non-state actors as well as state-actors, which intervene and

regulate the flows of migration in both sending and receiving countries. Earlier literature analyzes the migration industry as a meso-structure of intermediaries, which facilitates micro-level social networks and macro-level state regulation that shapes the flow of migration. For example, Castles (2004) says,

The migration industry develops out of migration networks. Once a migration gets underway, needs arise for a variety of special services. The migration industry includes travel agents, lawyers, bankers, labor recruiters, brokers, interpreters, and housing agents. ... Facilitating migration is a major and largely legal international business (p. 859).

As well as the roles of intermediaries arising from migration, recent literature examines the links between neoliberal governance in receiving countries and the increase in privatized and outsourced non-state actors including transportation companies and detention facilities that participate in border controls and enforcement (Menz, 2009). In order to externalize the costs and risks associated with migration, receiving governments hand some of their roles over to private actors, which has led to significant growth in the migration industry. The migration industry is defined as the array of both public and private actors and agencies which provide services that not only foster, facilitate, and assist, but also constrain migration (Cranston, Schapendonk, Spaan, 2018; Gammeltoft-Hansen and Sørensen, 2012). Paying attention to the migration industry assists us in understanding migration as an ongoing process rather than a singular event (Cranston, Schapendonk, Spaan, 2018). It further broadens our analytical perspective beyond the scope of the nation-state in its role in gatekeeping including border controls by examining “contemporary articulations of the interactions between the economy, nation states, non-governmental organizations, and the movement of people” (ibid, p. 543). In my Korean case, I conceptualize an array of non-state actors (with a variety of business interests) in Vietnam as the migration industry, and examine how the industry corresponds to Korean

governmental goals as gatekeepers that contribute to the national boundary-making process.<sup>10</sup> The conceptualization is timely and needed given the increasing number of non-state actors such as Korean language institutions in Vietnam since the 2014 implementation of the Korean language as a requirement for spousal visa application. The migration industry, motivated directly and indirectly by business interests, facilitates a particular form of gendered and ethnicized belonging to Korean society in the case of marriage migration. In my study, I identify commercialized marriage brokers, linguistic institutions, and non-governmental organizations as actors in the ‘migration industry,’ which operate in the country of origin, and work as major players in the regulation of marriage migration in line with the Korean government’s border controls and the Korean business and corporate interests.<sup>11</sup>

## **2.5 Conclusion**

This chapter outlines the theoretical foundations upon which this comparative study draws to theorize the relations between marriage migration and Korean and Canadian national boundary-making. The figure 2 below captures a comprehensive picture of the relations between different theoretical approaches to my dissertation, which are empirically discussed in subsequent chapters. National boundaries are continuously being reshaped as reflected in the dash-line, to emphasize the shifting nature of the national boundary-making. The boundaries of the nation are here viewed as being shaped by gatekeepers including both state and non-state actors and subject to three major forces: gendered and ethnicized/racialized forms of inclusion/exclusion, privileging immigrants with human

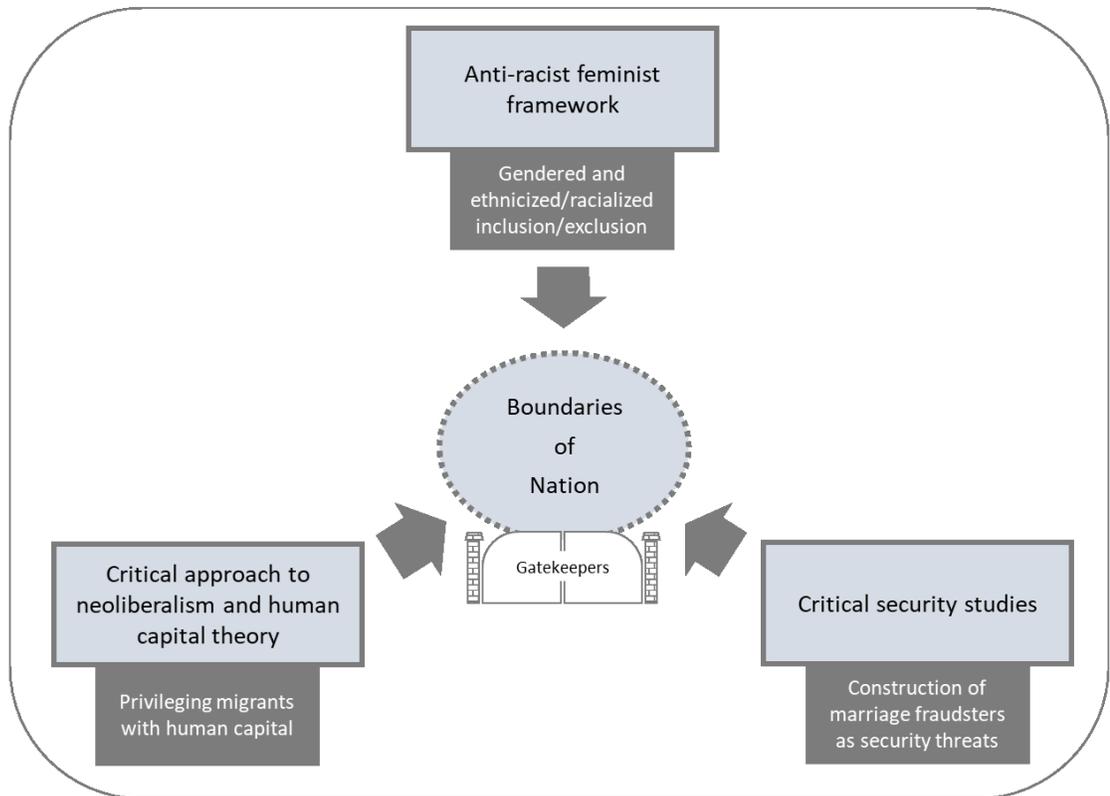
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<sup>10</sup> I do not analyze the role of the migration industry as gatekeepers in Canada. This does not mean that the role of migration industry as gatekeeper in Canada is not important as the Korean case. Rather, my analysis of non-state actors in a sending country was added to the Korean case through my unplanned to visit to Vietnam. Researching the migration industry in sending countries in Canadian case would be my future plan.

<sup>11</sup> See chapter 5 on the roles of the migration industry in the regulation of marriage migration flows.

capital, and the construction of marriage migrants as security threats. The theoretical frameworks highlighted in my discussion overlap and work together to explain the regulation of marriage migration in South Korea and Canada.

[Figure 2] Theorizing national boundary-making through marriage migration



### **Chapter 3: Historical backgrounds of marriage migration in Korea and Canada**

This chapter provides historical context to the present relationship between the regulation of marriage migration and national boundary-making in each country, acknowledging parts of its historical dis/continuation that informs contemporary practices that regulate marriage migration. Through an intersectional lens of diverse social relations including gender, race, sexuality, nation, and class, I examine the history of marriage migration in relation to the role of marriage migration in the boundary-making of the nation. Firstly, I divide the history of marriage migration in Korea into two parts; 1) Korea's history as a sending country including 'picture-brides' to the United States in the period of Japanese colonization (1910-1945) and Korean female marriage migrants to the United States as wives of American soldiers from the 1950s to early 2000s; and 2) its history as a receiving country, with a significant influx of female marriage migrants since the mid-1990s. In the case of Canada, I divide the history of marriage migration into three periods: 1) from pre-Confederation to the 1960s; 2) the 1960s to the mid-1990s; and 3) the mid-1990s to 2015.

#### **3.1 Korea: from sending Korean 'brides' to receiving foreign 'brides'**

##### **3.1.1 Korea as a sending country**

The history of marriage emigration from Korea traces back to the phenomenon of so-called Korean 'picture-brides' in the era of Japanese colonization (1910-1945). The first group of Korean marriage migrant women immigrated to Hawaii and California, as 'picture brides' in order to marry Korean male migrant workers who moved to work mainly on sugar cane farms in Hawaii or in construction and on fruit farms in California, the United States (National Archives of Korea, n.d.-a). Since Sarah Choi, the first known Korean woman who arrived in Hawaii on November 28<sup>th</sup> in 1910, an additional 915 Korean women

immigrated to Hawaii as 'picture brides' by 1924. Another 115 Korean women moved to California from 1910 to 1924 when the immigration ban was imposed on Asian immigrants (National Archives of Korea, n.d-a; I.-C. O, 2005). It was known that these women were mainly from the Southern part of Korea and most of them had a chance of studying in Western missionary schools in contrast to the majority of Korean women whose education opportunities were very limited (I.-C. O, 2005, p. 72-3). However, little research was conducted on these women. According to I.-C. O's (2005) study, some of them were actively engaged with the Korean independence movement and were imprisoned by the Japanese colonial government. The first generation of Korean marriage migrant women took the opportunity of marriage as a way to challenge imposed traditional gender roles and thus to explore new possibilities for their lives outside Korea. When these 'picture-brides' arrived at Hawaii, however, many of them were disappointed by their husbands who were much older than they had been told because these men had sent old photos of themselves in the hopes of increasing their chances of marriage. In addition, information conveyed was not accurate in many cases. However, most of them decided to settle down in the United States. It is only recently that this first flow of female marriage emigration to the United States became known to the public by efforts of descendants of these immigrants (I.-C. O, 2005).

The second movement of marriage emigration from Korea was caused by the close military diplomacy between South Korea and the United States and the resulting long-term stationing of the American military in South Korea. After Korea became independent from Japanese colonization in 1945, Cold War politics sweeping the world divided Korea into two separate states: South Korea backed by the United States and North Korea backed by the Soviet Union following different political ideologies of liberalism and socialism

respectively. Since the Korean War ended in 1953 with a cease-fire, the South Korean government and the United States ratified the Mutual Defense Treaty, and the U.S.-Korea Status of Forces Agreement (SOFA) was solidified under the Treaty. This made it possible for American troops to remain stationed in the Korean territories from the 1950s to the present.

The long-term stationing of American troops in Korea increased individual encounters between American soldiers and Koreans, particularly Korean women who were in the sex industry. Between 1950 and 2000, about 100,000 Korean women immigrated to the United States as spouses of American soldiers (National Archives of Korea, n.d.-b). There were no official statistics on who they were, but Moon's (1998) study argued that the majority of these women were presumed to be former sex workers in military camp towns. The sex industry in the American military camp towns functioned as a space that the Korean government strategically used in order to maintain a strong military relationship with the United States by utilizing Korean female sex workers' sexuality as a governmental tool to pursue its military interests. For example, when the United States announced its plan to reduce American troops and actually withdrew around 20,000 U.S. forces by the end of 1971 as a part of the Nixon Doctrine, the South Korean military government used sex workers as one of its tools to negotiate keeping American troops in Korea (ibid). The Korean government promised the American government to solve the long-lasting problems in camp towns that American troops had faced - namely widespread venereal disease (VD). To implement its promise of the public management of prostitutes, the Korean government initiated the Camptown Clean-Up Campaign which aimed to enforce regular stringent VD checks on camp town sex workers (Moon, 1998). The regulation of Korean women's sexuality emerged as a 'negotiating' tool to secure the U.S.-R.O.K. alliance as a form of

“private diplomacy” and this regulation was justified in the name of national security (ibid, p. 151). Furthermore, to draw voluntary participation of these women, local government officers who took on the role of managing these women, provided regular speeches on how patriotic these women were by serving their sexual labour for national security. They praised this sexual labour as an act of patriotism by arousing the traditional value of Confucianism regarding women’s self-sacrifice (deeply prevalent in Korean society) for the good of the family and country. These Korean women’s sexual labour for foreign soldiers and the governmental decision to manage it systematically were easily justified by these Confucian values (ibid, p. 157-8). Government officers’ rhetoric on patriotism served to make these women internalize these ideas and thus to continue their sexual labour without creating conflicts or problems which may have caused diplomatic issues. These rhetorical speeches, however, did not spread beyond the boundary of their workplace and resonated only in the designated areas. Most of them from poor families with low education decided to work in camp towns for their families, thus supporting the education of their siblings and providing financial support for their parents. However, many of them experienced being shamed by their family members and their existence was silenced inside their families. Furthermore, these women were demoralized and demonized at the societal level by being called ‘yang-gal-bo’ (‘whore’ for Western men) or ‘yang-gong-ju’ (a contemptuous term for ‘princess for Western men’). They were depicted as women who had lost their virginity and faced social stigma and ostracization. In the face of social isolation and stigma, a majority of these women dreamed of immigrating to the United States with an American husband, believing that the United States was a developed country where they could escape from poverty, prejudice and stigma (Yuh, 2002, p. 55-65).

The history of the emigration of these women did not receive much public attention. Strong stigma and public indifference to these female marriage migrants, who were believed to have followed their foreign husbands' citizenship, rendered their existence forgotten in Korean society. Under the strong tradition of Korean ethnic nationalism based on patriarchal traditions and patrilineal bloodlines, they were considered to be a family member of their American husbands, and thus belonging to their husband's country (i.e. the United States). When they left Korea as marriage migrants, their existence was easily forgotten and they were 'ghosted' from the boundaries of the Korean nation. In other words, they were no longer considered part of the Korean nation.

The history of Korean female marriage migrants did not have a direct impact on how female marriage migrants are currently understood and treated in Korea. However, this very recent history demonstrates the male-dominated and patriarchal character of the Korean nation, and how the boundaries of the Korean nation have been drawn following patrilineal bloodlines. In addition, the ways in which the sexuality of Korean women of a lower socioeconomic status was easily manipulated and utilized for nationalistic interests of the Korean state (in this case, to serve the Korean state's military interests), resonate with the current Korean government's attitude towards female marriage migrants from developing countries. Contemporary Korean governments treat female marriage migrants as a governmental tool for its pursuit of nationalist agendas (i.e. to solve the low birth rate and aging society, as I examine in chapter 4).

### **3.1.2 Korea as a new receiving country**

The rapid increase of marriage migration to Korea started in the mid-1990s. However, as early as 1948, whether or not the Korean government would provide Korean citizenship to foreign wives of male nationals was already a highly debated subject in the

first National Assembly in Korea, which drafted the first *Nationality Act*. The debates at that time indicate how the Korean nation was defined by the National Assembly, and how the boundaries of the Korean nation were established based on an ethnic-centered, patrilineal bloodline. The first National Assembly adopted ‘*jus sanguinis*’ (based on the descent of nationals) as a main principle of Korean nationality in the first *Nationality Act*, which emphasized the common bloodline of the Korean nation. For example, Article 2.1 in *the Act* laid out the principle of a patrilineal bloodline as a major principle of providing Korean citizenship without controversy: it meant that Korean women could not provide Korean citizenship to their children if they married a foreigner. However, article 3.1 (granting Korean citizenship to a foreign wife) was controversial and generated heated discussions. In the end, article 3.1 was passed, but with strong opposition from 37 members (out of 122 members of the National Assembly), who demanded the removal of the article from the Act (Legislation and Judiciary Committee, 1948b). In other words, about 30% of individual National Assembly members voted against providing citizenship to female marriage migrants. They expressed concern that the ‘purity’ of a unitary Korean nationhood would be negatively affected by granting citizenship to foreign wives. Some members argued that interracial marriage, producing mixed-race children, would dilute the ‘purity’ of the Korean nation, and that foreign wives would also pose potential ‘security threats’ because they would work against Korean interests while working for their home countries as “spies” (Legislation and Judiciary Committee, 1948b). The opposition of (under) one-third of National Assembly members demonstrates the presence of exclusive ethno-nationalism, which situated interracial marriage as a threat to the notion of ‘one homogeneous Korean nation,’ and securitization of foreign wives, who were portrayed as threats to national security in the newly established Korean government. Ultimately

patriarchal arguments prevailed as Gwansu Paek, the chair of the Legislation and Judiciary Committee, justified article 3.1 by emphasizing the tradition of the patriarchal family (defined as having a father as the head and breadwinner of the family). He argued that

In Eastern customs, home, that is, family, is very important. At home, the owner and the elder of the family is a husband. Therefore, a wife, who is under the guardianship of the husband, should have Korean citizenship even though she is a foreigner (Legislation and Judiciary Committee, 1948a, p. 9, my translation).

This patriarchal logic was his justification for allowing foreign wives to acquire Korean citizenship. The same logic meant that providing citizenship to foreign husbands of Korean women was not a point of discussion: as the spouse of a Korean woman, foreign men were not permitted to have Korean citizenship. The citizenship of female marriage migrants was guaranteed only by their marital relationship with their Korean husbands and their gendered status in the patriarchal familial relationship. The exclusive nature of ethnic nationalism, as argued by some National Assembly members above, ‘collided’ with ideas of patriarchy in the debates surrounding this article, but they were reconciled as a form of gendered ethnic nationalism based on patriarchal family ideology and patrilineal bloodlines. In other words, Korean citizenship was given only to foreign women who were expected to be incorporated into a Korean patriarchal family. Controversial debates on Article 3.1 and the process of its final adoption demonstrated how patriarchal ideology was combined with ethnic nationalist logic in Korea: patriarchal ideology made it possible for the wives of Korean nationals to be able to acquire Korean citizenship provided they held the status of being a wife. This attitude resonates with the critiques of feminist researchers who explain how gender ideology was indispensable in the imagination of the boundary of the nation as male-oriented, in its pursuit of nationalism (McClintock, Mufti, Shothat, and Social Text Collective, 1997; Yuval-Davis, 1997; E.-S. Kim 1994).

This gendered principle of Korean ethnic nationalism, which was the basis of the *Nationality Act*, was applied to a small group of Vietnamese women who came to Korea with the status of Korean men's wives or common-law partners after the end of the Vietnam War in the 1970s. Cold War politics and the close military relationship with the United States led the Korean government to participate in the Vietnam War as proof of their ideological alliance with the United States. The participation of the Korean government in the war was conducted in exchange for \$1 billion in cash and aid payments from the US to South Korean construction and steel firms which had acquired large profits from contracts in Vietnam (Cumings, 2005, p. 321). When the War ended, 287 Vietnamese women came to South Korea both as refugees and spouses/common-law partners of Korean soldiers. Among the refugees who came to Korea, only those women who got married or were in common-law partnerships with Korean men were permitted to settle down in Korea: another 977 refugees without such ties were sent to other countries (Schattle and McCann, 2013, p. 321). Vietnamese women who married Korean men were permitted to obtain Korean citizenship. Some women who were in common-law partnerships were advised by the Korean government to marry Korean men in order to acquire Korean citizenship. However, some Vietnamese women whose Korean common-law partners already had Korean wives in South Korea were not able to acquire Korean citizenship because polygamy was not allowed in Korea. Instead, the Korean government issued a special visa (instead of spousal visa) for these women to stay on an unlimited basis in Korea as refugees and for humanitarian reasons (ibid).

The second group of marriage migrants came by way of marriages arranged by the Unification Church. Since the 1970s, the Unification Church had organized international marriages between Korean men and foreign women mainly from Japan, however, the

number was small until 1988 when the church arranged 6,500 marriages for its supporters (Y.-Y., An, 2006). Little research was conducted but it was estimated that about 20,000 brides had come to Korea through the Church by 2004 (Kim, Y.S. et al., 2006, p. 22 as quoted in Lee, 2008, p. 110).

The current form of marriage migration in South Korea began as part of the local governments' initiative in rural areas in the early 1990s. Confronting the social problems related to the dearth of eligible wives for aging bachelors and depopulation in rural areas, local governments and related agricultural associations first assisted in arranging international marriages between elderly Korean bachelors and Chinese women of Korean-descent by providing funding (H.-K. Lee, 2008, p. 111). They were the first choice given the preference for Korean ethnicity. A group of Korean bachelors went to China, met Chinese women of Korean-descent, married them, went for a short honeymoon and came back to Korea. When these women arrived in Korea, they were automatically granted Korean citizenship upon their arrival until 1997 when *the Nationality Law* was revised to adopt both patrilineal and matrilineal bloodlines as its principles (see chapter 4.1.1 for my detailed explanation on this change). Around 100,000 Chinese women of Korean-descent entered as wives of Korean men between 1990 and 2005 (H.-K. Lee, 2008, p. 111).

Most notably, in 1998, the marriage broker business became liberalized in Korea, and the number of commercialized brokers increased dramatically from 700 in 1998 to 2,000 in 2005 (Goh, et. al. 2005). Marriage brokers, which already sensed potential profits in the international marriage market through arranging marriages between Korean men and Joseonjok women, rapidly jumped in and expanded the business by arranging international marriages between Korean men and women from neighbouring countries such as Vietnam,

the Philippines, Cambodia, Mongolia, etc. I examine the roles of marriage brokers in a sending country, Vietnam in chapter 5.

The number of marriage migrants has increased rapidly over the last two decades. As of 2016, the total accumulative number of marriage migrants to South Korea was officially 317,118 (Korean Statistical Information Service, 2017). The phenomenon of marriage migration presents a significant gendered pattern. For example, between 2007 and 2016, female marriage migrants comprised about 85%-87% of marriage migrants while male migrants comprised about 13%-15% of all marriage migrants (Danuri, 2016). Among female marriage migrants including those who attained Korean citizenship, Korean-Chinese female marriage migrants comprise the largest number, representing 31% of the total, with Vietnamese and Chinese female marriage migrants following at 25% and 21% respectively. This is followed by Filipino female marriage migrants (7%), Japanese female marriage migrants (4%) and Cambodian female marriage migrants (3%) (Korean Statistical Information Service, 2017).

In the case of male marriage migrants, Korean-Chinese male marriage migrants comprise the largest number of marriage migrants, representing 50% of the total, with Chinese male marriage migrants, American male marriage migrants and Taiwanese male marriage migrants following at 20%, 7% and 4 % respectively (Korean Statistical Information Service, 2017). However, among the population of male marriage migrants, Pakistanis have received a considerable amount of negative attention from the Korean government and public as a suspicious form of ‘fraudulent marriage’ even though their marriages represented less than 3% of the total population of male marriage migrants as of 2016 (Korean Statistical Information Center, 2017) as I examine in more detail in chapter 6.

This gendered flow of marriage migration to Korea and assumptions around female marriage migrants' integration into the Korean family and Korean nation (in contrast to the forgotten history of Korean female marriage migrants to the United States) demonstrates how the boundaries of the Korean nation have been built upon ethnic nationalism following patrilineal bloodlines despite the principle of the patrilineal bloodline in *the Nationality Act* was officially changed to adopt both patrilineal and matrilineal bloodline in 1997. Behind the encouragement for female marriage migrants to procreate, there is a patriarchal and patrilineal rationale that shape the boundaries of the Korean nation; that is, if a husband and father is Korean, his wife and child are considered Korean regardless of his wife's nationality. Under this patriarchal and patrilineal discourse, female marriage migrants have been at center of the Korean government's attention and have been encouraged to incorporate into the Korean family and nation.

## **3.2 Canada**

### **3.2.1 From the 17th century to the 1960s: marriage migration for reproduction of a white settler nation**

The onset of female marriage migration comprised a core basis of reproducing the white settler nationalist project in pre-Confederation Canada (Thobani, 2007, p. 75). The family was integral to reproducing white settler societies. The entry of female marriage migrants was at the core of colonial imperatives in the reproduction of the white nation. At the beginning of New France during early seventeenth century, the majority of immigrants were single men, and marriages between French men and Indigenous women were encouraged in the name of 'Frenchifying' Indigenous women with the expectation of economic benefits from the fur trade (Van Kirk, 2002). However, this initiative was not as 'successful' because intermarriages between French male settlers and Indigenous women

created the propensity of Frenchmen to “go Native” rather than advance settlers’ agenda (Van Kirk, 2002, p. 3). Therefore, the French colonial authority decided to bring French women to Canada instead. Approximately 800 single French women, so-called *filles du roi* (daughters of the king), entered Canada in order to marry French settlers between 1663 and 1673. Most of these women were recruited from orphanages and charity homes in France (Kelley and Trebilcock, 1998). It was apparent that the goal of bringing these women over was to form families with male settlers as a part of the colonial projects to reproduce French colonial society (ibid, p. 28). For example, in the summer of 1666, among ninety French women who came to Canada, eighty-four of them were married by mid-November of that year (Knowles, 2007, p. 22-23). These women’s bodies and sexualities were regarded as commodities for reproduction as seen by the selection criteria for *filles du roi* set by Jean Talon, the Intendant of New France, who was in charge of the colony’s entire civil administration. He said that the women should be of “age suitable for procreation, and most of all that they be very healthy” (Charbonneau Et al., supra note 121, at 28 as cited in Zug, 2012, p. 102). Later, attractiveness and household skills were added to the list (Ibid). However, there is evidence that these women were not completely passive in the process. They had power to leave marriage and to have it annulled. Zug (2012) says that:

[m]ore than eighty-two percent of the women required their husbands to sign a premarital contract stipulating the material terms of the marriage before they would proceed, and many of these contracts contained terms, particularly with regard to property, that were highly favorable for the soon-to-be wife (Ibid, p. 105).

This form of assisted marriage migration attracting single, white, female immigrants in order to encourage marriage with male settlers, family formation, and reproduction of nation continued until the early 1960s. Throughout the late-nineteenth and early-twentieth century, single, young, female British domestic workers were actively

recruited for “for their future or potential roles as wives and mothers of the Canadian nation, and thus as nation builders and civilizers” (Barber, 1991; Arat-Koc, 1997, p. 54). British domestic workers were considered desirable immigrants to meet both the high demands of both domestic work and ideal wives, “filling an especially important need in the west where lonely bachelor homesteaders tended to desert the land” (Barber, 1991, p. 9). They were regarded as “daughters of the Empire” or “mothers of the race” who would produce the ‘white’ nation (Arat-Koc, 1997, p. 55). Women’s Emigration Societies were established to organize the migration of middle- and working-class women to Canada during the years of 1862-1962 (Thobani, 2007, p. 116). For example, about 170,000 British women migrated to Canada as domestic servants between 1900 and 1930 (Das Gupta, 2000, p. 164). Encouraging the immigration of British female women was an essential part of the racialized nation-building project in Canada, which had continued from the white settler colonial period. While British female domestic workers were preferred, female domestic workers from continental and eastern Europe also followed to fill the demand for domestic work in the late 19<sup>th</sup> century (Barber, 1991, p. 13). Yet, there existed hierarchies among ‘white’ domestic workers. The Department of Immigration divided continental Europe into the ‘preferred’ north-western European countries and ‘non-preferred’ countries (to which more restrictions were applied) (16). For example, female domestic workers from non-preferred European countries did not receive assistant passage and were often paid less than a standard wage (16).

The preference for British women, and the later acceptance of young female domestic workers from continental and less preferred eastern Europe, was in contrast with the case of West Indian or Asian women who were excluded almost entirely from entering Canada until the mid-1950s (23). For example, the Canadian government used the charge

of immorality to exclude the Guadeloupe domestics based on the belief that “non-white immigrants could never be assimilated” in early 20<sup>th</sup> century (14).

Race intersected with gender and sexuality in the construction of the white nation. White women’s womanhood was exalted and constructed by the exclusion of other racialized women and the control of inter-racial sexuality. White women’s organizations during the nineteenth century situated their reproductive roles in the context of a broader racialized project with the slogan of “Keep Canada White” (Thobani, 2007, p. 84). The ideal of the nuclear family<sup>12</sup> and the eugenics movement reinforced the gendered construction of white womanhood. The nuclear family based on heterosexuality and gendered roles inside the family was ideologically supported by this eugenics movement. It helped formulate an idea that institutionalizing this family form was one of the most urgent tasks in protecting white settlers from other ‘dangerous’ racial groups of people.

The Eugenics movement took advantage of the increasing anxiety of reproduction of the nation and inter-racial sexuality. Eugenicists argued that “a strong and healthy nation required that white, middle-class women ensure that men and children adhered to the sexual norms of the nuclear family” (Dua, 1999, p. 252). White women were expected to reproduce a normatively sexualized and racialized citizenry to constitute the white nation state (ibid, p. 250).

Inter-racial sexuality was regarded as a great threat to this racialized nation-building project. In 1883, Prime Minister Sir John A. Macdonald expressed his views on expanding Canadian immigration and remarked that he was “sufficient (of) a physiologist to believe that the two races cannot combine and that no great middle race can arise from

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<sup>12</sup> For more explanation of the emergence of the nuclear family ideal, see Dua (1999). She explains how industrialization, patriarchal cultures and bourgeois morality contributed to idealizing this particular type of nuclear family.

the mixture of the Mongolian and Arian” (Knowles, 2007, p. 72). Two years later, the 1885 *Report of the Royal Commission on Chinese Immigration* provided further rationale for the implementation of these exclusionary immigration policies targeted at female Chinese migrants. The remarks of Joseph Adolphe Chapleau, one of the commissioners, also revealed the white anxiety towards other racial groups and how their sexuality and fertility were constructed as a threat to a white nation. He opined, “if they came with their women they would settle and what with immigration and their extraordinary fecundity, would soon overrun the country” (Canada, *Report*, 1885, pp. iv-v; cited in Dua, 2007, p. 451).

These exclusionary perspectives eventually led the Canadian government to pass the *1885 Act to Restrict and Regulate Chinese Immigration into Canada*, and to impose a \$50 tax on each individual in order to restrain the entry of Chinese migrants.<sup>13</sup> This policy clearly aimed to block the settlement of Chinese migrant workers and the reunification of Chinese family members. The prevalent images of demoralized Chinese women as potential prostitutes served to justify this prohibition. Most of all, they were constructed as a danger to the physical reproduction of a ‘white’ nation (Dua, 2007, p. 452-3).

The complete disallowance of female Asian immigrants brought about the anxiety that Chinese men would associate with white women and increase interracial relationships. This fear was reflected in the 1912 Saskatchewan statute, *the Act to Prevent the Employment of Female Labour in Certain Capacities*, which made it a criminal offense for Chinese men to employ white women (Backhouse, 1996, p. 315). Therefore, to ‘protect’ white women from inter-racial unions and potential threats of violence from Asian men, there was a discussion to allow Asian women to come to Canada because the sexuality and reproductive capacity of Asian men were deemed to be dangerous threats during the time

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<sup>13</sup> Later, in 1903, the tax was raised to \$500 in order to prevent the family members of Chinese immigrants from entering Canada (Knowles, 2007, p. 73).

(Dua, 2007, p. 462). The task of racialized nationalist projects included certain forms of ‘inclusion’ for racialized women in the name of ‘protecting’ white women from interracial sexuality.

This racialized nation-building project of Canada was also affected by capitalist demands. Due to labour shortages, Canadian capitalists, particularly railway and logging companies, demanded the entrance of non-British migrants between 1880 and 1920. Workers from different parts of the world including Eastern, Central and Southern Europe, China, Japan and India entered Canada as cheap immigrant labourers despite opposition from trade unions, white settlers and British Columbian politicians who did not want to see the increase of non-British settlers (Dua, 2007; Thobani, 2007). Facing these contradictory demands of capitalist expansion and a racialized nationalist project, the Canadian government accepted workers from different racial groups, but differentiated among different classes of potential migrants. In some cases, capitalists’ interests outweighed racial concerns to some extent. Firstly, Chinese merchants<sup>14</sup> were exempt from the Head Tax and they were allowed to sponsor their spouses in the revised 1887 *Act* (Dua, 2007, p. 452). Between 1911 and 1923, wives of traders and merchants were also exempted from paying the head tax (Das Gupta, 2000, p. 159). Secondly, in the case of Japanese immigration, it is worth noting that female immigrants, wives, children and the parents of Japanese domestic and agricultural workers and fishermen were permitted to come to Canada in early 20<sup>th</sup> century. Adachi describes this period as the “family building phase” when single Japanese men could form a family (Adachi, 1976, p. 87 as cited in Das Gupta, 2000, p. 162). They sponsored female Japanese immigrants (referred to as ‘picture brides’)

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<sup>14</sup> The term ‘merchant’ was narrowly defined as ‘a person who devoted his undivided attention to mercantile pursuits, who had not less than \$2,500 invested in an enterprise importing to Canada or exporting to China goods of Chinese or Canadian origin or manufacture and who had conducted such a business for at least three years’ (Hawkins, 1988, p. 90).

through long-distance arranged marriages. However, as anti-Asian sentiment erupted in Vancouver in 1907, the Canadian government negotiated a *Gentleman's Agreement* with the Japanese government to restrict the numbers of Japanese immigrants. The Japanese government agreed to restrict the numbers to 400 per year in exchange for Japanese male migrants being allowed to sponsor their wives and children to Canada (Canada, House of Commons, Debates, 1908, p. 1230-1231 as cited in Dua 2007, p. 453). In addition, part of the reason for the differential treatment of female Japanese immigrants by the Canadian government can be also explained as a result of the burgeoning small-family farming and fishing industry in Canada, which necessitated women's invisible, unpaid family labour (Das Gupta, 2000, p. 162). Capitalist demands and economic considerations refracted the racialized characteristics of family immigration and differentiated family immigration policies based on distinct classes among racial groups. In a limited scope, the entry of racialized women was allowed when racialized populations served certain interests of the Canadian government.

### **3.2.2 From the 1960s to the mid-1990s: the creation and increase of Family Class immigration**

In the postwar era of Canada, the discourse of the heterosexual nuclear family played a major role in constructing the Canadian nation. Metaphors of the 'united' and 'harmonious' family were frequently used to expound Canadian nationhood (Gözl, 1993, p. 10). Until the *1962 Immigration Regulations*, there existed two broad categories of immigrants to Canada: unsponsored immigrants based on nationality (only from a list of 'preferred' countries), and sponsored immigrants: theoretically, sponsored immigrants were permitted to come from all countries, however, the extent of sponsorship rights was restrained depending on the national origin of the sponsor (Daniel, 2005). For example,

until 1962, Asian and African Canadians were only able to invite their mothers if they were over the age of 60, and fathers if they were over 65, whereas there were no age limitations for European Canadians (Daniel, 2005, p. 685). *The 1962 Immigration Regulations* divided the category of 'sponsored immigrants' into 'sponsored dependents' and 'nominated relatives' (DeShaw, 2006, p. 10), and abolished the list of preferred countries for unsponsored immigrants (Daniel, 2005, p. 686). These changes to immigrant admission rules constituted a turning point that diversified the racial composition of immigration. Whereas about 90 percent of all immigrants were European-born before 1961, they constituted approximately 25 percent between 1981 and 1991. Six out of the ten most common countries of origin became Asian countries (Thobani, 2007, p. 97). However, this did not mean that all racial barriers were abolished. Due to the lack of resources and the unequal distribution of immigration offices, certain regions (namely Europe) were favored over other regions (such as Africa). This difference was reflected in the average processing time for family immigration applications which varied widely across regions. In the case of the United States and Britain, it took between 71 and 116 days; those from India took between 203 and 413 days; those from Guyana 518 days, those from Trinidad and Tobago 462 days; and those from Zaire 637 days (Cross Cultural Communication Centre, n.d., as cited in Das Gupta, 2000, p. 176).

Family reunification as a major principle of the Canadian immigration system was specifically articulated in the 1976 *Immigration Act* with other admission categories of immigrants of Economic and Humanitarian Classes based on principles of economic growth and humanitarianism respectively (DeShaw, 2006). This newly established Family Class category defined family members as opposite-sex spouses, unmarried children under 18 years of age, and parents and grandparents of qualified Canadian citizens or permanent

residents. The former ‘nominated relative category,’ which referred to non-dependent relatives and encompassed a broader scope of family members, was transferred to the category of ‘assisted relatives’ under Economic Class instead of Family Class immigration (Ibid, p. 697). This change demonstrates the political and social debates which took place during the 1960s and 1970s with respect to the economic impact of family immigration. While Family Class immigration was officially considered a top priority and was to be processed ahead of Economic Class immigration in the *1978 Immigration regulations* (Immigration Regulations, 1978, p. 761), the question of the economic impact of family immigration was continuously raised by conservative groups and debated following changes in immigration laws and regulations. Deciding the level of economic and family components of immigration was a core question surrounding the un/desirability of immigrants. Despite the controversies surrounding family immigrants’ economic contributions, the number of Family Class immigrants increased rapidly. For example, the number of Family Class immigrants increased from 35.5 percent of all immigrants in 1980 to over 50% percent in 1983 (Daniel, 2005, p. 698).

Controversy surrounding the impact of family immigration was not simply an economic matter, but a racial one as well. The fact that the large increase in non-white immigration was considered a “problem” and a source of tension within Canadian society demonstrates that these controversies had strong racial underpinnings (Daniel, 2005, p. 694). On the one hand, the Canadian government pushed a color-blind immigration policy, which abolished race and ethnic criteria for selecting immigrants in the face of demographic and economic needs. On the other hand, reforms included discriminatory clauses with respect to distant relatives (Daniel, 2005, p. 687).

It is also important to note that the practice of processing female immigrants was gendered. Female immigrants were highly overrepresented in Family Class immigration. In fact, until 1974, married women were not allowed to enter Canada as the principal applicant of Economic Class immigrants. Even after this condition was removed in 1974, female immigrants have entered Canada disproportionately as dependent immigrants of economic class immigrants or family class immigrants (Arat-Koc, 1999, p. 210). The main criteria (including education, training, and language) for the majority of occupations and professional skills, measured through a points system, disadvantaged women from developing countries, whose skills, credentials and work were not valued in the labour market (Côté et al., 2001; Arat-Koc, 1999; Das Gupta, 1994). In addition, gendered stereotypes that confined women's work to the home led women to be considered the dependents of male immigrants. Thus, immigrant men were assumed to be the principal applicants while women tended to enter as family members rather than independent immigrants (Arat-Koc, 1999). Different entitlements accompanied by different immigrant status further disadvantaged women because sponsored family members were not eligible to apply for federally-sponsored language programs, subsidized housing or social assistance (Arat-Koc, 1999, p. 211-2). The drastic changes in immigration legislation during the 1960s and 1970s did not change the gendered constructions of immigrants that regarded immigrant women primarily as the spouses of immigrant men. This gender bias feminized and concealed the economic contributions of those 'dependent' immigrants.

Sponsorship regulations that shifted the responsibilities of settlement from government to private sponsors also contributed to the ideological and material construction of female immigrants' dependency. Thobani (2007) points out that the racial assumptions behind the privatized sponsorship regulations of family immigration drew

upon “the earlier construct of immigrant women as possessing a fecundity that could prove costly to the nation” (136). These assumptions racialized immigrant women as “family bound, dependent on their families and cultural communities,” whereas a white Canadian woman was “exalted as a deserving social and political citizen in her own right and her economic opportunities and social values were enhanced by the expansion of the public sector” (138). In fact, this gendered and racialized construction of dependency and independency was in conflict with the realities that most lower class immigrant women faced. As other studies have highlighted, immigrant women were pressured to participate in the paid workforce for the economic survival of their families (McLaren, 2006). However, many immigrant women often found themselves at the bottom rung of gendered and racialized hierarchies in Canadian society, partly as a result of immigration selection criteria (including their initial dependent status of entry, their exclusion from social benefits and work-related programs, and the gendered and racialized barriers in the workplace and society) (Ng, 1986). Immigrant women were socially constructed as gendered, classed and racialized subjects as a result of their dependent immigration status, stratified labour market position following from their gender and race/ethnicity, and institutional processes at work (270).

### **3.2.3 From the mid-1990s to 2015: the decline of family immigration**

The neoliberal turn of the mid-1990s accelerated its explicit economic focus within the immigration system and family immigration was soon constructed as less ‘productive’ and thus ‘undesirable’ to Canadian society (Arat-Koc, 1999; Abu-Laban, 1998; Abu-Laban and Gabriel, 2002). Under the logic of neoliberalism, family immigration has been problematized for draining the Canadian social welfare system and for being an economic threat to Canadian society. In 1994, the federal government announced several policy

changes affecting Family Class immigrants by setting a goal to reduce their percentage to 44 percent of all immigrants by 2000 (CIC, *A Broader Vision 1995-2000*, p. 13 as cited in Abu-Laban and Gabriel, 2002, p. 66).

This rapid downward trend of Family Class immigration continued after *the Immigration and Refugee Protection Act* was legislated in 2002. As of 2015, the ratio of Family Class immigrants dropped to 24% of all immigrants (Immigration, Refugees and Citizenship Canada, 2015). Among family class immigration, spousal and partner immigration constitutes the highest proportion, comprising an average of 63% of family immigration between 2006 and 2015 (*ibid*). The proportion of women in sponsored spouse/partner immigration ranged from 58%-62% between 2006 and 2015 (Government of Canada, 2015) whereas women comprised 40.9% of principal applicants admitted under the Economic Class in 2013 though the rate had increased from 30.4% in 2004 (Hudon, 2013, p. 5).

*The Immigration and Refugee Protection Act* had included more socially inclusive changes in family immigration. It expanded the scope of family to include common-law marriage and same-sex couples, officially withdrawing the long-lasting heterosexual norms embedded in the immigration system. That was a positive move towards more inclusive immigration policies even though some institutional barriers endured with respect to the equal treatment of same-sex spousal and partner immigrants, and common-law partner immigrants (Laviolette 2004, p. 986-1001; Gaucher, 2018, p. 99-119).

While the patterns and sources of spousal and partner immigration have been diverse through the significant increase in international encounters through work, study, travel, online, etc., Asian and the Pacific regions have comprised the largest portion of the family immigrant population for the last 10 years, of which Filipino, India, and China

family immigrants have constituted the majority (Government of Canada, 2015). This also overlaps with the list of source countries for the Economic Class, which would eventually lead to an increase in family class immigration as a result of inviting their potential spouses and partners. Immigrant communities prefer to sponsor their spouses or partners with whom they share the same ethnic and cultural backgrounds. As recent Statistics Canada (2011) data on mixed unions demonstrates, South Asians and Chinese people in Canada (who comprise the majority of economic class immigration and family immigration) had the smallest proportion of marriages/common-law partnerships involving a spouse or partner from outside their group, at 13.0% and 19.4% respectively. Among married or partnered Chinese-Canadians who were born in China, only 3% were in mixed unions. Similarly, about one-third of Canadian-born South Asian couples were in mixed unions, while 3% of South Asians born in South Asia were in mixed unions. Therefore, the latest waves of economic immigrants to Canada have been affected most by new marriage migration regulations (e.g. two-year conditional permanent residency), and other restrictions on family immigration including Parents and Grandparents Super Visa. Thus, “restrictions on family reunification, while wiped of overt racial language, functions as a de facto policy for managing racialized newcomers” (Bhuyan et.al., 2018, p. 348). The regulation of family immigration creates racialized impacts not only on family class immigrants but also on economic class immigrants who plan to invite their potential spouses/partners and other family members to Canada.

Not only are family immigrants characterized as a financial burden to the Canadian economy and Canadian taxpayers, but as I will discuss, the proliferation of discourses of ‘fraudulent marriage’ constructs spousal and partner immigrants as threats to Canadian security in line with other issues such as ‘bogus’ refugee discourses. As I examine in

chapter 5, the Conservative Canadian government of Stephen Harper (2006-2015) had actively promoted the issue of fraudulent marriage as a pressing public concern, and introduced several changes in immigration laws and regulations in the name of curbing fraudulent marriage and protecting ‘innocent’ Canadian victims. The regulation of marriage migration to Canada over the last two decades is examined in more detail in chapters 7 and 8 in relation to its roles in Canadian nation boundary-making processes.

### **3.3 Conclusion**

Korea and Canada have demonstrated different historical paths of marriage migration. Until the 1990s, Korea was a sending country of marriage migration; recently it has emerged as a major destination country for marriage migration. Canada has been a major destination for marriage migration from the French and British settler colonial era up to the present despite its historical variations. Each country’s historical context with respect to the entry of marriage migration indicates different forms of nation-building processes in Korea and Canada. The exclusion and inclusion of certain marriage migrants are closely tied to the construction and shifting boundaries of the nation based on different articulations of nation, gender, race/nation, and class.

In sum, the history of marriage migration in Korea both as a sending country and receiving country has demonstrated complicated intersections of gender and nation in the construction and reproduction of the Korean nation. The forgotten history of Korean marriage emigrants to the United States and the recent increase in foreign marriage migrants to Korea obfuscates the existing distinction between ‘our’ women and ‘theirs.’ While Korean women who emigrated to the United States were not considered to belong to the Korean nation, non-Korean female marriage migrants are actively integrated into Korean families and the Korean nation. As long as female migrants perform their expected

roles as gendered subjects (wives, mothers, and daughters-in-law), they are incorporated more easily into the Korean nation. The contrasting history of Korean female marriage emigrants and foreign female marriage migrants indicate the long-standing construction of the Korean nation based on patrilineal bloodlines.

Furthermore, the emigration of Korean female marriage migrants to the United States offers an indication of how Korean women's sexualities were utilized to fulfill the Korean government's military objectives. This underlying attitude towards Korean women's sexuality and the presumed ignorance of Korean women who married foreign men resonates with the current Korean government's attitude towards female marriage migrants: women's bodies are utilized to fulfil the state agenda (e.g., military interests for Korean sex workers, and demographic interests for marriage migrants).

The history of marriage migration to Canada demonstrates how marriage migration served to fulfil the racialized nation-building project of 'white' (first French and later British) settlers. Throughout colonial history to until the 1950s, white female marriage migrants (mainly from France and Britain and later from other European countries in a less preferred way) were encouraged to enter whereas the entry of non-white female migrants was either totally banned or strongly discouraged until the 1950s. After the abolition of explicit racial criteria in immigration policies, there was no explicit governmental attempt to utilize marriage as a tool to reproduce the 'white' nation, however, the foreign family members of racialized Canadians were still discouraged from migrating due to longer wait times for their applications to be processed, and the valorization of particular family forms. While family values were praised as a major part of Canadian nationhood within the nation, family reunification through family immigration has not been considered ideal, but a financial burden to the Canadian nation. Through neoliberal framing of family immigration

(including spousal immigration) as unproductive to the Canadian economy, and the securitization of marriage migrants as potential marriage fraudsters, marriage migrants are constructed as less desirable subjects of Canadian nationhood.

The history of marriage migration in both countries demonstrates that marriage migration has been a key indicator in the construction and shifting boundaries of the nation as an integral part of nation-building based on different articulations of nation, gender, race/ethnicity, and class. In the following chapters, I examine each country's case in detail and provide a comparative analysis of Korea and Canada in relation to the roles of marriage migration in the boundary-making processes of each nation.

## **Chapter 4: Regulation of marriage migration: the reproduction of the patrilineal Korean nation**

From chapter 4 to chapter 6, I examine marriage migration to Korea. First, this chapter examines the relations between the regulation of marriage migration and national boundary-making through an analysis of the development of laws and policies relating to marriage migration. Which migrants are encouraged or discouraged to belong to the Korean nation and in what forms? I argue that immigration, citizenship and settlement laws and policies on marriage migrants have served to reinforce the demographic, nationalistic and neoliberal interests of successive Korean governments in gendered and ethnicized ways. Gender, ethnicity/race, class and national origin are articulated in complex ways to draw and reshape the boundaries of the Korean nation through gendered, ethnicized and neoliberal mechanisms of inclusion and exclusion of marriage migrants.

The organization of this chapter is as follows. Firstly, I examine laws and policies pertaining to marriage migrants from the mid-1990s to 2017, and relevant legislative debates in order to provide a contextual understanding of official state intentions underlying these laws and policies. Secondly, I discuss how these laws and policies have been constructed to achieve the Korean government's demographic, nationalistic and neoliberal goals through the implementation of mechanisms of inclusion and exclusion that manifest the intersecting social relations of gender, race/ethnicity, class, and the divide of developing/developed countries. Lastly, I examine how the Korean government's demographic, nationalistic and neoliberal objectives towards marriage migrants are not always successful; on the contrary, they often create backlash and particular stigma with respect to marriage migrants and their families.

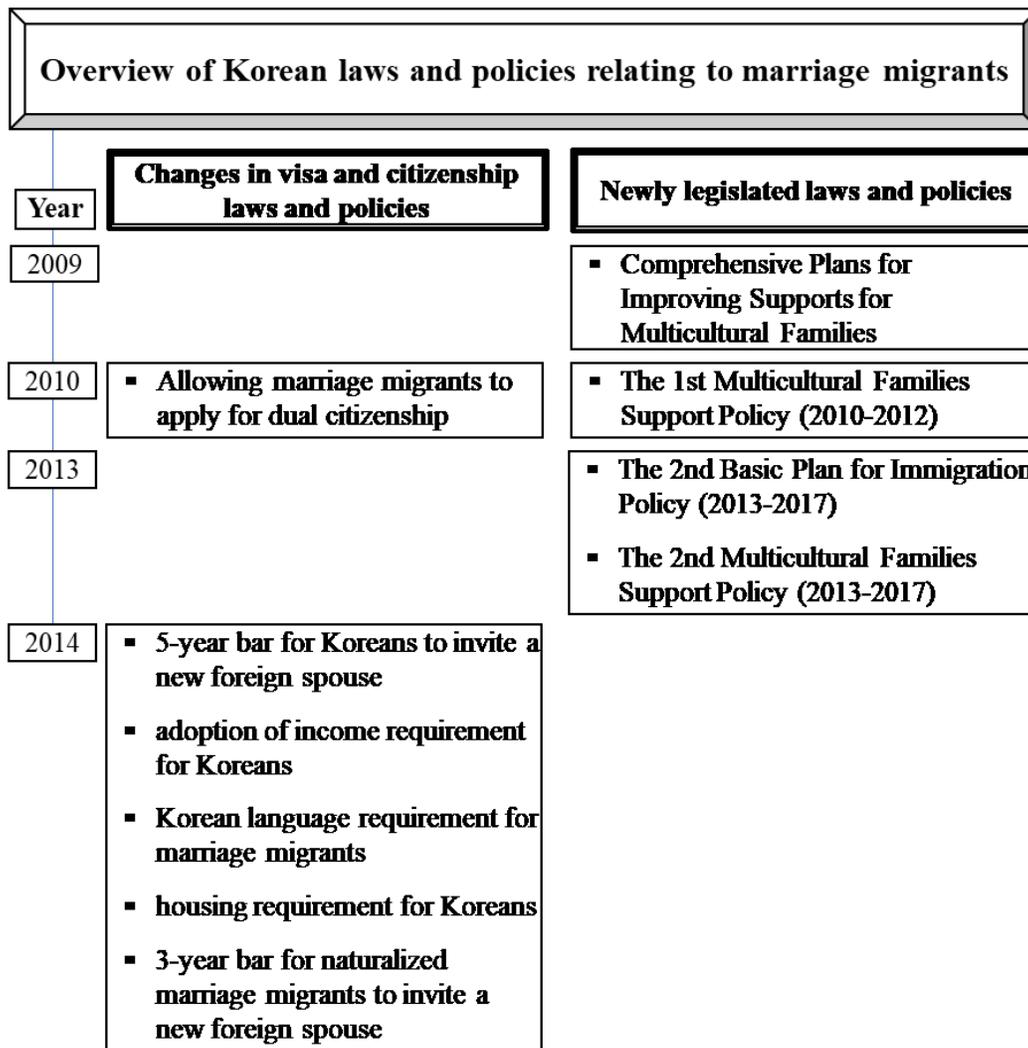
#### **4.1 Overview of laws and policies on marriage migrants in Korea**

Scholars analyze the demographic increase of foreigners, in particular, the rapid increase of female marriage migrants since the mid-1990s as a social and political catalyst for the Korean government to turn its attention to the issue of immigration (K.-S. Han and K.-S. Han, 2007; H.-J. Kim, 2007; H.-K Lee, 2008). Until the mid-2000s, the Korean government did not have any comprehensive im/migration laws or policies apart from fragmented labour policies to manage and control temporary migrant workers (who began to increase in the late 1980s) based on the ‘rotation principle,’ which permits temporary migrant workers into the country only if they pledge to return to their home countries after a certain period of time (K-S. Han and K.-S. Han, 2007; D.-H. Seol, 2010, p. 601). With the rapid increase of female marriage migrants, Roh Moo-hyun’s government (2003-2008) announced the ‘transition to multicultural society’ as a pressing task of the government in 2006 and presented initial governmental plans to develop comprehensive immigration and migration laws and policies. Since 2006, new policies and laws which disproportionately focus on marriage migrants and their families have followed. In this section, I first examine changes made in *the Nationality Act* and *the Exit and Entry Control Act* with respect to spousal visa and citizenship since the mid-1990s when the number of female marriage migrants started to increase. I then examine immigration policies and laws on marriage migrants that have been enacted since 2006.

[Table 1] Overview of Korean laws and policies relating to marriage migrants

Overview of Korean laws and policies relating to marriage migrants		
Year	Changes in visa and citizenship laws and policies	Newly legislated laws and policies
1997	<ul style="list-style-type: none"> <li>▪ Adoption of patrilineal and matrilineal bloodlines</li> <li>▪ Implementation of a 2 year wait period to be qualified for naturalization</li> </ul>	
2004	<ul style="list-style-type: none"> <li>▪ Adoption of a new provision to protect victims of domestic violence</li> </ul>	
2006		<ul style="list-style-type: none"> <li>▪ Measures to Support Social Integration of Female Marriage Immigrant Families</li> <li>▪ Directions for Social Integration of 'Mixed Blood People' and Migrants,</li> <li>▪ Basic direction and implementation system of Immigration Policies.</li> </ul>
2007		<ul style="list-style-type: none"> <li>▪ Marriage Brokers Business Management Act</li> <li>▪ Framework Act on Treatment of Foreigners Residing in the Republic of Korea</li> </ul>
2008		<ul style="list-style-type: none"> <li>▪ Multicultural Families Support Act</li> <li>▪ The 1st Basic Plan for Immigration Policy (2008-2012)</li> <li>▪ Supporting Multicultural Families on Family Life Cycle Policy</li> </ul>

*(Continued on the next page)*



#### 4.1.1 Changes in *the Nationality Act* and *the Exit and Entry Control Act*

Prior to the comprehensive immigration plans announced by the Korean government in 2006, some changes were made to the *Nationality Act* and *the Exit and Entry Control Act* with respect to spousal visa and citizenship in order to incorporate the increasing number of marriage migrants. First, in 1997, the principle of the patrilineal bloodline in *the Nationality Act* was officially changed to adopt both patrilineal and matrilineal bloodlines as a result of internal and external pressures on the Korean

government to address gender equality in the *Nationality Act*. Some Korean women's church groups (who supported foreign migrant workers) recognized the discrimination that Korean women who married foreign men faced in the 1990s. According to the principle of the patrilineal bloodline in *the Nationality Act*, foreign spouses of Korean women were not entitled to apply for a spousal visa and their children were not granted Korean citizenship. Facing such discrimination, Korean women's church groups and a group of Korean women married to foreign men engaged in social advocacy to change the patrilineal bloodline in *the Nationality Act* (N.-K. Kim, 1997). To support this advocacy work, two Korean women married to foreign men also filed a constitutional appeal (H.-S. Jeong, 2007). External political factors, in particular the Asian financial crisis in 1997 which resulted in IMF (International Monetary Fund) interventions, also helped influence changes in *the Act*. The IMF pressured then-President Kim Dae-Jung to launch a number of neoliberal economic and political reforms to liberalize the Korean economy. Economic experts pointed out that "kinship-based traditional networks" and "the ethnic-based nationality supported by the male-oriented familial hierarchy" endangered the recovery of the Korean economy (S. Nam, 2010, p. 79). Thus, the neoliberal political and economic reforms demanded by the IMF included the liberalization of *the Nationality Act* in order to loosen conditions for foreigners to acquire Korean citizenship, as well as a reform of the patrilineal bloodline principle into a more gender neutral one (S. Nam, 2010, p. 79).

As a result of internal and external pressures, Minister of Justice, Jong-ku Kim, announced changes to the principle of *the Nationality Act* from patrilineal bloodline to include both patrilineal and matrilineal bloodlines (Legislation & Judiciary Committee, 1997).

While the Korean government allowed both patrilineal and matrilineal bloodlines in the *1997 Nationality Act*, the government also implemented an additional condition of a two-year wait time for both female and male marriage migrants to apply for Korean citizenship after entering Korea with a spousal visa. Prior to 1997, female marriage migrants were able to acquire Korean citizenship upon arrival. Rather than granting male marriage migrants Korean citizenship upon arrival, the Korean government implemented a new barrier of a two-year wait time for both male and female marriage migrants in the name of gender equality. This ‘gender-neutral’ two-year wait period constituted a new legal barrier for foreign marriage migrants to become Korean citizens because marriage migrants whose marital relationships ended within two years of their arrival in Korea lost their legal status: they were legally required to either return their home country or stay in Korea as undocumented migrants. The Korean government used discourses of ‘fraudulent marriage’ on Chinese women of Korean-descent (whom I examine in detail in chapter 6) as governmental justification to implement this new condition. This ‘gender-neutral’ policy, in fact, had a disproportionately negative impact on female marriage migrants, who comprised the majority of marriage migrants. The adoption of this two-year period deepened the dependency of marriage migrants on their Korean spouses rendering them legally vulnerable during those wait periods. Migrant human rights groups spoke out against this two-year wait period and were concerned about the legal vulnerabilities that marriage migrants would face, in particular, in the case of victims of domestic violence (Migrant Women Human Rights Network, 2001; Wehome, 2003; K.-Y. Han, 2017). Through the strong advocacy work of migrant human rights groups, a special provision was added to *the Nationality Act* in 2004 to protect victims of domestic violence. Since then, victims of domestic violence have been officially entitled to apply for Korean

citizenship, although there remain structural obstacles in terms of providing proof of non-verbal, sexual, and financial violence, etc. (K.-Y. Han, 2017). Despite the continuous demands by migrant human rights groups to abolish the two-year period to maintain their marital status as a requirement for Korean citizenship, its condition remains in existence.

With respect to spousal visas and the citizenship of marriage migrants, two major changes were recently made. In 2010, marriage migrants were permitted to hold dual citizenship in Korea. This revision was unexpected but celebrated by migrant human rights groups as an inclusive move (Chung and Kim, 2012). In fact, the beneficiaries of dual citizenship were originally to include only high-skilled immigrants, however, despite public opposition, marriage migrants were included at the final stage as a result of the demands of migrant human rights groups. In a public survey conducted by the Ministry of Justice in 2008 regarding public attitudes toward dual nationality, 71.3% of the general public were supportive of dual citizenship for high-skilled professionals, whereas only 37.4% supported dual citizenship for marriage migrants (Ministry of Justice, 2008; D.-H. Hong, 2009). The inclusion of marriage migrants as beneficiaries of dual citizenship demonstrates the Korean government's favourable attitude towards marriage migrants in relation to their demographic interest, an overriding state concern which I examine in more detail in section 4.2.1 below.

In 2014, the Korean government implemented four new changes to tighten up spousal visa policies in the name of building 'sound' international marriage processes and supporting marriage migrants in their efforts to settle down in Korea (Ministry of Justice, 2014). The new visa policies included a Korean language requirement for marriage migrants (unless couples prove that they can communicate to one another in a language other than Korean), the adoption of income and housing requirements for Korean sponsors,

a 5-year invitation bar for Koreans to invite their new spouse, and a 3-year invitation bar for naturalized marriage migrants to invite a new foreign spouse (except in the case of marriage migrants who were unable to sustain marriage due to the death or disappearance of his/her spouse or other causes unattributable to him/her, or in the case of marriage migrants who raise a Korean minor) (Ministry of Justice, 2014). The government justified these new measures in the name of preventing domestic violence<sup>15</sup> and relieving other social problems that marriage migrants face in Korean society.

By way of rationale for the new measures, the government problematized the lack of Korean language skills of marriage migrants and poor communications between Korean spouses and marriage migrants, as the main causes of international marriage failure and widespread domestic violence. This approach does not take into consideration other social, cultural and structural factors that have hindered the settlement of marriage migrants, such as unequal power relationships originating from the legal vulnerabilities of marriage migrants, and other forms of social and economic discrimination that marriage migrants face in Korean society as well as a widespread culture of gender-based violence and gender inequality. South Korea is ranked 115 out of 149 states in terms of gender equality according to the World Economic Forum (World Economic Forum, 2018).

Migrant human rights groups warned that the newly implemented Korean language skill test would render marriage migrants more dependent upon commercial brokers (since the majority of female marriage migrants do not speak Korean when they marry their Korean husbands) rather than support them in settling down in Korea (Women

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<sup>15</sup> The issue of domestic violence that female marriage migrants have faced has been a major social problem that migrant rights NGOs have spoken out about. Between 2007 and 2017, 19 female marriage migrants were killed by their Korean husbands or their Korean in-laws. This number only reflects deaths which were reported in the media. The number would presumably be higher if unreported deaths were also included (H.-N. Lee, 2017).

Migrants Human Rights Center of Korea, 2013). My research findings also resonate with their concerns (see my analysis of the implications of the language requirement on marriage migrants in Vietnam in chapter 5).

In addition, the Korean government pointed to the increasing financial burden on Korean society as the rationale for implementing income and housing requirements for Korean sponsors (Ministry of Justice, 2014). Unlike in Canada, the Korean government did not require sponsors to agree to undertake financial responsibility for migrants as a prerequisite for their spousal application. Sponsorship undertaking in Canada, which symbolizes the neoliberal emphasis of individual responsibility for immigrant integration, is not implemented in the same way in Korea. However, similar neoliberal rhetoric, which emphasizes the financial burden on Korean society of maintaining marriage migrants and their families, is increasingly used by the Korean government to justify the adoption of income and housing requirements for Korean sponsors.

Finally, the Korean government implemented two invitation bars for both Korean spouses and marriage migrants: a 5-year invitation bar for Koreans preventing them from inviting a new foreign spouse after inviting an initial foreign spouse, and a 3-year invitation bar for naturalized (divorced) marriage migrants from inviting a new foreign spouse. The government explained that the 5-year invitation bar for Korean spouses was a way to regulate commercialized marriage practices. The 5 year invitation bar was initially welcomed by migrant groups insofar as it was perceived to reduce the abuses of commercialized marriage by Korean spouses (Women Migrants Human Rights Center of Korea, 2013). Yunjin, one migrant justice activist whom I interviewed expressed her concern that this condition may lead to an increasing number of lawsuits for marriage annulment by Korean husbands in order to remarry another woman within 5 years in the

event that their marriage does not succeed (Yunjin, personal communication, August 23, 2014).<sup>16</sup>

The 3-year invitation bar for naturalized marriage migrants restricts them from inviting foreign spouses into the country for three years after gaining Korean citizenship. This policy aims to discourage naturalized citizens from divorcing from their Korean spouses and inviting foreign spouses (mainly from their countries of origin) to Korea. This policy reflects the Korean government's aversion to the possibility of chain migration, that is, naturalized marriage migrants bringing a husband/wife from their country of origin after ending their marriage with their Korean spouse. It is designed to discourage the expansion of households comprised of ethnically non-Korean members. While both female and male marriage migrants are subject to this condition, the government cited the specific case of young male migrant workers from South Asian countries (who are described as someone who marries an older Korean woman, acquires Korean citizenship, gets divorced, and then invites a foreign woman from their country of origin) as a 'problematic' example of chain migration despite the fact that the population of male marriage migrants is significantly smaller than female marriage migrants. The Korean government thus demonstrates its anxiety about the possibility of chain migration by male marriage migrants from developing countries, who are actively discouraged from being 'reproducers' of the patrilineal Korean nation. This also illuminates the clear limits of the Korean government's new policies of 'multiculturalism' in regard to the integration of immigrants in Korean society. I examine the exclusion of male marriage migrants from developing countries in chapter 6, particularly in relation to how they are constructed as undesirable immigrants in

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<sup>16</sup> See chapter 6.2 for more detailed explanation regarding the nullity of marriage lawsuits.

the reproduction of the Korean nation. This has encouraged the securitization and targeting of South Asian Muslim male migrants through discourses of fraudulent marriage.

#### **4.1.2 Newly legislated laws and policies on marriage migrants**

Along with changes to *the Nationality Act* and *the Exit and Entry Control Act*, Roh's government (2003-2008) announced plans to develop comprehensive immigration and migration laws and policies in 2006: *the Grand Plans to Support Social Integration of Female Marriage Immigrant Families, Directions for Social Integration of 'Mixed Blood People'*<sup>17</sup> and *Migrants*, and *a Basic Direction and Implementation System of Immigration Policies*. These plans are significant because they constituted the first integrated and comprehensive governmental plans on im/migration announced under the rhetoric of 'multicultural society.' Notably all of these policy reforms center on supporting female marriage migrants and their children.

##### **4.1.2.1 Disproportionate governmental focus on marriage migrants**

First, *the Grand Plans to Support Social Integration of Female Marriage Immigrant Families* (2006) specifically aimed to address issues faced by female marriage migrants. Seven policy agendas were announced including the regulation of marriage brokers, protection for victims of domestic violence, support for the adaptation and settlement of marriage migrants, the inclusion of multicultural content in textbooks, and support for childrearing and health care (Ministry of Public Health and Welfare, 2006). This Plan included some demands from migrant human rights groups (who actively lobbied

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<sup>17</sup> Attention to 'mixed-blood person' was particularly motivated by the visit of Hines Ward, an American football star, with his mother in 2006. His successful story as an 'inter-racial' American child inspired the Korean public, and ignited public attention to mixed-blood persons in Korea (Ahn, 2012). Given the strong public interest, the Korean government separated this plan from originally being included in *the Grand Plans to Support Social Integration of Female Marriage Immigrant Families* (2006). However, this plan was not eventually followed as separate legislation unlike the two other Plans. Support plans for the children of marriage migrants were later included in the *Multicultural Families Support Act* (2008).

Roh's government to address the problems faced by marriage migrants), such as developing infrastructures to protect victims of domestic violence through the creation of nation-wide hotlines and shelters, and implementing governmental measures to regulate commercial marriage brokers (Wehome, 2003; H.-K. Lee, 2005; H.-S. Kim, 2008; K.-Y. Han, 2017). While the initiatives to develop a support system for victims of domestic violence were welcomed, migrant human rights groups criticized the government's direction that motivated this Plan by framing the governmental support for marriage migrants as 'family' protection rather than to protect female marriage migrants who face diverse abuses inside the family. In addition, while the Plan recognized the legal vulnerability faced by female marriage migrants prior to acquiring Korean citizenship, the plan maintained a system of 'sponsors' letter of guarantee,' a requirement for marriage migrants to extend their spousal visa and later acquire Korean citizenship. This letter had exacerbated the reliance of marriage migrants on their Korean sponsors and consolidated the unequal relationship between couples until it was abolished in 2011.

Migrant groups and scholars also pointed out that this Plan was presented as a solution to the country's lower fertility rate and aging problems by emphasizing female marriage migrants' reproductive roles rather than protecting their human rights (E.-H. Chae, 2006; H.-J. Kim, 2007; K.-Y. Han, 2017, p. 138-139). From the beginning of the Plan, the demographic interests of the Korean government were explicit, constructing marriage migrants as a solution to the low birth rate and aging society as demonstrated by the fact that the National Committee to Tackle Low Birth Rate and Aging Society was mandated to draft the Plan (H.-J. Kim, 2007; K.-Y. Han, 2017). Marriage migrants in the Plan were also encouraged to assimilate into Korean society under the name of integration. For example,

marriage migrants were expected to learn the Korean language and culture (such as by learning to make Kimchi) in order to integrate into Korean society (H.-J. Kim, 2007).

Lastly, this Plan made it possible for marriage migrants to access basic social assistance in Korea, but only for marriage migrants who raise a child with their Korean spouse. This plan excluded marriage migrants who do not share a child with their Korean spouse as beneficiaries of basic social assistance. This demonstrates again the Korean government's demographic attention towards marriage migrants and its regulation of social rights based on performance of birthing and raising Korean children.

Another plan, *the Basic direction and implementation system of Immigration Policies* (2006), stipulated a broader framework of im/migration policies, listing marriage migrants and their children as major targets of the Plan along with overseas Koreans, female migrant workers, refugees, and migrant workers. In this Plan, similar measures such as the regulation of marriage brokers, an emphasis on Korean language education, and increased social support (which were suggested in *the Grand Plans to Support Social Integration of Female Marriage Immigrant Families* (2006)), were repeated as major policy objectives for marriage migrants. Even though this Act aimed to cover different types of immigrants and migrants in Korea, marriage migrants were at the center of this Act. This Plan became the basis for the legislation of *the Framework Act on Treatment of Foreigners Residing in the Republic of Korea* (2007), which provided legislative grounds to construct comprehensive immigration and migration policies that extended to include all forms of immigrants and migrants living in Korea. However, in National Assembly debates surrounding the legislation of *the Act*, Myeong-duk Kang, director in the Ministry of Justice (the Ministry that drafted *the Act*) clearly mentioned that *the Framework Act on Treatment of Foreigners Residing in the Republic of Korea* was devised “substantially for

marriage migrants” (Legislation & Judiciary Committee, 2007, p. 5). This Act included a separate article for marriage migrants. Article 12 of *the Act* (on the treatment of marriage immigrants and their children) specifically stipulates that

The State and local governments may assist marriage immigrants and their children in quickly adjusting to Korean society by providing them with education in Korean language, education on Korean institutions and culture, support with child care and education, etc. (Framework Act on Treatment of Foreigners Residing in the Republic of Korea, 2007)

While the name of *the Act* referred to all foreigners residing in Korea, the actual targets of *the Act* were marriage migrants and their families.

#### **4.1.2.2 The invention of the term ‘multicultural family’**

Even though the main target of *the Framework Act on Treatment of Foreigners Residing in the Republic of Korea* (2007) was marriage migrants, *the Multicultural Families Support Act* was legislated separately in 2008 and singled out marriage immigrants and their Korean families as beneficiaries of *the Act*. *The Act* referred to marriage immigrants and their families as ‘multicultural families,’ instead of the families of female marriage immigrants as they were referred to in the first 2006 Plan.

National Assembly debates with respect to the naming were vigorous. Most National Assembly members and high-profile government officials preferred the term ‘multicultural family’ to ‘marriage immigrant family’ because they believed that ‘multicultural family’ sounded more ‘neutral’ and less ‘foreign’ than ‘marriage immigrant family’ which was thought to embody negative and discriminatory connotations in Korean society (Gender Equality & Family Committee, 2007). Some members of the National Assembly also argued that ‘multicultural family’ was more consistent with the Korean government’s newly purported rhetoric of ‘multicultural society’ (Ibid). The new category

of ‘multicultural families’ was expected to bring a more positive image of marriage migrants and their families.

It is important to point out that the coining of this term was a critical moment when the rhetoric of multi-culture and multiculturalism was directly linked with marriage migrants and their families. Since the term ‘multicultural family’ was officially accepted, rhetoric of multi-culture and multiculturalism was narrowed down to refer to multicultural families. J.-S. Kim (2011) astutely points out that two separate words, ‘multi-culture’ and ‘family’ are uniquely combined in the legislation of *the Multicultural Families Support Act* and that this particular combination transformed and created a new social meaning of ‘multi-culture (*da-mun-wha*)’ as a noun, which refers to marriage migrants and their families. The invention of the term ‘multicultural family’ evoked public confusion: laws and policies on ‘multicultural families’ were assumed to equate to ‘multicultural’ policies in Korea, which had not been specifically defined and implemented by the Korean government. ‘Multicultural’ policies in Korea are generally used to refer to newly implemented government policies dealing with the ‘integration’ of foreigners to Korea, namely marriage migrants and their children in the form of ‘assimilation.’ The Korean government’s equating ‘multicultural’ family with ‘multicultural policies’ resulted in the creation of the social illusion that the aim of policies on marriage migrants was to promote multiculturalism in Korea. In fact, under the disproportionate governmental focus on marriage migrants and their families through the legislation of the *Multicultural Families Support Act*, other migrant groups such as temporary migrant workers or refugees had not received as much attention as beneficiaries of newly legislated laws and policies. Unlike in Canada, where ‘multiculturalism’ was adopted as an official policy in 1971 and

legislated into *the Canadian Multiculturalism Act* in 1988,<sup>18</sup> ‘multi-culture’ and multiculturalism have existed more as rhetorical forms in Korea without official legislation or debates to define what multiculturalism means in Korea (D.-H. Seol, 2010). The rhetoric of ‘multi-culture’ and ‘multiculturalism’ has been confined to discussion of multicultural families.

After *the Framework Act on Treatment of Foreigners Residing in the Republic of Korea* (2007), and *the Multicultural Families Support Act* (2008) were legislated, different laws and policies followed. In 2007, *the Marriage Brokers Management Act* was legislated to regulate the business practices of commercialized marriage brokers (which I examine in detail in chapter 6). In 2008, the Ministry for Health, Welfare and Family Affairs announced a new plan titled *the Supporting Plan for Multicultural Families Tailored to Their Family Life Cycle*. In 2009, *Comprehensive Plans for Improving Supports for Multicultural Families* (which was coordinated by the Prime Minister’s Secretariat and affected all ministries) was announced. In addition, as a requirement of *the Framework Act on Treatment of Foreigners Residing in the Republic of Korea* (2007), *the 1<sup>st</sup> Basic Plan for Immigration Policies (2008-2012)* and *the 2<sup>nd</sup> Basic Plan for Immigration Policies (2013-2017)* were consequently implemented. (Immigration Policy Committee, 2012). Finally, as a requirement of the *Multicultural Families Support Act*, *the 1<sup>st</sup> Basic Plan for Multicultural Families Support Policies (2010-2012)* and *the 2<sup>nd</sup> Basic Plan for Multicultural Families Support Policies (2013-2017)* subsequently followed. In the next section, I examine the specific contents of these laws and policies in detail and discuss how these newly adopted policies work as a mechanism of inclusion and exclusion shaping the

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<sup>18</sup> See also my critique of Canadian multiculturalism in chapter 2 about the centrality of English and French bilingualism in a Canadian multicultural framework, and white centrism and racial/cultural hierarchies embedded in the practice of multiculturalism.

boundaries of the Korean nation in relation to the Korean government's demographic, ethno-nationalistic, and neoliberal interests.

#### **4.2 Gendered ethnic-nationalistic approach to marriage migration**

The examination of laws and policies on marriage migration demonstrates how a long-standing discourse of ethnic nationalism in Korea is reinforced and reshaped through the regulation of marriage migrants in gendered and ethnicized ways. The emphasis on patrilineal bloodlines in Korea, originating from patriarchal ideology,<sup>19</sup> has strongly influenced the ways in which Korean ethnic nationalism operates in constructing laws and policies related to marriage migration. The Korean nation is imagined based on a patriarchal definition of the nation emphasizing patrilineal familial bloodlines (E.-S. Kim, 1994; T.-L. Yoon, 1994). Rather than dismantling the ethnic-centered Korean nation, the increase in female marriage migrants reinforces Korean ethnic nationalism in a novel way by articulating intersections of gender, ethnicity, race, class and nation. Female marriage migrants are constructed as gendered subjects inside family, and encouraged as biological and cultural reproducers of the Korean nation through assimilation.

##### **4.2.1 Marriage migrants as gendered subjects inside the family**

Laws and policies relating to marriage migration are structured to construct marriage migrants as gendered subjects inside the family who are expected to biologically reproduce the patrilineal bloodline of the Korean nation. For example, even though the principle of the patrilineal bloodline in *the Nationality Act* was officially changed in 1997

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<sup>19</sup> Patriarchal ideology, originating from Confucianism, which worked as the political ideology of the Joseon dynasty (later Korean Empire) that reigned the Korean peninsula from the late 14<sup>th</sup> century to the early 20<sup>th</sup>, defines the individual family as consisting of a male head of family with other family members being subordinate (Korean women's Development Institute, 1991). Korean patriarchy was hugely affected by the traditional understanding of the Chinese clan rule of patrilineal bloodlines and the principle of primogeniture (the right of succession belonging to the first son) (ibid).

to adopt both patrilineal and matrilineal bloodlines, the underlying emphasis on the patrilineal bloodline of Korean lineage has endured in different forms in *the Nationality Act* and *the Exit and Entry Control Act*. The biological reproduction of the patrilineal Korean bloodline remains a key purpose of those laws and policies. *The Nationality Act* and *the Exit and Entry Control Act* are structured to favor female marriage migrants who conduct gendered reproductive roles inside the family (that is, maintaining their marital relationship with Koreans, raising Korean children and taking care of their Korean in-laws). Marriage migrants who sever their marriage with their Korean husband and do not have children cannot legally remain in Korea. In other words, the legal status of female marriage migrants is tied to their marital status, fecundity, motherhood and the care labour performed inside the family as seen in the examples below (H.-M. Kim, 2007; 2011). For example, *the Nationality Act* allows marriage migrants to apply for Korean citizenship after more than two consecutive years of residence in Korea while also maintaining their marital relationship (Nationality Act, 2017). However, if they annul their marriage, marriage migrants are not entitled to apply for Korean citizenship (save for some exceptional cases such as bereavement or in the event of the disappearance of their spouse, or any other causes not attributable to foreign spouses such as domestic violence). Only in the case of marriage migrants who have custody of children, are they entitled to stay in Korea legally as a guardian of the child. Indeed, it is not easy for marriage migrants to acquire custody of children because these women face diverse forms of gender discrimination when they attempt to gain custody of their children or visitation rights given the existing discriminatory social structure towards female breadwinners in Korea as well as marriage migrants' economic situation (K.-Y. Han, 2017). K.-Y. Han (2017) argues that, given the fact that about 72.7% among divorced marriage migrants divorce within one to four years

of married life, the majority of these divorced women tend not to have economic stability which is an important criterion to acquire custody rights (76).

Not only is the role of mother important for marriage migrants, so too is the role of being a Korean husband's wife. As described above, according to *the 2010 Nationality Act*, marriage migrants became eligible to apply for dual citizenship. Chung and Kim (2012) argue that the inclusion of marriage migrants as beneficiaries of dual citizenship signals the Korean government's "acceptance of the group as desirable immigrants," and "attempt to manage Korea's rapidly growing diversity by situating multicultural families as the core agents and recipients of targeted incorporation policies" (216). I also take this revision as an inclusive move towards marriage migrants given the long-standing tradition of Korean ethnic nationalism which had blocked dual citizenship from being introduced. At the same time, I argue that *this Act* continues to have gendered impacts on marriage migrants because it poses a disadvantage to marriage migrants who do not maintain their marital relationship by excluding them. Only marriage migrants who maintain their marital relationship with their Korean spouses by the time they apply, can apply for dual citizenship. This means that divorced or bereaved marriage migrants must renounce their original citizenship to acquire Korean citizenship or retain their original citizenship without applying for Korean citizenship. *The Act* works as a tool to regulate the individual marital and citizenship choices of marriage migrants and perpetuate the government's goals to situate marriage migrants inside the Korean-headed family. A decision on their marital lives affects their entitlement to dual citizenship, and thus women's freedom to choose to remain married or not is restrained by the government. The Ministry of Justice justified this exclusion by arguing that allowing all marriage migrants to acquire dual citizenship would accelerate the number of marriage breakdowns (Korea Immigration Service, 2010b). This offers a

clear demonstration of the perception of the Korean government regarding the role in Korean society of marriage migrants, thus justify discrimination in citizenship rights based on marital status. *This Act* regulates the private lives of marriage migrants through the leverage of dual citizenship.

One exceptional provision in visa policies in the *Exit and Entry Control Act* demonstrates how marriage migrants are recognized not only as mothers and wives, but also as caretakers inside the Korean family (Korea Immigration Service, 2016). In general, marriage migrants who are considered responsible for the cause of their divorce, are not allowed to extend their spousal visa. However, if they prove that they have cared for Korean in-laws, they can extend their visa for up to one year. This exceptional clause demonstrates the gendered nature of visa policies and how visa policies prioritize marriage migrants who perform such reproductive and caretaking roles inside family. It seems that this provision was implemented to lessen the aftermath of the sudden loss of care labour provided by female marriage migrants, rather than in the interest of protecting marriage migrants' rights given the limited extension period of one year.

The roles of caretakers also extend to the families of marriage migrants in their country of origin. The F-1 visa (Visiting and Joining Family) allows marriage migrants' parents (or a female sibling or cousin of marriage migrants in the case that both parents are deceased or unable to come) to visit Korea and stay for a maximum of four years and 10 months on the condition that the purpose of their visit is primarily to take care of marriage migrants' children and the Korean spouse (Korea Immigration Service, 2016). This means that the F-1 visa is only issued when it is proven that a marriage migrant is pregnant or has given birth and the child is younger than 5 years old. The reason for limiting their stay to four years and 10 months is to prevent them from applying the Korean citizenship, which

requires 5 years of residency as a basic requirement.<sup>20</sup> In other words, the Korean government aims to utilize unpaid reproductive labour by allowing families, mainly female members of marriage migrants to come to Korea. However, the government also institutionally blocked them from acquiring Korean citizenship. This visa does not allow any paid work outside the family, limiting the work of migrants' parents to taking care of their grandchildren. By taking advantage of the unpaid labour provided by marriage migrants' parents, the gendered roles expected of marriage migrants inside the family are extended to their family members from their home country. Care labour provided inside the family is welcomed, but the family members of the marriage migrants are excluded from being part of the Korean nation. This demonstrates how the Korean government perceives and utilizes unpaid care labour by marriage migrants and their visiting parents and family members. While female siblings or cousins of (female) marriage migrants' families are permitted to enter Korea more easily, the male siblings of (male) marriage migrants' families are not easily allowed to enter Korea even with a visitors' visa, due to the government's concern that they would overstay to work 'illegally' (H.-S. Jeong, 2007, p. 188).

Other policies including *the Supporting Multicultural Families Based on Family Life Cycle Policy (2008)*, and *the Comprehensive Plans for Improving Supports for Multicultural Families (2009)* also explicitly highlight the gendered roles of female marriage migrants inside the family and their gendered integration into Korean society. These policies postulated female marriage migrants as biological reproducers of the Korean nation. *The Supporting Multicultural Families Based on Family Life Cycle Policy*

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<sup>20</sup> According to the *Nationality Act*, foreigners who have legally resided in Korea for 5 consecutive years can apply for Korean citizenship. In order to prevent marriage migrants' parents or siblings from applying for Korean citizenship, the length of their stay is limited to four years and 10 months.

explicitly mentions that the positive function of ‘multicultural families’ is to increase the birthrate in rural areas in order to counteract the problem of the low birth rate and aging society (Ministry for Health, Welfare and Family Affairs, 2008). Under this policy, the maternal bodies of female marriage migrants are expected to be systematically managed based on chronological life-cycle in order to fulfil the demographic interests of the Korean government: pre-marriage followed by family formation, pregnancy, childbirth, child rearing, children’s education, and finally empowering women’s economic and social independency (H.-M. Kim, 2011). All social services are structured to benefit female marriage migrants who take these sequential steps of maternal life; therefore, women who deviate from this path are easily excluded from this whole package of social services.

Women’s economic participation is also put aside as ‘supplementary,’ to take place after raising their child. In the *Supporting Multicultural Families Based on Family Life Cycle Policy (2008)*, irregular employment such as part-time language teachers or multicultural educators were presented as desirable jobs for female marriage migrants (Ministry for Health, Welfare and Family Affairs, 2008). This tendency is also observed in *the 2<sup>nd</sup> Basic Plan for Immigration Policies (2013-2017)*, which encourages marriage migrants’ paid labour force participation, but only to the extent of not hindering their reproductive and care labour at home through programs such as “creating sound part-time job opportunities” (Immigration Policy Committee, 2012, p. 49). The paid work suggested for marriage migrants is mainly irregular and flexible work, which makes it possible for them to engage in both care work at home and part-time paid work outside of the home. In addition, most support programs are structured to serve the needs of female marriage migrants who are stay-at-home mothers and who can attend the programs during regular working hours on weekdays. Under the provisions of such gendered support, male marriage

migrants are easily excluded from the benefits of these policies. It is clear that the focus of these programs is to encourage family welfare based on women working to maintain their marital life and fulfil their childrearing responsibilities.

*The 1<sup>st</sup> Basic Plans for Immigration Policies (2008-2012)* uses the gender-neutral language of ‘social integration’ as its main agenda, however, most projects and programs assigned to the social integration category center on supporting women’s reproductive labour. For example, under the budget plan for the year 2011, 59% of the total budget was assigned to the category of ‘social integration.’ However, among the social integration budget, around 40% of the budget was assigned to support women’s reproductive labour including ‘visiting service to support pregnancy, childbirth, child raising’ (20%), supporting childcare (12%), and supporting education (5%) (J.-S. Kim, 2011, p. 235). This demonstrates that the government’s language of ‘social integration’ in the budgets is understood to be supportive of women’s gendered roles performing unpaid care for inside the family; in other words, social integration in the Plan equates to marriage migrants’ gendered integration into Korean families. When marriage migrants fulfill their roles as reproducers of the patrilineal Korean nation or as caretakers of Korean families, their legal status is guaranteed and they can become beneficiaries of social services, and ultimately part of ‘the Korean nation.’

The construction of marriage migrants as familial gendered subjects is also reflected in the parliamentary debate in 2015 surrounding the revision of article 3 (responsibilities of state and local governments) of *the Multicultural Families Support Act*. Article 3 originally stated that, “the state and local governments shall develop systems and conditions necessary to help multicultural family members enjoy a stable family life” (Legislation & Judiciary Committee, 2015a, my translation). The Ministry of Gender

Equality and Family submitted a new proposal to revise the article, arguing that the purpose of the Act should be broadened to different sectors of society. The proposal was as following:

The state and local governments shall develop systems and conditions necessary to help multicultural family members enjoy a stable family life, and help them be able to carry out their role and duty in each field of *politics* [emphasis added], economy, society, culture, etc. as a member of the society (my translation).

The inclusion of ‘politics’ in the article, however, was opposed by the Ministry of Justice (which argued that it contradicted other Acts which prohibited the political participation of foreigners), and politicians (who believed that the role of marriage migrants should be confined to the family). Chul-Rae Roh, a conservative congressman, explicitly disagreed with encouraging marriage migrants from acting as political subjects. He argues,

Why should ‘politics’ be included in the revised clause in order for marriage migrants to maintain a stable family life? For example, why don’t we focus on their cultural life or sports, or other leisure activities, etc. in order to support them to have a stable family life? I don’t think participating in politics and playing a role in politics serve to maintain stable life (Legislation & Judiciary Committee, 2015, p. 34, my translation).

Due to opposition from both the Ministry of Justice and members of National Assembly, article 3 was passed omitting ‘politics’ from the article. This debate demonstrates that the gendered roles of marriage migrants inside the family are the integration measures rather than supporting marriage migrants to become independent individual political subjects .

This emphasis on the gendered roles of female marriage migrants inside the family as wives and mothers also reflects the Korean government’s neoliberal solution for the issue of the country’s low fertility rate and aging population (H. Lee, 2012). Instead of dealing with the causes of the decreasing birth rate due to lack of public support for childcare (for example, the Korean government’s public social expenditure is far below

OECD average) (H. Lee, 2012), the Korean government encourages the flows of female marriage migrants into the country and expects them to take up unpaid care labour necessitated by the family. Borrowing from Piper and Lee (2016), a receiving state attempts to “solve a *national* reproductive crisis” via “*transnational* means” by utilizing marriage migrants’ unpaid reproductive labour (475, emphasis in original). The emphasis on the individual responsibility for care labor inside the family continues through the encouragement of female marriage migrants to enter the country, who are expected to take up unpaid reproductive labor.

#### **4.2.2 Assimilation into the Korean society: ‘Koreanization’**

Laws and policies on marriage migration also emphasize one-way Koreanization as a key element of social integration in line with gendered integration into the Korean family. Article 12 (treatment of marriage immigrants and their children) under *the Framework Act on Treatment of Foreigners Residing in the Republic of Korea* specifically stipulates ‘Koreanization’ as a direction of social integration.

The State and local governments may assist marriage immigrants and their children *in quickly adjusting to Korean society* [emphasis added] by providing them with education in Korean language, education on Korean institutions and culture, support with child care and education, etc. (Framework Act on Treatment of Foreigners Residing in the Republic of Korea, 2008)

In National Assembly debates surrounding the legislation of the Act, Myeong-duk Kang, the Director of the Ministry of Justice, explained article 12 by saying that “[s]upporting adjustment of marriage migrants simply means teaching them Korean language systematically and helping them adjust to the Korean culture” (the Legislative and Judiciary committee, 2007, p. 6). His remark clearly indicates that the focus of this *Act* was to support marriage migrants’ quick adjustment to Korean society through an assimilative form of integration, that is ‘Koreanization.’ The government approach to

marriage migrants is based on the “ethnicizing process [that] both ‘Koreanizes’ migrant wives for assimilation and ‘others’ them by making them the subject to be assimilated,” which creates an ethnic hierarchy between Koreans and marriage migrants (M. Kim, 2013, p. 466)

For example, in *the Multicultural Families Support Act*, most articles similarly emphasize social support for the uni-directional adaptation of marriage migrants into Korean families through ‘Koreanization’ and not vice versa. For example, *the Act* centres on supporting marriage migrants’ assimilation to the Korean family by educating marriage migrants about the Korean language and culture (article 6), supporting family life through providing couple and parenthood counselling, etc. (article 7), offering marriage migrants medical support for child birth and medical check-ups (article 9), and supporting marriage migrants for child rearing (article 10). Some articles were created to promote multicultural awareness within Korean society (article 5) and to ‘make an effort to provide’ multiple language services to marriage migrants (article 11). However, as J. Kim (2011) points out, the content and approaches of multicultural programs offered by government-sponsored multicultural family centers (which were established to fulfil the provision of *the Act*), centered on consolidating existing cultural hierarchies between Koreans and non-Koreans by emphasizing cultural differences and tolerance without touching upon the larger problems of racism embedded in Korean society. In addition, article 11, which was meant to support the development of multilingual services in public offices, was dropped from subsequent plans. In fact, the ways in which article 11 was phrased (including terms such as ‘make an effort’) demonstrates that it was not intended to be mandatory but simply advised.

The budget allocations in the *1<sup>st</sup> Basic Plan for Multicultural Families Support Policies (2010-2012)* based on the *Multicultural Families Support Act*, also indicated similar trends. The 40% of the total budget was allocated for supporting marriage migrants' settlement in Korea through educating marriage migrants Korean languages and cultures, and 31% were used to support childrearing of marriage migrants, whereas only 7% of the whole budgets were used for increasing social understanding of multi-culture (Ministry of Gender Equality and relevant Ministries, 2012).

These assimilative attitudes become clearer in the *2<sup>nd</sup> Basic Plan for Immigration Policies (2013-2017)*. In the *1<sup>st</sup> Basic Plan for Immigration Policies (2008-2012)*, 'the understanding of multiculturalism' was one of the policy objectives notwithstanding whether it was implemented properly or not. However, this objective did not remain in the *2<sup>nd</sup> Basic Plan for Immigration Policies (2013-2017)*. The rhetoric of 'multicultural[ism]' was reduced and the language of 'Korean shared values,' and 'national identity' came to the fore in the *2<sup>nd</sup> Plan (2013-2017)*. In the *2<sup>nd</sup> Basic Plan*, 'high quality social integration' included as an objective of the *1<sup>st</sup> Basic Plan* was changed to 'promot[ing] social integration that respects *Korean shared values*' (my emphasis).<sup>21</sup> These changes indicate an acceleration in assimilative governmental attitudes towards marriage migrants. *The 2<sup>nd</sup> Basic Plan* provides a rationale for the change of its plan mentioning that "Korean identity has been at risk due to immigrants and their children who have not yet established 'Korean values'" (Immigration Policy Committee, 2012, p. 19). Marriage migrants and their children are portrayed as threats to Korean identity.

Furthermore, when marriage migrants arrive in Korea, the Ministry of Justice offers two programs: the Happy Start Program and the Social Integration Program, which

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<sup>21</sup> There was no explanation for what 'Korean value' meant in the Plan.

focus on Koreanization. For example, a three-hour ‘Happy Start Program’ is offered at immigration offices and branches to provide marriage migrants with information about Korean law, the legal system, Korean culture and living in Korea (Ministry of Justice, n.d.). If marriage migrants take this program, they receive a 2-year renewable spousal status (otherwise, they are granted a 1-year renewable spousal visa). Given the program’s legal incentive, it is estimated that the majority of marriage migrants and their Korean spouses (which are permitted to accompany their spouses in the program) have participated in the program.

After that, they are encouraged to take the Social Integration Program which is composed of a Korean language course (maximum 415 hours) and a course on Understanding Korean Society (maximum 70 hours) (Korea Immigration Service, n.d.). If they participate in the program, they can apply for Korean citizenship without written exams and interviews, and the wait time is expected to decrease, though visa offices do not provide a specific timeline for this. Such legal incentives encourage marriage migrants to follow these processes and adopt governmental approaches to integration, which emphasize Korean language and culture. H.-M. Kim (2011) argues that these Korean language-focused programs actively espouse linguistic homogeneity for the purpose of assimilation. She critically states that “[t]he social integration program that the Korean government promotes turned the Korean language into something that should be blindly pursued in order to get assimilated to Korean society” (213).

The emphasis on linguistic homogeneity is further developed in 2014 through the adoption of the Korean language requirement for marriage migrants who apply for a spousal visa. In order to receive a spousal visa, marriage migrants have to prove their basic Korean language skills through an official Korean language test. Failure of the language

test means that married women are not able to go to Korea. This can marginalize women, particularly those whose education level is low. Not only in Korea, but also in other receiving countries, language requirements have emerged as a new governmental tool to control marriage migration, particularly the entry of racialized marriage migrants in receiving countries. This language requirement functions as a way of screening marriage migrants whose educational level is lower or those who have less financial resources. Through the case of a Moroccan marriage migrant immigrating to Germany, Gutekunst (2015) argues that the language requirement for marriage migrants has led to the hierarchization of Moroccan marriage migrants and the construction of particular vulnerability of marriage migrants with lower educational backgrounds and weak financial means. Her analysis applies to the Korean case as well. My interview with the head of a Korean language school for marriage migrants in Vietnam demonstrates that some Vietnamese marriage migrants already failed the test several times, and thus their wait time had been indefinitely prolonged (Hyo, personal communication, July 23, 2015). Korean language requirements work as another institutional tool to impose an ethno-cultural norm on marriage migrants, and marginalize marriage migrants who have a lower level of education and language skills.

#### **4.2.2.1 Racism behind the push for ‘Koreanization’**

The governmental direction of Koreanization operates with racial underpinnings embedded in Korean society towards marriage migrants from developing countries. Under the rhetoric of ‘protecting’ and ‘easy integration,’ female marriage migrants from developing countries are specifically targeted for the Korean government’s systematic monitoring and regulation of the whole process of female marriage migration. For example, before female marriage migrants arrive in Korea, the Korean government provides a pre-

departure orientation program for would-be female marriage migrants in three Vietnamese cities (Hanoi, HoChiMin City, Can Tho), Mongolia, and the Philippines. This program provides female marriage migrants with basic information about Korean society regarding language, weather, food, holidays, public transportation, housing, public services, visa policies, etc. (Ministry of Gender Equality and Family, n.d.). The early stages of immigration are shaped and regulated by the Korean government through the extra layer of governmental intervention. While I acknowledge that many female marriage migrants have benefited from this program by acquiring basic information about Korean society, I also draw attention to paternalistic and condescending racialized tones behind the implementation of such programs. Marriage migrants from developing countries are racialized as ‘inferior’ (in contrast to Koreans), and thus understood as requiring special attention from the government compared to other marriage migrants from developed countries. Such racist attitudes are based not only on existing conceptions of racial hierarchies and exclusive ethnic nationalism, but also on perceptions of the country of origin’s position in the global economy based on neoliberal views of the world, which privilege economic over social or cultural values. G.-S. Han (2016) uses the concept of ‘nouveau-riche nationalism’ to explain ignorant and condescending attitudes in Korea towards migrants from developing countries, mainly South East Asian countries. The economic status of countries of origin in the global economy plays a major role in constructing racist attitudes towards marriage migrants. The derogatory use of the Korean word, Dong-Nam-A (Southeast Asia), and how Southeast Asians are racialized (as being lazy, dirty, not-developed, etc.) and considered ‘inferior’ to Koreans are examples that demonstrate racialized attitudes towards migrants based on the economic status of their country of origin (H.-H. Kim, 2014). Foreign spouses are treated as ‘lacking’ and are

assumed to require special paternal care and education from the Korean government in order to maintain a 'normal' marriage. This form of paternalistic attitude is a reflection of underlying racist attitudes behind one-way Koreanization.

This racialized attitude towards marriage migrants is also combined with attitudes towards Korean husbands, most often of lower-class backgrounds. Korean spouses (mainly Korean men) who marry foreigners from countries designated by the Ministry of Justice (including China, Vietnam, the Philippines, Cambodia, Mongolia, Uzbekistan, and Thailand), also take a mandatory 4-hour course entitled 'the International Marriage Guide Program' (Korean Immigration Service, 2010a). This 4-hour course teaches Korean men basic information about their foreign spouses' countries such as their social systems, cultures, and courtesies, and information about spousal visa processes. It also allots time for Korean men to learn about the experiences of other couples. Content on domestic violence and conflict resolutions is included as well. This program is meaningful insofar as the Korean government attempted to expand its support to Korean spouses, and included the issue of domestic violence and conflicts resolution as a part of the curriculum. However, the underlying attitude is still condescending and discriminatory as it is based on the socioeconomic stereotypes of Korean men, the majority of whom are from a lower socioeconomic class. As demonstrated by the selection of countries, these programs specifically target female marriage migrants and their Korean counterparts who tend to meet through commercial marriage brokerages.

Under the implementation of government support programs, foreign spouses and their Korean spouses are treated as 'inferior' and are assumed to require special paternal care and education from the Korean government in order to maintain a 'normal' marriage. Such a paternalistic attitude demonstrates the underlying racism towards marriage migrants

from developing countries. An extra layer of management or screening is imposed and justified in the name of protecting marriage migrants.

#### **4.3 Neoliberal framing of marriage migrants: Privileging marriage migrants with potential cultural resources**

The racialization of marriage migrants from developing countries as ‘inferior’ is tied to widespread neoliberal perspectives in Korea which hierarchize the global population based on economic value. Neoliberal ideas are utilized with respect to selecting immigrants. Similar to Canada, the Korean government has already begun highlighting economic capital as a desirable element for immigrants to possess. For example, neoliberal values precedes the ethnic-centeredness of Korean nationalism with respect to how overseas Koreans are treated, as they are hierarchized based on the potential economic value (understood as commensurate with the economic status of their host country) they bring to Korean society. Persons from China or the former Soviet Union of Korean-descent have faced exclusionary and discriminatory procedures when attempting to enter Korea with the status of overseas Koreans to which overseas Koreans from developed countries such as the United States have not been subject (Kang, 2013, p. 211).

Attention paid to high-skilled workers and the emphasis on the economic value and contribution of immigrants are much more apparent in *the 2<sup>nd</sup> Basic Plan for Immigration Policies (2013-2017)* compared to *the 1<sup>st</sup> Basic Plan for Immigration Policies (2008-2012)*. The background information included in *the 2<sup>nd</sup> Plan* emphasized the neoliberal logic of self-reliance, responsibility, and economic contributions as the main goals of Korean immigration policies (21). *The 2<sup>nd</sup> Plan* also stated that “social benefits will be granted to immigrants who are willing to integrate into Korean society and work to contribute to local community as well as self-development” (40). However, unlike Canada,

which demonstrates a binary conception of family immigration versus economic immigration by devaluing family immigration in contrast to skilled immigrants (see chapter 7 for my analysis of Canadian policies on spousal immigration), the Korean government emphasized both marriage migrants and highly skilled foreigners as important sources of new immigration. Furthermore, governmental plans actively utilize neoliberal rhetoric to highlight any potential economic value that marriage migrants and their children may produce by privileging those with potential cultural resources. The attention given to marriage migrants and their children for the potential capital they bring to the Korean economy reflects the Korean government's paradoxical desires to "become 'global' and remain ethno-centric simultaneously" (H.-M. Kim, 2011, p. 205). While marriage migrants are expected to be Koreanized and fulfill gendered roles inside the family, they are also expected to fully utilize their 'cultural Otherness' as a cultural resource from which to contribute to the Korean economy.

The Korean government's neoliberal rhetoric focuses on maximizing potential cultural resources that marriage migrants and their children may produce in the global market. For example, *the Supporting Multicultural Families Based on Family Life Cycle Policy* (2008) describes marriage migrants and their children as:

potential global talents who are beneficial to the labour market and international business. Marriage migrants and their children are assumed to have bilingual language skills and multicultural sensitivity, which are regarded as beneficial for Korean business (Ministry for Health, Welfare, and Family Affairs, 20008, p. 8).

The neoliberal approach to marriage migration has a material basis. As Hsia (2004) pinpoints, the increase in international marriage among Asian countries is a reflection of the political economies of countries of origin and destination. The case of Vietnamese marriage migration clearly demonstrates the deepening in economic relations between

sending and receiving countries, which contribute to shaping the pattern of marriage migration. Since the introduction of the *Doi Moi* reform policy (which aimed to create a socialist-oriented market economy) by the Vietnamese government in 1986, foreign direct investment (FDI) rapidly flowed into Vietnam. For example, from 1990-2007, Singapore, Taiwan, and South Korea (key destination countries for Vietnamese marriage migrants) have made major investments to Vietnam. According to the General Statistics Office of Vietnam, “the annual average share of Taiwan has remained about 18.3 percent of the total FDI in Vietnam since 2000. It is followed by South Korea at 10.86 percent, Japan, 9.88 percent, Hong Kong, 6.70 percent, and Singapore, 6.50 percent” (General Statistics Office, 2009 cited in Anwar and Nguyen, 2011, p. 44). In 2007, South Korea became the largest foreign investor in Vietnam with about USD \$5,395 million, accounting for 25.27 percent of all FDI in Vietnam in 2007 (44): this trend similarly corresponds to the increasing number of female marriage migrants entering Korea.

The major countries of origin for marriage migration are also the major importers of Korean products. As of 2014, China (the largest sending country of marriage migration) was the largest importer of Korean products, which comprised about 26% of total Korean exports, and Vietnam (the 2<sup>nd</sup> largest sending country) was the 6<sup>th</sup> largest exporting partner (Global Edge, 2016). These economic conditions provide more favorable attitudes towards marriage migrants and their children who are portrayed as a ‘bridge’ connecting Korean society to their countries of origin based on fluency in two languages and cultural resources (B.- J. Kang, 2012, p. 162). Recently, the Ministry of Gender Equality and Family, which is in charge of multicultural policies, announced its slogan in 2014 as “multi-culture, multi-human capital, multi-talents for South Korea,” emphasizing the economic value of marriage migrants and their children.

Marriage migrants in Korea are expected to utilize specific cultural identities and resources, which can be materialized as economic value, in order to become ‘desirable’ marriage migrants, and thus belong to the Korean nation. Their cultural identity is valued only when it is considered to have economic value. Furthermore, neoliberal logic is also applied to hierarchize marriage migrants and their children based on their ability. The *1<sup>st</sup> Basic Plan for Multicultural Families Support Policies (2010-2012)* set its objective to increase support for children of multicultural families and developing global talents. However, in the specific plan for 2011 under the same *Basic Plan*, around 58% of the budget under the category of “providing an environment for the sound development of children of a multicultural family” was to be allocated a budget for “supporting tailored educational services to develop global talents.” Provisions were included for mentoring services for 8,000 children of multicultural families in designated schools centered on multiculturalism, running foreign language classes for ‘gifted’ children by allocating 100 dual-language teachers to different schools (and also training 120 dual language teachers), and initiating a ‘global bridge’ program which selects ‘talented’ children by recommendation either from school boards or from schools that are expected to play a role in bridging Korea to their mother or father’s home country, thus raising the ‘core global bridge’ between two countries. Rather than providing marriage migrants and their children with equal opportunities or supporting migrants and their children in need, selected marriage migrants and their children are highlighted as beneficiaries of governmental services. This Plan clearly outlines the direction of the policy towards highlighting successful marriage migrant settlement stories. These programs emphasize the rhetoric of ‘selected’ and ‘gifted’ to decide who would benefit from such programs. In other words, these programs are not designed to provide universal support to all migrants; rather, they

place marriage migrants and their children in a hierarchy invoking the neoliberal rhetoric of market competition and individual responsibilities and contributions. These programs operate as a neoliberal merit-based system of providing incentives to successful marriage migrants rather than working as mechanisms of protection or social integration for all marriage migrants. They encourage the neoliberal rhetoric of self-reliance of marriage migrants and hierarchically manage them based on their abilities which are measured by economic value.

In order to achieve the neoliberal agenda of monetizing dual language skills and the cultural resources of marriage migrants, Multicultural Family Centers mandated by the Ministry of Gender Equality and Family actively cooperate with Korean corporations, which have business interests in marriage migrants' countries of origin. Local centers enter into the Memoranda of Understanding (MOU) with Korean corporations as a way of acquiring bilingual language skills and relevant income-generating jobs. For example, in January 2016, Gyeongsanbuk-do province completed a MOU between the Gyeongsanbuk-do Office of Education, Gyeongsanbuk-do Multicultural Family Center, and Samsung Smart City (an institution established by Samsung Electronics for social responsibility) to provide financial support to educate marriage migrant teachers with bilingual skills and run a mother-tongue language program for children from multicultural families, and to create jobs for marriage migrants that utilize these skills (S.-M. Kim, 2016). Highlighting female marriage migrants and their children as resources for the benefit of Korea or a form of global capital serves to broaden the neoliberal scope of the Korean nation by creating a more favourable environment to incorporate female marriage migrants and their children with appropriate cultural resources benefiting the Korean nation. By commodifying and

marketing their different ethnicities and cultures as being of value, these marriage migrants and children are more favourably accepted as members of Korean society.

#### **4.4 Incomplete state projects: stigma, discrimination and exclusion**

The disproportionate amount of attention that the government places on marriage migrants, however, has not brought about the expected outcomes. First, the government's sudden and targeted attention on multicultural families has produced social stigma around marriage migrants and their children. Migrants and their children are singled out as beneficiaries of extensive government support programs, stereotyping them as a special group which requires special care from society. For example, the Korean word, 'damunwha,' which literally means 'multi-culture,' is widely used in a derogatory manner to refer to multicultural families and in particular, the school-aged children of multicultural families. Brown and Koo's (2015) study highlights the stigma attached to the term and how it is used to single out school-aged children of multicultural families. One of the interviewees in Brown and Koo's study, Young-Hee (the daughter of a Vietnamese mother and Korean father)'s remark clearly demonstrates how the word 'damunwha' is used to demarcate between 'normal' Korean children and 'damunwha' children. Young-Hee says,

I personally don't think of myself as multicultural. If I think of myself like that, I'll start to feel like everyone's watching me again. I just want to live like a normal Korean. I can speak Korean very well; I don't know why people keep trying to look at me like I'm a foreigner. I just hate it. (Brown and Koo, 2015, p. 54).

The term, 'damunwha' is used as a racial and ethnic marker to distinguish children with two Korean parents as opposed to (biracial) children with one non-Korean parents. The term draws a symbolic line between a pure-blooded Korean and a mixed-race/blood Korean (Ahn, 2018, p. 150). In particular, the children of multicultural families, especially

those with embodied 'racial' differences on their bodies (e.g., skin color or facial features) are targets of discrimination and exclusion (Brown and Koo, 2015).

Marriage migrants also face diverse forms of discrimination and stigma in their everyday lives. A 2015 National Survey for Multicultural Families conducted by the Ministry of Gender Equality and Family found that about 40.7% of marriage migrants reported that they had experienced social discrimination in Korea. Notably marriage migrants from South Asia had the highest rate of experience of discrimination at 47.2%, followed by marriage migrants from Vietnam (36.2%) and the Philippines (36.2%) (Ministry of Gender Equality and Family Affairs, 2016, p. 161). This data demonstrates how the disproportionate amount of attention and government support programs arranged for marriage migrants have not improved the social discrimination that they face in their everyday lives. Indeed, such special attention has stigmatized marriage migrants and their children by drawing a line between 'normal' Koreans and 'multicultural' ones.

Secondly, the neoliberal emphasis on marriage migrants and their children not only disadvantages and marginalizes those who do not fulfil expected neoliberal roles, but also does not reflect the socioeconomic conditions where these groups are located. The rosy picture painted by neoliberal rhetoric is in fact starkly different from the reality of most female marriage migrants. There are significant gaps between the government's emphasis on cultural resources such as dual language skills, and the labour markets that most marriage migrants enter. For example, the 2015 National Survey for Multicultural Families revealed that marriage migrants with professional backgrounds (which value cultural and language resources), such as teachers or translators, or business industries represented only 12% of all employed marriage migrants. The survey demonstrates that majority of marriage migrants work in industries where they do not need to mobilize cultural resources: 29% of

marriage migrants worked in manual labour-related jobs (compared to 13.4% of Koreans), and about 18% were employed in the service sector (compared to 10.5% of Koreans) (Ministry of Gender Equality and Family Affairs, 2016).

In addition, unlike governmental rhetoric around the importance of dual language skills for children, the majority of Korean spouses and in-laws do not encourage their children to speak their mother's language. In 2015, only 36% (35.9% in 2012) of Korean family members encouraged marriage migrants to teach and speak their native languages at home whereas the desire of marriage migrants to teach their native language to their children increased from 25% in 2012 to 40.7% in 2015 (Ministry of Gender Equality and Family Affairs, 2016). This contrast clearly demonstrates the significant gap between the governmental neoliberal rhetoric and the reality that marriage migrants face in their daily lives.

#### **4.5 Conclusion**

This chapter analyzes laws and policies on marriage migration from the 1990s to 2017 and examines how they have been devised to fulfil the Korean government's demographic, nationalistic, and neoliberal goals. Ethnic nationalism and neoliberalism are reconfigured in gendered and ethnicized ways to structure laws and policies surrounding the regulation of marriage migration. First, marriage migrants are constructed as gendered subjects inside the family, and are expected to reproduce the patrilineal Korean nation. Secondly, they are expected to undergo a process of 'Koreanization' in order to belong to Korean society. At the same time, their cultural otherness comes to the fore when it is considered a form of economic capital, which can contribute to the Korean economy and Korean business in the global market. Neoliberal ideas hierarchize marriage migrants and their children based on potential cultural resources they possess, particularly those

resources that may be of economic value to the Korean market. However, the governments' demographic, nationalistic and neoliberal goals towards marriage migrants have not been as successful as hoped. The disproportionate focus on multicultural families has resulted in the creation of a social stigma and otherness towards marriage migrants and their families, drawing a line between 'normal' Koreans and 'multicultural' ones. In sum, the laws and policies related to marriage migration hierarchize marriage migrants, and shape the gendered, ethnicized and neoliberal boundary-making processes of the Korean nation surrounding the question of which marriage migrants are desired to be part of the Korean nation and how they are. In the next chapter, I expand my analysis to the roles of non-state actors (which I conceptualize as the 'migration industry') in gendered, ethnicized and neoliberal nation boundary-making process, with a focus on their operation in Vietnam, an important country of origin for marriage migrants to Korea.

## **Chapter 5: The regulation of marriage migration in the pre-migration stage: the Vietnamese marriage migration industry**

In this chapter, I explore the roles of the marriage migration industry in Vietnam in regulating flows of marriage migration to Korea. While chapter 4 analyzes how the Korean government regulates marriage migration through the legislation and implementation of different laws and policies, this chapter shifts its focus to the roles of non-state actors in the pre-migration stage that assist, facilitate and restrain marriage migration. Based on my fieldwork in Vietnam, which constitutes a major sending country of female marriage migrants, I contend that non-state actors in Vietnam facilitate and restrain the flow of marriage migrants as gatekeepers, corresponding to the Korean government's approach to marriage migration.

The organization of this chapter is as follows: firstly, I briefly examine the concept of the migration industry and explain how I situate my analysis of non-state actors in Vietnam as part of the migration industry. Secondly, I identify commercialized marriage brokers, Korean language institutions, and non-governmental organisations in Vietnam as actors of the migration industry and examine their role in regulating marriage migration as gatekeepers, facilitating the gendered and ethnicized boundary-making of the Korean nation.

### **5.1 The migration industry in Vietnam**

Recent literature on migration sheds light on the roles of non-state actors in the entire processes of international migration. The migration industry is broadly conceptualized as the array of public and private actors and agencies that provide services that not only foster, facilitate, and assist, but also constrain migration (Cranston, Schapendonk, Spaan, 2018; Sorensen and Gammeltoft-Hansen, 2012). Paying attention to

the migration industry assists us in understanding migration as an ongoing process rather than a singular event (Cranston, Schapendonk, Spaan, 2018). It further broadens our analytical perspective beyond the scope of the nation-state in its role in border controls by examining “contemporary articulations of the interactions between the economy, nation states, non-governmental organizations, and the movement of people” (ibid, p. 543). The migration industry links together the countries of origin and countries of destination, and often takes a transnational form. Here my focus is on the practices of non-state actors in countries of origin which form part of the migration industry, which are directly or indirectly motivated by business interests. As I argue below, these gatekeepers facilitate and restrain forms of gendered and ethnicized belonging to Korean society among marriage migrants.

I chose the migration industry in Vietnam as an object of my study because Vietnamese marriage migration to Korea represents an archetypical case of female marriage migration in terms of its rapid increase in the number and commercialized patterns of marriage arrangements. Numerically, Vietnamese marriage migrants compose the 2<sup>nd</sup> largest population of marriage migrants in Korea (after China), but this flow has demonstrated the most rapid increase amongst sending countries: the number of Vietnamese female marriage migrants exhibited the most significant growth, jumping from 77 in 2000 to 58,761 (the accumulated number) of as of 2015 (Ministry of the Interior and Safety, 2015). In addition, Vietnamese marriage migrants have shown one of the highest rates of using brokerages: about 66.4% of Vietnamese marriage migrants met their partners via marriage brokerages in 2009, 63% in 2012, and 56.9% in 2015 (Ibid). Furthermore, it was in Ho Chi Minh City in Vietnam where the Korean government implemented its first pre-departure program for would-be marriage migrants by providing funding to an NGO

to run the program. This program was soon expanded to two additional Vietnamese cities (Hanoi and Can Tho) and they are currently run by different NGOs mainly funded by the Korean government. In addition, different non-governmental organizations currently run programs for marriage migrants funded by Korean corporations. Since the new Korean language requirement for marriage migrants was introduced in 2014, Korean language institutions emerged as part of the migration industry. Paying attention to the flourishing non-state actors, which participate in regulating the flows of marriage migration to Korea, I identify marriage brokers, language institutions, and non-governmental organizations as actors of the migration industry in Vietnam, and examine how they have facilitated and regulated marriage migration in line with the Korean government's gendered and ethnicized boundary-making of the Korean nation.

## **5.2 Commercialized Marriage Brokers in Vietnam**

Marriage brokers are one of the chief players in regulating the process of female marriage migration to Korea. Brokers organize the transnational mobility of women who desire to move to developed countries through the medium of international marriage (H. Lee, 2014; Constable, 2009). As Lindquist, Xiang and Yeoh (2012) point out, examining the roles of brokers allows us to understand how mobility is organized in particular ways and how it is made possible.

The number of commercialized marriage brokers in Korea has rapidly increased since 1998 when establishing a marriage brokerage no longer required permission or registration in line with the neoliberal loosening of restrictions on private business (Seol, et.al., 2014). The increase in numbers of brokers led to the rapid increase of international marriages between Korean men and foreign women. For example, the number of international marriage brokers increased from 700 in 1998 to more than 2,000 in 2005 (Goh

et al. 2005). However, as the problems related to international marriage brokers (such as the conveyance of false information, human rights violation in match-making processes, etc.) had become social concerns in Korea, the Korean government legislated *the Marriage Brokerages Business Management Act* in 2007 and started to regulate the practices of brokers by requiring them to register their business with the government. Most of all, the government added another provision in 2012, which required KRW ₩100,000,000 in capital (equivalent to about CAD \$120,000) as a condition to open an international marriage brokerage. As a result, the number of brokers dropped significantly from about 1,460 in early 2012 to around 500 in late 2012 (Seol, et.al., 2014). This number includes brokers registered in Korea, but does not include brokers operating in sending countries.

International marriage brokers operate transnationally in diverse forms. For example, some companies (like that of my interviewee Han) have headquarters in Korea to recruit Korean men interested in international marriage, and have branches in different sending countries to recruit local women, arrange marriages, and facilitate immigration processes. Some companies have an office only in Korea, and have contracts with brokerage companies in sending countries that are in charge of all of the processes including recruiting women, organizing weddings, and relevant immigration processes. For example, my interviewee Dongho runs a brokerage company only in Vietnam and has contracts with around 160-170 Korean brokerage companies in Korea. His job is to recruit Vietnamese women, arrange all events related to matchmaking, the wedding and honeymoon in Vietnam, and the immigration process. My research focuses on the pre-migration process in Vietnam until female marriage migrants enter Korea with their spousal visa.

The practices of commercial international marriage brokers have provoked many debates in feminist academia and feminist movements. Some groups pay attention to exploitative practices and human rights violations reported in the matchmaking processes of the so-called ‘mail-order-brides’ (Lindee, 2007). They demand strong state controls to prevent brokers from deceiving marriage migrants or imposing debt bondage. They require that victims of international marriage brokers should be treated as victims of ‘human trafficking.’ Other scholars criticize the underlying victimizing perspective of such ‘trafficking’ discourse, which regards women simply as incapable victims of the system of commercialized marriage brokerage. These critics demand separating the issue of ‘mail-order-brides’ from human trafficking legislation. By criticizing the legislation of the *US International Marriage Broker Regulation Act*, for example, Constable (2012) argues that women’s agency should be respected in understandings of transnational mobility because in many cases, there is no clear division of “innocent victims deemed worthy of rescue and active agents who are not” (1147). Some feminists in Korea avoid referring to the current practice as human trafficking but demand strong governmental controls of commercialized brokerages in order to guarantee the safe migration of marriage migrants (H.-M Kim, M.-J. Kim, and J.-S. Kim, 2008, p. 126; J.-S Kim and J.-W. Kim, 2010). I also argue that it is important to problematize the elements of human tracking embedded in the process of international marriage brokerage, and that strong state control is required to ensure the safe migration of women. At the same time, I recognize the danger of simply naming marriage migrants as passive victims of human trafficking. Women who are marginalized in their home countries have limited means to choose different migration paths that require more financial resources and larger social networks. Therefore, international marriage is one of the few available options for them to immigrate though they recognize that they may run

the risk of being exploited by brokers. While recognizing the indispensable role of brokers in arranging for these women to migrate transnationally, I investigate how brokers regulate marriage migration by exploiting women's vulnerabilities and desires to immigrate, and how their practices correspond to the Korean government's gendered and racialized approaches to marriage migration.

The business goal of commercialised marriage brokers is for women to remain married for as long as possible because this is connected to their business reputation: marriages of 'longer duration' are understood as 'successful' marriages arranged by brokers, which is a selling point of brokers to potential Korean husbands. Marriage brokers use both direct and indirect controls of the process of marriage migration. The 2005 Korean government-funded study on international marriage in Vietnam provided detailed exploitative practices of international marriage matchmaking. Not uncommon in these match-making processes are human rights violations including physical examination (virginity and pregnancy checks), fallacious information about their marital partner, the lack of ability to select a partner, and debt entrapment (Goh et al., 2005). H.-M. Kim, M.-J. Kim, and J.-S. Kim (2008)'s research on the marriage brokerage process in Mongolia also demonstrates similar patterns of exploitative practices by Korean brokers such as fallacious information and financial entrapment by forcing these women and their families to pay penalties between USD 1,000 and 5,000 if they annul their marital relationship within 2-3 months. These conditions restrain the free will of marriage migrants' decisions in their marriage and their autonomy.

My fieldwork in Vietnam in 2015 similarly demonstrates female marriage migrants who depend on brokers in the whole processes of marriage and immigration documentation, and thus are under the control of marriage brokers. Commercialized

brokers are illegal in Vietnam, thus Vietnamese women are mainly recruited by ‘madams’ (nickname of local matchmakers) door-to-door or through introduction by friends or relatives of former marriage migrants in the village, and currently online as well. In both cases, if women agree to meet and marry Korean men, they follow the madams and stay in shared accommodation provided by marriage brokers waiting for a chance to meet potential grooms. Korean men recruited by brokerage companies in Korea visit Vietnam for a ‘marriage tour.’ They often communicate with each other online before they actually meet and getting married. After the marriage ceremony, they usually go on a honeymoon. Through the whole process, these women become dependent on the brokers who control every step of the immigration and wedding process.

Their dependency on marriage brokers increased since April 2014 when the language requirement was added to the application for the spousal visa process. After the one-week marriage tour is finished, Vietnamese women (who already married) start to study the Korean language in a designated Korean language school. The required language course normally takes four months to complete including the exam at the end of the course. During this period of studying and waiting for the visa, most women stay in shared accommodations arranged by brokers. Therefore, the lives of these women are heavily controlled by brokers until they finally land in Korea. The costs of accommodation and education are mainly paid by their husbands monthly through brokers. During this waiting period, brokers deal with all of the necessary immigration documentation and they help the women communicate with their Korean husbands and manage money sent from husbands.

As a way of controlling marriage migrants and regulating the perceived danger of a breakdown of marriage that may occur because of the ‘abnormal’ speedy process of international marriage, brokers create a ‘trap’ of a deposit that these women are pressured

to pay. Vietnamese ‘madams’ require these women to pay ‘deposit’ money (which ranges between \$500-\$1,000) on the condition that they return the money if they maintain their marital relationship for a certain amount of time which is different for each madam. Given the local currency value, the amount of money is significant and not easily paid back by poor migrants and thus it plays a large role in controlling their decision to marry. Thi (who worked as a Korean language teacher for potential marriage migrants in a province of Vietnam for 2014-2015 and had the chance to observe how the language institutions and marriage brokers work together) pointed out these women feel threatened so they remain silent to their husbands (Thi, personal communication, July 22, 2015). Creating a financial trap is one way of managing marriage migration through increasing dependency. This financial trap takes advantage of the husbands’ distrust in their own wives. Thi says,

These women worried that the brokers would no longer assist with their immigration documentation if they told their husbands about this money. If there is a fight between husbands and wives, husbands tend to trust brokers more than the women. That is why it is difficult [to talk about] (Jiyoung: Why do they not trust their wives?) Because they cannot communicate with each other well and they do not have trust in each other probably because they met just once or twice before marriage (Thi, personal communication, July 22, 2015).

The network of madams is hierarchically organized. These brokers share ties with one another based on their work and interests. For example, small madams are managed by big madams, who are controlled either by local Vietnamese marriage broker agencies or by Korean agencies that operate in Vietnam and assist the business of Korean brokers who recruit Korean men. Some Korean brokers like Han whom I interviewed (and who are married to Vietnamese women) run their business without going through Vietnamese local agencies because their Vietnamese wives are in charge of roles conducted in local agencies such as management of Vietnamese madams. The ‘deposit’ money is transacted mainly

between local Vietnamese madams and Vietnamese women under the connivance of Korean brokers because this practice helps Korean brokers control marriage migrants.

When I asked about broker's fee in my fieldwork in 2015, two Korean male brokers provided two different answers. Han is one of the first Korean brokers who started an international marriage business after he married a Vietnamese woman in 1999. He currently runs a brokers' office in Vietnam, Philippines and Korea. Han did not deny the presence of this money, but he argued that it is simply a deposit for the local Vietnamese madam's work even though such fees are illegal according to *the Marriage Brokers Management Act* in Korea. He separates himself from the practice by saying that it is merely a transaction between brides and Vietnamese madams.

Women nowadays do not pay any more. They[madams] might get a deposit, but if they live well for 6 months, 3 months, or one year... Vietnamese madams would return it if they live well for 6 months. 1 million Korean won (about 1,100 CAD) is big money for Vietnamese ladies. Who has that kind of big money? You know what? In fact, husbands pay for it. When husbands give a monthly allowance, these women save it and pay it for the deposit. I do not see money coming from women's pockets. (Jiyoung: Who decides the deposit period?) Madam decides (Han, personal communication, July 23, 2015).

Han simply dismisses the money demanded by madams for migrants as a deposit even though he benefits from this practice by curbing women's autonomy while improving his business's reputation by being able to advertise a 'successful' marriage rate. This deposit still functions as a way to constrain women's decision-making ability to maintain the marriage and restrain their decision power inside the family.

Meanwhile Dongho, the head of a broker agency who ran a brokerage business in Korea before coming to Vietnam, had operated in Vietnam for more than 6 years. His agency in Vietnam had a contract with around 160-170 Korean brokers based in Korea and arranged international marriages: his agency was in charge of recruiting Vietnamese

women and facilitating the whole marriage ceremony processes in Vietnam including organizing honeymoons. So far, he had made such arrangements for more than 1,000 couples. He describes his practice by evoking an old Vietnamese cultural practice known as 'Hoa-hong,' a local Vietnamese practice of showing appreciation by brides' families to matchmakers in order to avoid accusations of any relevant problems (Dongho, personal communication, July 23, 2015). He argues that the 'deposit money' is not a significant amount of money (in contrast to Han's contrasting perception) and emphasizes that this money has nothing to do with Korean brokers. From the discrepancy of the two broker's explanations and Thi's observations, I conjecture that this money would most likely not be returned in the majority of cases. These Korean brokers are aware of this practice, but they simply take advantage of the Vietnamese women's dependency and inability to communicate and thus exploit them at diverse levels. Furthermore, as Dongho's explanation shows, they develop their own narratives of justifying this practice; they do not simply impose such debt entrapment, rather, they explain it as a 'cultural practice.' Creating dependency and debt entrapment are predominant trends among brokers according to migration literature (Bélanger, 2014). In the case of Vietnamese marriage migrants, this debt serves as a means by which to control these women, compelling them to stay in Korean families, regardless of their wishes.

Apart from this debt entrapment, many other human rights violations take place. According to my informal dialogue with interviewees (who do not want to be identified in any circumstances including pseudonym, therefore, I will simply refer to them as interviewees here) in Vietnam in 2015, diverse forms of illegal and degrading practices such as virginity and pregnancy checks, and sometimes tattoo checks (because tattoos have a negative connotation in Korea), are still prevalent. These practices are totally illegal under

the 2007 *Korean Marriage Brokerages Management Act*, however, these illegal activities are very difficult to punish because the commercialized marriage broker business is illegal in Vietnam, and thus women cannot report these illegal activities without facing incriminating themselves for also being involved in illegal activities. As long as their final goal is to migrate to Korea, many of them choose to be silent until they successfully cross the border. In addition, when I asked Dongho about whether or not it would be difficult to run a brokerage business in Vietnam that prohibited commercialized business, he answered as if it was nothing significant: “we do give gifts [meaning bribes] to them [Vietnamese police] and have meals together, haha” (Dongho, personal communication, July 23, 2015). It seemed that these brokers have already constructed a certain relationship with Vietnamese police and authorities. Under this circumstance involving complicity and corruption on the part of police, these women usually do not want to report wrongdoings by brokers.

*The Marriage Brokerages Business Management Act*, which was legislated in 2007 in Korea to regulate the marriage broker business, is not effective in controlling these illegal practices which take place in Vietnam. *The Act* also has a fundamental limitation: its aim does not include the protection of the human rights of marriage migrants as its major goal; rather, it was designed to protect Korean men as ‘consumers’ of international marriage business transactions. It says,

[t]he purpose of this Act is to guide and manage the marriage brokerage business on a wholesome basis as well as to prevent damage to its uses to protect them thereby contributing to creating a sound marriage culture (*Marriage Brokers Business Management Act*, 2007).

It exists more as an Act to regulate business transactions, rather than to protect marriage migrants from being exploited in the process. The law imposes the mandatory registration of the international marriage business, and requires a standard contract for both

parties and adherence to laws in the country of origin, etc. However, in many cases, brokers do not follow the Act. J.-S. Kim and J.-W. Kim (2010)'s research on Korean marriage brokers in Cambodia explicitly reveals how the Act was *de facto* useless in Cambodia in protecting marriage migrants. Despite the fact that the Cambodian government prohibited all forms of international marriage in 2009 and completely stopped all relevant documentation process, Korean brokers continued to arrange marriages by providing false information to Korean men and Cambodian women: as a result, these couples could not enter Korea for more than one year until the Cambodian government started re-issuing relevant documents for them to be able to immigrate to Korea.

The business interests of marriage brokers match the Korean government's treatment of female marriage migrants as biological reproducers of the Korean nation. The longer women stay in their family, the more their positive reputation is solidified. Brokers actively advertise their work as a 'patriotic' solution for the problems of aging old bachelors, the low-birth rate, and even 'potential sexual violence by frustrated old bachelors,' which Dongho argues would decrease with the growth of international marriage. Brokers actively promote their business as effectively addressing such social problems and needs of Korean society. As Dongho states,

If there were no international marriages, what would have happened to those men? There is no alternative to it. For example, the number of single men who are not able to marry [Korean women] increases. ...it is important to deal with the second-generation issue, because of the low birth rate, but I think, if the number of single men increase, then more crimes will take place including sexual crimes. People do not see the positive aspect of international marriage, but only talk about the negatives. The positive aspect of international marriage should be focused upon more (Dongho, personal communication, July 23, 2015).

Han furthermore praises Vietnamese women who marry old bachelors and solve the problem of low-birth rate in Korea, calling them real 'patriots' to Korean nation.

I feel proud of my job when I see an old bachelor to get married and have a child. Secondly, when I see Vietnamese women who are around 20 years younger than Korean men marry and have children, I feel that they are *patriots* [emphasis added] to Korean society. It gives me pride (Han, personal communication, July 23, 2015).

Brokers actively celebrate Vietnamese marriage migrants' reproductive roles as 'patriotic' to a country in which these migrants' status is conditional upon their performing so-called 'patriotic' acts as having and caring for Korean children. Similar to the Korean government's approach, brokers emphasize female marriage migrants' role as reproducers of the patrilineal Korean nation. Under this logic, Vietnamese marriage migrants are stereotyped as certain gendered subjects equipped with the expected roles of wives and mothers. These stereotypes are also geared towards accommodating the needs of Korean husbands who are looking for a 'traditional' wife.

Another key role of brokers in regulating marriage migration is about engaging with issues of compatibility. Racialized and gendered stereotypes of marriage migrants and their Korean husbands surrounding the concept of 'hypergamy' are articulated by brokers surrounding 'whom should be matched with whom.' The roles of brokers, who help construct and perpetuate gendered and racialized stereotypes through the process of arranging the transnational mobility of migrations, have already been examined by other scholars, specifically in regards to foreign domestic workers' recruitment and placement agencies (Bakan and Stasiulis 1995; Oishi 2005). Such literature demonstrates how a racialized and gendered set of practices and criteria are reproduced in the recruitment and placement of female domestic workers in receiving societies. In the case of marriage brokers, the process of regulating compatibility by brokers serves to perpetuate gendered conceptions of marital hypergamy (marrying someone of a higher social position), and ethnicized stereotypes. Brokers actively adopt patriarchal values of marriage and the concept of marital hypergamy in their matching practices. The ways in which hypergamy

is interpreted by brokers are based on racialized and gendered ideology, as well as the ignorance of Korean men from a less privileged class. For example, Dongho identifies himself as an expert of matchmaking asserting that his 13 years of experience in the industry qualify him as an expert in matching compatibility. The underlying attitude of his judgment on compatibility demonstrates a condescending attitude towards both Korean men and Vietnamese women, believing he has the power to ‘manipulate’ their choice. He estimates that migration to Korea (where it is believed that economic prosperity is ‘promised’) has a greater exchange value for young Vietnamese women. The difference in economic prosperity between the two countries is considered advantageous; therefore, this marriage is considered ‘hypergamy’ for Vietnamese women even though, in reality, their Korean spouses are the ones who have been pushed into a marginalized social stratum in Korea (H. Lee, 2012). Korea’s position in the global economy and the possibility of immigrating to Korea are considered to offset other undesirable conditions including significant age gaps, language differences, expected care labour for in-laws, a lower class position, and in some cases, husbands’ disabilities, etc.

Han, another broker, also actively engages with the compatibility issue in his business practice and similarly advises Korean men to find a ‘compatible’ wife. He thinks that given the advantage of entering Korea, a more economically developed country, it is compatible for Vietnamese women to meet Korean men who are relatively disadvantaged in comparison to other Korean men. This attitude depicts ‘nouveau-riche’ racialization which privileges the economic status of Korea as being superior (Han, 2016). Dongho says,

*For example, when a man who has no eyes meets a woman who does not have at least one eye, then, their marriage goes well [emphasis added]. Don’t you think it is not right that not a good man meets a good woman? In that case, how does the woman like him? In the end, it becomes a problem (Dongho, personal communication, July 23, 2015).*

Compatibility is the most important issue for the success of the marriage and thus the business according to Dongho. However, his practice of ensuring ‘compatibility’ is not through meting advice to the couple, but rather the imposition of certain standards of appropriate behavior through compulsive measures. If their ‘advice’ does not work, brokers ask Korean men to write down a written oath promising not to complain about the marriage in order to avert any responsibilities on the part of the broker for marriage failure. Their engagement with regulating compatibility is a significant part of regulation of marriage migration. This practice reflects gendered and racialized stereotypes about marriage migrants and their Korean partners – attitudes that also reflect the Korean governments’ views about female marriage migrants as biological reproducers of the Korean family.

In sum, commercialized brokers work both as gatekeepers to determine the movement of certain marriage migrants and as active participants in actualizing gendered and racialized goals of the Korean government by exploiting women’s vulnerabilities and desires to immigrate, and imposing certain gendered norms and practices on female marriage migrants, thus taking advantage of their insecurity and precarious status.

### **5.3 Korean language institutions**

Recently, the imposed language requirement has emerged as an instrumental tool to control flows of marriage migration at the nation-state borders of receiving countries (Gutekunst, 2015). Language institutions have become an integrated part of the border control system as a ‘gatekeeper’ in sending countries since marriage migrants wishing to apply for spousal visas have to pass through these institutions. Based on Gutekunst’s approach, which analyzes the language institution as a manifestation of the externalization of the border regime by outsourcing the role of the state, I analyze Korean language institutions as part of the migration industry and as gatekeepers which function to perform

some of the objectives of border control. Since the Korean language requirement was adopted as a condition for applying for a spousal visa in April 2014, two new language schools were founded by different non-profit groups in the Northern parts of Vietnam in addition to the existing Korean language institutions. The school I visited during my fieldwork in 2015 recruited four classes (composed of 35 students each for the duration of four months) every two months. The class was three hours per day, five days a week. It cost VND 1,500,000 per month or VND 6,000,000 for the four-month course (equivalent to CAD \$330). In general, this cost is shouldered by marriage migrants' Korean husbands transferred through brokers. At the end of the course, marriage migrants take an exam to pass a requirement of their spousal visa application. The primary focus of this language school is to provide basic Korean language skills to newly married female marriage migrants in order for them to submit the test result as part of their visa requirement. While the Korean language institution aims to teach Korean language skills, my interview with Hyo, the head of the Korean language institution, demonstrates that the role of this Korean language school is not confined to linguistic education; it also serves as a venue where gender ideology and norms are continuously reproduced, and 'Koreanization' is imposed as a successful model of integration to Korean society.

Officially, the language institution is an independent institution, which operates separately from brokers. However, in reality, they work together closely because brokers control the whole process of marriage migration process (as examined above), and the economic survival of this institution depends on the success of brokers' business. The number of students depends on how many marriages are arranged by brokers. In other words, the survival of the language institution is intertwined with the success of marriage brokers' business.

Apart from providing Korean language classes to marriage migrants, Hyo works closely with Korean brokers in the town and organizes different educational sessions for marriage migrants with female Korean brokers because she believes that female brokers who have dealt with different cases of international marriage are the most resourceful persons to educate female marriage migrants about what life is like in Korea. For her, educating marriage migrants means teaching them to be good daughters-in-law by serving their in-laws well and using 'polite' Korean greetings. Hyo says,

As you know, in Korea, if you do basic things well, you would be considered a good daughter-in-law. Something like greeting politely, asking whether their parents-in-law would like to have coffee, serving their meals, or cleaning well... If we educate women about these things, it would be enough. But Vietnamese women can't do those things. They do not greet politely. Their greeting is simply nodding [not bowing down in the Korean way] (Hyo, personal communication, July 23, 2015).

For Hyo, the way in which Vietnamese women greet others is not understood as a different cultural practice, but as a 'rude' behavior. Not only does Hyo assume that these women should follow Korean culture, but the cultural racism that treats Vietnamese culture as inferior is also prevalent in her way of interpreting cultural differences between Vietnamese and Korean culture. Hyo is also skeptical of governmental support service centres available to immigrant women in Korea. She thinks that female migrants should spend more time with their husband's families rather than participating in activities outside the home or creating social networks in Korea. Hyo advises her students and sometimes their Korean husbands not to go to women's support service centers when they go to Korea, but to use 'visiting supporting services' offered by local service providers if necessary. She believes that the more social relationships these women develop outside of their husband's families, the higher the chance that they will run away from their marriage. Her focus is to educate these women to stay within the family as much as possible. Hyo also attempts to

discipline female marriage migrants' attitudes, behaviors, and even clothing with condescending and paternalistic attitudes. She says,

When I see them coming to the school dragging their flip-flops... or when I see them having several earrings and doing tattoos, I doubt whether they can live in Korea (Hyo, personal communication, July 23, 2015).

The language institution ostensibly aims to provide an educational service to teach Korean to would-be marriage migrants. However, given that its survival as an institution is closely tied to the activities of brokers, the language institution works closely with marriage brokers and imposes gendered ideology and Koreanized integration on marriage migrants. The Korean language requirement works as another institutional tool to impose ethno-cultural norms, and linguistic homogeneity for the purpose of marriage migrants' assimilation into Korean society. The seemingly 'neutral' language institution serves as a venue where traditional gender norms regarding how wives, mothers, and daughter-in-law should behave or ethno-cultural norms of 'Koreanization' are reproduced in the name of supporting successful family lives and integration into Korean society.

#### **5.4 Non-governmental organizations (NGOs)**

Similar gendered and ethnicized approaches to Vietnamese marriage migrants are observed in different non-governmental organizations which provide support service to marriage migrants. Non-governmental organisations have jumped onto the international marriage bandwagon over the last decades. Through the legislation and implementation of a series of laws and policies on marriage migration, an inundation of funds from central and local Korean governments and Korean corporations (which have business interests with marriage migrants' country of origin) has resulted in new funding opportunities for non-governmental organizations, that provide social services to international marriage couples. In this section, I examine two different non-governmental organisations (hereafter

I use pseudonyms A, a non-governmental organization that primarily aims to provide educational services to marriage migrants, and B, a non-governmental organization that identifies itself as a human rights NGO and provides educational and counselling services to migrants), which were actively operating in the Northern region of Vietnam when I did my fieldwork in 2015. I draw attention to the influential roles of these organizations in relation to the reproduction of gendered and racialized sets of belonging with respect to marriage migrants being integrated into Korean families and Korean society.

Organization A has run a ‘Korean Culture Class’ since 2010 with funding from Korean corporations including Samsung Electronics Vietnam (SEV). This program runs 8 times per year in Vietnam, each course being two weeks. As of 2015 during my fieldwork, around 1,000 women had participated in the program. This course mainly offers Korean language and culture skills including how to cook Korean foods, and learn Korean songs for entertainment, and learning about Korean society. It also offers occasional counselling services to couples. In total, the program serves as a means by which to educate Vietnamese marriage migrants about Korean society to assist in their acculturation. When I asked Sangho, a staff member of the organization, about whether or not female Vietnamese marriage migrants trust the course materials, he said, “Yes, they trust us 100% because Korean people talk about Korean society from a Korean perspective [in our program]. Of course, each person is different, though” (Sangho, personal communication, July 24, 2015). While most educational materials focus on the ‘Koreanization’ of marriage migrants, some parts of the program briefly touch upon the history of Vietnam, the historical relationship between Korea and Vietnam, and includes visits to Vietnamese historical sites. It is meaningful that this program also emphasizes Vietnamese culture, however, this does not always translate into respecting marriage migrants as independent cultural subjects who

embody a difficult cultural identity. The general aim of the program focuses on providing gendered advice to prospective marriage migrants and counseling them to be 'wise' wives and daughters-in-law in Koreanized ways. For example, one of the common pieces of advice they provide to participants is not to ask their husbands to send money to their families in Vietnam for at least two years. Their rationale is that it is good to invest at least two years in building some trust with their mothers-in-law and husbands before talking about remittances. The organization justifies this advice by saying that their counseling experiences demonstrate that money is the most sensitive issue in international families and so it is better to not raise the issue for the first two years.

After the program is complete, the head of the organization visits some of these women's homes in Korea to continue counselling services. All of the programs and advice are centered on increasing the 'success' of the marriage. The organization's brochures mention that the best part of their counselling work is when they help couples who are facing divorce to reconcile. Marriage 'success' is important because it can affect the continuity of funding from Korean corporations. Stories of 'successful' marriages are used to demonstrate the success of their program in order to secure more funding opportunities from Korean corporations or individual donations.

Another non-governmental organization, B, runs a pre-departure program for marriage migrants funded by the Korean government in order to provide basic information to marriage migrants who were waiting for their visa applications to be processed. This organization provides marriage migrants with basic information about Korean society and culture including information about emergency hotlines when they experience domestic violence or abuse. While their main job is to provide basic information to potential marriage migrants, what to include in the textbook has been contested. While the Korean

government wants to show more positive pictures of Korean society, organization B attempts to outline some of the potential risks in regards to discrimination and human rights violations that marriage migrants may face in Korea. Jung, a staff member of the organization, identifies his organization's role in the protection of human rights. She says,

For example, the consular in the Korean embassy says to me, "Doesn't your program include too many negative stories?" We put an emphasis on helping these women face real stories in Korea by providing real examples. We want to tell them "Be prepared to face hardship. Living in Korea will not be easy as you expect." ... We emphasize support systems such as multicultural family centers or 1588 [a hotline number for immigrant women] (July 21, 2015).

While organization B's mandate was to provide pre-departure programs for 'would-be' migrants, some staff members of the organization have utilized the organization's limited resources with backing from migrant support organizations in Korea to offer support to marriage migrants, who returned to Vietnam after running away from or divorcing their Korean spouse. Because the Korean government did not provide funding for returned migrants, organization B acquired funding from Hyundai, an automobile company, which has strong business connections in Vietnam, and which has funded building the 'Korea-Vietnam Care Together Centre,' which provides social services and employment training to returning marriage migrants, and plans to research women returning to Vietnam. Than Cong Group (a local Vietnamese agency of Hyundai) is also actively involved in the process as a financial funder. While returning marriage migrants are not the focus of the Korean government, the interest of corporations that do international business enable organization B to continue its work in supporting returning marriage migrants. In organization A's case, the business interests of the Korean corporation reproduce gendered norms and emphasize the acculturation of marriage migrants with respect to the idealized norms and behaviours of 'Korean wives' and 'Korean

daughters-in-law.’ Meanwhile, in organization B’s case, the business interests of Korean corporations work differently to fund returning immigrants as potential employees for Korean companies in Vietnam, an indication of neoliberal interests underlying their support programs for marriage migrants in Vietnam. In both cases, the business interests of Korean corporations play a significant role in influencing the social services provided by NGOs.

## **5.5 Conclusion**

This chapter examined how different non-state actors in the migration industry in Vietnam engaged with regulating the process of marriage migration prior to migrating. Marriage brokers exploit women’s vulnerabilities and desires to immigrate by creating dependency and taking advantage of the unequal relationship between Korean men and women in order to achieve their business interests that correspond with the Korean government’s gendered and racialized nationalistic agenda. With changes to visa conditions, Korean language institutions have also emerged as new actors in the migration industry: these institutions also operate as a venue where gendered and ethnicized forms of belonging are cultivated. Lastly, non-governmental organizations, funded either by the Korean government or large corporations with business interests in marriage migrants’ country of origin, also actively engage with regulating the flow of marriage migration.

Non-state actors in the migration industry have been an important part of the regulation of marriage migration. For the most part, these actors, which act in their own best interests (e.g. business interests), have corresponded with and bolstered the Korean governments’ gendered and ethnic-nationalistic direction with respect to marriage migration. However, some non-governmental organizations (such as organization B) challenge the gendered and racialized interests of the Korean government while

simultaneously serving the business interests of Korean corporations operating in sending countries. In the next chapter, I shift my focus to the roles of fraudulent marriage discourses, which work as a governmental tool to control marriage migration, and examine the experiences of marriage migrants.

## **Chapter 6: ‘Fake’ or ‘real’ marriage? The construction of ‘fraudulent marriage’ discourses and experiences of marriage migrants and Korean spouses**

In the previous chapters, I examined the role and intended impact of laws and policies regulating marriage migrants in Korea (chapter 4) and the migration industry in the country of origin (chapter 5) in shifting and reinforcing the gendered, ethnicized and neoliberal boundaries of the Korean nation through the regulation of marriage migration. In this chapter, I shift my focus to the development of ‘fraudulent marriage’ discourses and examine the roles of such discourses in relation to the boundary-making of the Korean nation, specifically with respect to the construction of marriage migrants’ desirability and undesirability. Who is constructed as desirable and who is not? While certain marriage migrants are constructed as desirable because they embody particular sets of characteristics (namely young, female, marriage migrants from developing countries), other marriage migrants outside this particular set of characteristics are actively constructed as ‘undesirable’ and thus subject to suspicion of potential ‘fraudulent’ marriage. I argue that the desirability or undesirability of marriage migrants is determined along the axes of gender, ethnicity/race, class, age, and the country of origin with varying sets of intersections, corresponding to the goals of the Korean government based on the hegemonic gendered and ethnicized construction of the ‘Korean’ nation. In the face of discriminatory distinctions drawn among racialized and gendered marriage migrants, marriage migrants (and their Korean spouses) pursue diverse strategies to undermine ‘fraudulent marriage discourses.’

The organization of this chapter is as follows. Firstly, I examine how ‘fraudulent marriage’ discourses are constructed surrounding certain groups of marriage migrants. I present four discourses of ‘fraudulent marriage’ surrounding Korean-descent Chinese

female marriage migrants, Vietnamese female marriage migrants, older and/or ‘non-childbearing’ female marriage migrants and Pakistani male marriage migrants. While analyzing discourses, I also examine the relations between these discourses and the experiences of marriage migrants when they apply for spousal visas and Korean citizenship, and explore how marriage migrants strategize to undermine discourses of ‘fraudulent marriage.’ Secondly, I shift my focus to the impacts of discourses of ‘fraudulent marriage’ with respect to unequal power relations between marriage migrants and their Korean spouses. I argue that ‘fraudulent marriage’ discourses exacerbate unequal relationships between marriage migrants and their Korean spouses, contributing to the marginalized position of marriage migrants in Korea.

### **6.1 Problematizing ‘fraudulent marriage’ discourses**

Problematization, which investigates “how and why certain things (behavior, phenomena, process) become a problem,” is a useful tool to untangle the multi-faceted power relations surrounding the discursive construction of social issues (Foucault, 1983, p. 66). This section aims to investigate how and why the issue of ‘fraudulent marriage’ becomes problematized and what kinds of discourses have been created surrounding different groups of marriage migrants. Furthermore, I discuss how ‘fraudulent marriage’ discourses shape the experiences of marriage migrants and their Korean spouses. In this section, I examine four main discourses of fraudulent marriage surrounding different groups of marriage migrants including Korean-descent Chinese female marriage migrants, Vietnamese female marriage migrants, older and/or ‘non-childrearing’ female marriage migrants, and Pakistani male marriage migrants.

### **6.1.1 The dichotomous discourse: ‘run-away’ Joseonjok vs ‘never run-away’ Vietnamese migrants**

‘Fraudulent marriage’ discourse came to the attention of the Korean public in the 1990s first with Korean-descent Chinese (known as Joseonjok<sup>22</sup>) women who began to marry older Korean bachelors in rural parts of the country, which have faced the problem of aging bachelors and depopulation in the early 1990s (H.-K. Lee, 2008). Joseonjok women were the first choice of local governments in rural areas which initiated and funded arranging international marriage. Under the strong myth of ethnic homogeneity and Korean bloodline, these Joseonjok women were initially considered to be part of the same ethnic group as ‘Korean nationals’ rather than ‘foreign’ marriage migrants. Local governments used a rhetoric of “reunifying nations” to encourage international marriages between Korean bachelors and Joseonjok women (Freeman, 2011, p. 44): this marital union was considered to strengthen the long-standing myth of ethnic homogeneity of the Korean nation, which was the basis of Korean ethnic nationalism (H.-K. Lee, 2005). Korean ethnic nationalism has developed with a ‘pure-blood’ ideology which evoked the myth of an ethnically homogeneous Korean nation. (N.-Y. Lee, 2015; J.-W. Kang, 2013; Shin, 2006).

The Korean-descent Chinese women were initially celebrated in Korean mass media as ‘innocent,’ ‘sacrificing,’ young women who left China to escape poverty and support their family. They were described as women who would willingly marry rural Korean farmers and form a family, in contrast to Korean women who “‘betrayed’ their ancestral roots and deserted their male counterparts” to go to urban cities (Freeman, 2011,

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<sup>22</sup> While other overseas Koreans are referred to as Korean-descent Americans or Korean-descent Japanese, Korean-descent Chinese are given the specific term, ‘Joseonjok,’ which carries socially discriminatory undertones. I recognize that the use of this term is problematic as it may contribute to reproducing the derogatory meanings associated with it. However, I decided to use the term Joseonjok to emphasize the particular discrimination directed towards Korean-descent Chinese women with respect to the discourses of fraudulent marriage.

p. 41). Behind these comparisons, there were essentializing virtues, “particularly traditional feminine virtues of chastity, purity, and obedience” imposed on these women (42). However, the ‘positive’ image of ‘innocent,’ ‘sacrificing,’ Joseonjok women did not last long. As different cases of fraudulent marriage began to be reported in the media, these women were soon nicknamed ‘runaway brides,’ and their ‘innocent’ image quickly faded away: in mass media, Joseonjok women were equated with marriage fraudsters, and portrayed as cold-blooded opportunists who deceived and left their ‘innocent’ Korean husbands while Korean men were described as the ones devastated by their wives’ betrayal (Park, 1993; MBC News, 1997; H.-K. Lee, 2005, p. 100).

As international marriage was considered to be an easy avenue for Joseonjok women to gain entry to Korea, their Korean language fluency, cultural affinities, and kinship networks in Korea came to be considered evidence that they had entered marriage ‘fraudulently’ and only for the purpose of acquiring a foothold and citizenship status in Korea. The fraudulent marriage discourse on Joseonjok women became a justification for the Korean government to change the *1997 Nationality Act*, which created a new two-year wait period for marriage migrants to apply for Korean citizenship. However, H.-K. Lee (2008) argues that widespread discourses of ‘fraudulent marriage’ in fact motivates Joseonjok women to run away. Through her ethnographic work, Lee argues that the spotlight on Joseonjok women’s fraudulent marriages in the media resulted in some Joseonjok women actually running away (women who did not enter into their marriage with the intent of ‘fraudulence’). In other words, a discourse of ‘run-away Joseonjok brides’ lead some Korean husbands to become suspicious of their wives’ motives, and this sense of suspicion led Korean husbands discouraging their wives from working outside of the home, which later became a reason why these women actually ‘ran away’ from their

marriages (114). In addition, some women decided to run away later after they had faced “disappointment, dissatisfaction, and/or domestic violence” (114).

Widespread discourses of ‘fraudulent marriage’ focusing on Korean-descent Chinese women served to legitimize the influx of non-Korean descent female marriage migrants from developing countries. As the fraudulent marriage discourse centered on Joseonjok women, female marriage migrants from other Asian countries (such as Vietnam, the Philippines, and Cambodia) began to emerge as alternatives to Joseonjok since 2000. Most of all, the rapid increase of commercialized marriage brokers after the liberalization of marriage brokerage business in 1998 made it possible to explore ‘new’ markets for international marriage. While the Chinese women of Korean-descent are presumed to run away more frequently because they have language resources and cultural affinities that may provide better options for them not to be dependent on Korean families, women from other sending countries who did not have the Korean language skills and cultural background were depicted by marriage brokers as ‘docile’ and ‘vulnerable’ and therefore, presumed to ‘run away’ less. The most prevalent and problematic catchphrase for Vietnamese marriage migrants, which increased their desirability among potential fearful Korean husbands, was that “Vietnamese marriage migrants do not run away.” This advertisement quickly spread across the country since the early 2000s. Feminist scholars, activists and Vietnamese students (who were studying in Korea at that time) actively mobilized public actions to criticize the commercialized nature of marriage brokerages (which commodified women as an exchangeable commodity), and the gendered and racialized stereotyping embedded in the matchmaking process (H.-M. Kim, 2006; Goh et.al., 2005). As a result, *the Marriage Brokers Business Management Act* was legislated in 2007 in order to prevent discriminatory practices involved in international marriage

processes. While I earlier acknowledge these problems,<sup>23</sup> my focus in this chapter extends beyond such critiques. I focus on problematizing the discursive construction of female Vietnamese marriage migrant as a ‘desirable’ group of marriage migrants that serves the interest of a demographically-challenged and patriarchal Korean state, and potential Korean husbands. Female marriage migrants’ desirability is constructed from these gendered and racialized stereotyping processes that treat these women as traditional and docile, and therefore ‘desirable.’ Such gender stereotyping has also affected the choice of foreign brides among Korean men. According to a survey commissioned by the Ministry of Health and Welfare in 2005, Korean husbands stated that “the most important reason for choosing Vietnamese and Filipino wives is because they deem them to be more submissive, obedient to their parents, and [more] traditional than other nationalities” (H.-K. Lee, 2007, p. 24-25 cited in Freeman, 2011, p. 49). The gendered and racialized stereotyping of Vietnamese women as ‘docile,’ ‘feminine,’ ‘traditional,’ and ‘family care takers’ is still currently prevalent in many international marriage brokers’ websites which advertise the ‘advantages’ of marrying Vietnamese women (Eve International Marriage, n.d.; Wedding Club, n.d.).

The racialization of female migrants’ countries of origin is one factor in the construction of ‘desirability’ that combines gender, nation and age. ‘Younger’ (indicating childbearing age) female marriage migrants from developing countries are expected to be matched with ‘older’ Korean men. The lower economic status of their countries of origin in the global economic hierarchy amounts to a racial connotation in Korea where racial hierarchies are constructed differently than in other postcolonial countries that were colonized by Western European countries, or from white-settler colonial societies such as

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<sup>23</sup> See chapter 5 for my detailed critique of commercialized brokers’ practices.

Canada. Korea was colonized by Japan, a non-Western, neighbouring Asian country, for 36 years between 1910 and 1945. J-I. Lee (2011) traces back the formation of racial prejudice in Korea and takes the economic prosperity achieved in Korea (over the last 60 years through a rapid process of industrialization) as an important cause of racism and racial prejudice against nationals from developing countries. People from developing countries, particularly, Southeast Asian countries (where the majority of marriage migrants come from) are racialized as being undeveloped, lazy, dirty, etc. (H.-H. Kim, 2010). The racialized hierarchies of countries of origin and accompanying racism create a discursive justification for international marriage between Korean men and foreign women, which is reflected in a large age gap between the two. Younger age, understood as desirable ‘childbearing age’ is considered a highly desirable characteristic of female marriage migrants, who can serve the demographic and patriarchal interests of the Korean state.<sup>24</sup> Women’s bodies are actively employed as a means by which to reproduce the Korean patrilineal nation. These ‘younger’ marriage migrants from developing countries exist as ‘ideal’ immigrants as long as they fulfil their expected role as reproducers of the Korean nation.

The desirability of female marriage migrants, originating from the intersection of gender, age and ‘race’ is presumed through the much smoother spousal marriage migration process. Given the major patterns of female marriage migration via commercialized marriage brokers as examined in chapter 5, brokers prepare all required documents for both Korean husbands and foreign wives, including birth certificates, marriage certificates, and medical documents. They are supposed to submit 1-2 pages of relationship history to prove

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24 The Korean government’s attitude differs from more ‘eugenic’ attitudes towards marriage migrants in Taiwan. The Taiwanese government “used to encourage them [marriage migrants] to limit the expected number of children by providing them subsidies for contraception” stemming from concerns for the ‘quality’ of future generations. (Yang and Lu, 2010, p. 42).

the legitimacy of their relationship. However, these women normally use a template provided by their brokers and, as brokers recommend, these women simply hand write their stories to add a flavour of ‘authenticity’ to their stories. In many cases, these Vietnamese women do not have control over the immigration documentation processes given their lack of knowledge with respect to immigration processes: as examined in chapter 5, the entire process, from marriage and honeymoon to immigration documentation, is handled by brokers.

The remarks of Min, a Korean immigration officer reflect Korean governments’ relatively ‘lenient attitude’ towards Vietnamese marriage migrant women (personal communication, July 21, 2015). He does not seem to worry about ‘fraudulent marriage’ practices in Vietnam. Min showed a favourable attitude towards the current form of international marriage, saying that it is similar to the traditional form of ‘arranged marriage.’

Many NGOs in Korea including women’s rights groups are suspicious of the real intention of those commercially arranged marriages which take place within 2-3 days. Of course, many couples do divorce. However, there are many more couples who live well. I do not think their intention is not genuine because they got married within a day or two after meeting. It might sound a bit old-fashioned, but, until the early 1900 in Joseon dynasty, our parents just got married with someone arranged by their family and lived well. Nowadays, they at least arrange a meeting before they decide to get married. Even though it’s too short, but they still meet a few people and compare them. Of course, some might fall in love with each other at first sight, or they love after meeting only a few times. ... Nowadays, Korean men themselves visit women’s family and meet their parents. If they say those things, I see that they are genuine about getting married (Min, personal communication, July 21, 2015).

The ways in which Min evaluates the real intention of a marriage is more to confirm whether the family members of each spouse are aware of the marriage and whether all relevant information has been provided to each spouse based on factual documentation. He does not seem to expect intimate or personalized narratives of ‘love’ in their application,

which is somewhat different from the case of Pakistani marriage migrants examined below. For Min, his job is focused on identifying any illegal activities of commercialized marriage brokers, which may be more indicative of ‘fraudulent marriage’ practices rather than questioning the real intention of the marriage. This somewhat ‘lenient’ attitude towards younger female marriage migrants from developing countries does not apply to other marriage migrants such as older and/or non- childbearing female marriage migrants or male marriage migrants from developing countries whom I examine below.

In sum, the desirability of Vietnamese female marriage migrants is discursively constructed as an antithesis to widespread public perceptions about ‘run-away’ Joseonjok women. The preference for ‘foreign female marriage migrants’ over Joseonjok marriage migrants raises intriguing questions for the feminist theorization of the relationship between gender and nation. Feminist research on gender and the nation has illuminated women’s reproductive roles as biological, cultural and political reproducers of the nation (Yuval Davis and Anthias, 1989). Feminists of Korea have expanded these discussions through exploring Korean women’s sexual and reproductive roles in the construction of the Korean nation and nationalism (N.Y.-Lee, 2015; Kim and Choi, 1998; E.-S. Kim, 1994). However, incorporating non-Korean female marriage migrants’ gendered roles into the continuation of Korean ethnic nationalism provides an intriguing intersection of gender and nation. In other words, female marriage migrants’ gendered roles as biological reproducers of the patrilineal Korean nation are weighted more heavily than their different ethnicity or ‘race.’ The patriarchal control of female marriage migrants makes it possible for non-Korean bodies to reproduce and perpetuate Korean ethnic nationhood. The binary discourses around Korean-descent Chinese (Joseonjok) women and Vietnamese women demonstrate that Korean ethnic nationalism has deployed specific intersections of gender,

ethnicity, and age in novel ways. They also illustrate an unexpected flexibility in the value allocated to specific gendered migrant subjects where, on the face of it, a tradition of ‘blood purity’ embedded in ethnic nationalism takes a back seat to fulfilment of the state’s role of reproducing the Korean nation. However, this also means that the desirability of Vietnamese marriage migrant women is fragile in the event that they (younger Vietnamese female marriage migrants) do not fulfil the nationalist goals of reproducing the patrilineal Korean nation as demonstrated in the case of older and/or non-childbearing marriage migrants below. Fraudulent marriage discourses are closely tied to Korean governmental goals regarding marriage migration in terms of reproducing the patrilineal Korean nation.

#### **6.1.1.1 Contesting the binary discursive construction: complicated motivations of marriage migrants**

While Joseonjok marriage migrants and Vietnamese marriage migrants are discursively constructed as antithetical as examined above, in reality, the motivations of foreign marriage migrants (either Joseonjok or marriage migrants of non-Korean descent) to migrate to Korea are more entwined than disassociated from one another. In other words, the binary discursive construction of runaway Joseonjok women versus Vietnamese women who do not run away fails to reflect the complicated reasons that motivate most Joseonjok and Vietnamese marriage migrants to migrate. Yunjin (a Korean migrant justice activist who has worked in a local marriage migrant center for the last ten years) points out that, in her opinion, the most important part of the decision of marriage migrants to marry a Korean is the fact that they are going to South Korea. Yunjin says,

Anyhow, ... in [international] marriage, women in fact choose South Korea as a destination; husbands are mediators for them to come to Korea. Then, how can you calculate percentages of their intention of marriage [to be real or fake]? (personal communication, August 23, 2014).

For most female marriage migrants from developing countries, international marriage is a more accessible way to migrate to another country compared to other options such as temporary foreign worker which requires more financial resources, qualifications and requirements (Piper and Roses, 2003). International marriage in Asia functions as a path for female marriage migrants to migrate to another country to work, rather than serving as their ultimate goal. The distinction between ‘wife’ and ‘worker’ is far from clear-cut for most female marriage migrants (Ibid).

‘Fraudulent marriage’ discourse constructs two binary subjects of marriage migrants: ‘Joseonjok marriage fraudsters’ and ‘Vietnamese marriage migrants.’ However, in the lives of marriage migrants, the distinction between fraudulent and real is blurred. According to Zhang (who came from China to marry a Korean man in 2003, and who currently works as the president of a local marriage migrant women’s center), in some cases, marriage migrants claimed that they were recruited by brokers, signed a contract, and came to Korea with the clear intention of a ‘paper marriage,’ however, some of them still decided to enter a ‘paper marriage’ with the expectation that they would enter a ‘real’ marriage if their Korean husband was good (personal communication, September 4, 2014). Zhang argues that the decision of marriage migrants to marry and migrate to Korea is complicated rather than clear-cut. She says,

Because they [female marriage migrants] know that it is difficult to maintain a marital relationship with a Korean man ... Um.. Anyway, that’s why they came to Korea through paper marriage first, but at the same time, they expect that, if the guy is a good guy, then “I will live with him.” Otherwise, they would not live with him. So, in this case, I am confused about what is problematic and what is not. I am not sure about how we define fake marriage conceptually, and how we look at it (personal communication, September 4, 2014).

As part of the calculation of opportunities, some marriage migrants hold unspoken expectations or optimism that their ‘paper’ marriage will be real even though they entered

into contracts based solely on economic conditions. The rigid distinction between fraudulent and real marriage and binary discursive constructions do not reflect the realities of the lives of marriage migrants, whose motivations for marriage are in continuum beyond and across the boundaries of paper and real marriage. The discursive distinction works as a tool for the Korean government to regulate flows of marriage migration in its pursuit of demographic and national interests.

### **6.1.2 ‘Older and/or ‘non-childbearing’ female marriage migrants**

The second discourse I examine in this section relates to ‘older and/or non-childbearing’ female marriage migrants. The lenient approach to ‘younger’ Vietnamese female marriage migrants by the Korean visa officer mentioned above is not extended to older female marriage migrants beyond child-bearing age. Older and/or non childbearing female marriage migrants (who, in many cases, are entering into their second marriage), are subject to more scrutiny as potential ‘fraudulent marriage’ migrants when applying for a spousal visa and later acquiring Korean citizenship. This discourse repeatedly came up in my interviews with different marriage migrants and Korean migrant justice activists as one of the most suspicious targets of ‘fraudulent marriage’ by the Korean government.

Zhang believes that unless marriage migrant women prove the sincerity of the relationship by producing the 2<sup>nd</sup> generation of Korean nation, they are always under suspicion of fraudulent marriage and thus face intrusive screening processes throughout their application for visa extension and Korean citizenship. She and her organization have supported many female marriage migrants who have been suspected of ‘fraudulent marriage’ and have difficulty proving that their relationships are genuine. Based on her support work for female marriage migrants for a decade, Zhang said:

What is on earth the sincere intention of marriage? In Korea, it means only delivering a baby. Even though some women run away after having babies, but they are still understood as a real marriage.... But if you do not have a

baby, after one year and two years, nobody knows... you should have babies to show your sincere intention of the marriage. ...In the case of women who get involved in the second marriage, they are considered more suspicious. ...If they are suspicious, the intrusive screening process follows, for example, they [immigration officers] called a Korean husband at night, and ask him to put his wife on the phone. If women work at night (as many do), then, they are suspected of fraudulent marriage (personal communication, September 4, 2014).

‘Older’ and/or female marriage migrants who do not have a child are constructed as undesirable as it does not serve the Korean state’s demographic imperative behind the spousal immigration policies.<sup>25</sup> Another interviewee, Xuan, also shares a similar story (personal communication, August 28, 2015). Xuan first came to Korea in 2007 to visit her 20-year-old daughter, who got married to a Korean man and became pregnant. While Xuan was staying in Korea visiting her daughter, her daughter’s mother-in-law introduced her to a Korean man, and they soon decided to get married. She went back to China and applied for her spousal visa. Compared to her daughter’s process, which was done smoothly, Xuan’s process was much more difficult in every step as she was asked for additional documents and interviews to prove the relationship. The suspicion of fraudulent marriage by Korean immigration officers finally thwarted her plan to acquire Korean citizenship. After she passed a written naturalization test and did an interview, she and her husband were called in for a second interview, which was rare for most applicants. They were separated into two rooms, and got interviewed separately about their marital relationship, including their intimate sexual relationship. Xuan said that she felt like she was a criminal in a prison. The atmosphere itself in the room created anxieties for her and her Korean husband. She felt that her husband was not cooperating enough because he was shamed by the process, and she thought he was humiliated due to his disability. In the end, after going through intrusive personal questions with suspicion of ‘fraudulent marriage,’ her

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<sup>25</sup> See chapter 4 for my analysis of Korean laws and policies geared towards encouraging childbirth.

application for Korean citizenship was declined in the name of not fulfilling ‘economic self-sufficiency.’ *The Korean Nationality Act* requires marriage migrants to prove their basic economic abilities by bank balance, lease contract or estate registry equivalent to more than KRW 30 million (about CAD 35,000) or with a certificate for employment, or a copy of business registration certificate (Hi Korea: e-government for foreigners, 2016). This condition gives immigration officers much discretionary power when they take consideration of diverse economic life contexts that marriage migrants face. However, Xuan’s situation was not considered positively by immigration officers in their discretionary decision. Neither Xuan nor her husband were regularly employed. She worked irregularly for a factory, and her husband worked for a junk shop. However, they owned a freight car worth CAD 35,000 and some land, and they provided a record which showed regular payments of private medical insurance equivalent to 600 CAD dollars per month. The immigration officer was not ‘lenient’ on them. Xuan’s ‘older’ age, their economic status, and presumably her husband’s disability together provided immigration officers with grounds for suspicion of fraudulent marriage. Her ‘real’ dedication to the marriage - working for a living and taking care of her disabled husband - were not appreciated. By not providing her with Korean citizenship, Xuan became further marginalized and faced institutional discrimination imposed on foreigners. After her citizenship application was denied, Xuan continued to appeal her case. She collected neighbours’ signatures which recognized her dedication to the marriage and hard work to support the family and submitted them to the immigration office. However, the prospect for rescinding the decision seemed very grim. Xuan’s case indicates how ‘undesirable’ characteristics of marriage migrants are easily translated into the language of ‘fraudulent marriage,’ leading these migrants to face further bureaucratic barriers. By being denied to

Korean citizenship, migrants are pressured to remain at the margins of society, without full rights.

When I shared Xuan's story with Hyunjoo (who is the head of a local migrant support organization in Pusan and who has advocated for migrant rights and provided counselling services to migrants for more than 15 years), she also emphasized the importance of having a child in order to not be suspected of 'fraudulent marriage' (Hyunjoo, personal communication, September 15, 2015). She said, "having a child or not is a basis of checking the sincerity of the relationship for the government." Hyunjoo has witnessed many similar cases while doing her support work. These anecdotes are consistent with the remarks of an immigration officer in H.-M. Kim's (2011) research. The immigration officer in Kim's (2011) research says,

A child means it's not a fake marriage. If their marriage is real, it also goes to show how well the woman has adapted to the Korean lifestyle. In that case, she can receive Korean citizenship within a year (p. 9).

Kim's (2011) research also demonstrates that the citizenship applications of marriage migrants who do not have a child are put on indefinite hold even in the case that these women fulfil all the requirements for citizenship. The immigration officer's remarks establish the intersection of gender and reproductive age in constructing the un/desirability of marriage migrants. When marriage migrants serve their purpose of reproducing the patrilineal Korean nation, they can escape suspicion of fraudulent marriage. Fraudulent marriage discourses centre on marriage migrants who are 'older' or those who do not perform gendered roles as biological reproducers of the Korean nation.

### **6.1.3 'Dangerous' Pakistani male migrants**

While older and/or non childbearing female marriage migrants stand on the other side of the spectrum of desirable marriage migrants, Pakistani male marriage migrants are positioned on another axis of undesirability under the Korean government's goal of

reproducing the patrilineal Korean nation through marriage migration. Pakistani male migrant workers, the majority of whom come to Korea as low-skilled migrant workers and marry Korean women are another major object of fraudulent marriage discourse. As the number of male marriage migrants is significantly smaller than the number of female marriage migrants, the issue of male marriage migration has not received much attention. Among male marriage migrants, Pakistani males who married Korean women received much attention from the Korean government and public as a suspicious form of fraudulent marriage even though their marriages made up only around 3% of all male marriage migrants and 0.005% of all marriage migrants (Korean Statistical Information Service, 2017).<sup>26</sup> I examine how Pakistani male marriage migrants are constructed to be the least desirable marriage migrant group and are further stereotyped as potential security threats in Korea. They are constructed as undesirable future citizens through an intersection of ‘race,’ gender and class *vis à vis* the process of gendered and ethnicized/racialized boundary-making of the ‘Korean nation.’

‘Fraudulent marriage’ discourses around Pakistani male marriage migrants have been disseminated by the Korean government, the mass media, and online anti-immigration groups. In July 2003, the Korean embassy in Pakistan posted an announcement titled “be careful of fraudulent marriage with Pakistani men.”<sup>27</sup> This announcement demonized Pakistani men who intentionally approached ‘naive’ Korean women for the purposes of fraudulent marriage. In the announcement, Pakistani men were described as men of a foreign appearance who approached Korean women with poor English skills and who fabricated their marriage documents to deceive Korean women. As of this writing, a similar

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<sup>26</sup> See chapter 3, p. 79 for a detailed demographic composition of all male marriage migrants.

<sup>27</sup> This is no longer on the homepage of the Korean embassy; however, a screenshot image of the page is still available online, and has been used by anti-immigration groups in Korea as a way to create hostile and racist attitudes towards Pakistani men.

warning remains on the Ministry of Foreign Affairs' webpage, which provides basic information about each country to the general public under "a safe trip to foreign countries" section (Ministry of Foreign Affairs, n.d.). This page warns of fraudulent marriage as an example of the type of incident that Korean people may face in Pakistan:

Some Pakistani people create a problem of *illegally* [emphasis added] staying in Korea and they often use fraudulent marriage as a tool to acquire Korean citizenship. There was a reported case that a Korean woman who wanted to return to Korea but she was *locked up* [emphasis added] by her Pakistani husband. In her case, she realized that she was situated in a poor environment and was deceived by her husband after she got married.

- Korean citizenship can be issued to a Pakistani man if they have a common child, therefore, some Pakistani men *lock up* [emphasis added] Korean women until they deliver a baby.

- Pakistan permits *polygamy* [emphasis added]. As the living environment is *poorer* particularly in rural areas compared to Korea, some women regret marrying Pakistani men, but they are monitored and their actions are restrained by their in-laws (Ministry of Foreign Affairs, n.d.).

Not a single page providing information about any other country on the Ministry of Foreign Affairs website reports fraudulent marriage as a potential 'risk' that Korean people may face. Both the announcement of the Korean embassy in Pakistan and the Ministry of Foreign Affairs' webpage above feed into discourses of fraudulent marriage associated with Pakistani men, and accentuate the connection between securitization and criminalization by linking Pakistani men's 'illegal overstaying' with Pakistani men becoming marriage fraudsters.

Conservative Congress member, Yong-Kyun Kim's 2003 remark demonstrates how migrant workers are constructed as security threats in Korea. He argues that the increasing number of migrant workers will pose a security threat to Korea by comparing the number of migrant workers to the number of Korean soldiers. He says,

In order to protect public order and welfare... if migrants exercise their collective right, endanger public security, or disturb social order, social turmoil would take place ... If the number of migrant workers exceeds the

number of Korean soldiers (about 600,000), it would be more chaotic than we imagine. (Legal and Judiciary Committee, 2003, p. 5, my translation).

The securitization of Pakistani men occurs through a double discourse: first, through governmental discourse that positions migrant workers as threats to public security, and second through discourses constructing them as potential threats to the security of Korean women through ‘fraudulent marriage.’ The securitization of migration entails the political and psychological construction of potential threats to the host country (Bigo, 2002). Under discourses of securitization, Korean women are described as ‘innocent’ victims who are deceived and even locked up by their ‘dangerous’ Pakistani husbands. Under the government’s narrative, Korean women are constructed as being in peril, and thus in need of being saved from Muslim, Pakistani men. The terms used in the announcement referred to above, such as ‘remaining illegally,’ ‘deceiving,’ and ‘locking up’ all denote a discourse of criminalization and securitization targeting Pakistani men: Pakistani men are constructed both as ‘illegally staying criminals’ (i.e. social threats to public order) and as posing a threat to the safety of Korean women. The spread of fraudulent marriage discourses on Pakistani male migrant workers demonstrates the cultural racism in Korea against Muslims, mainly with respect to polygamy, and reflects the global trend of criminalizing ‘illegal’ migrants and racializing Muslims as a security threat (Arat-Koc, 2006; Hussain and Bagguley, 2012; Thobani, 2014).

Most of all, online anti-immigration groups employ hostile and racist attitudes toward Pakistani men by actively engaging in discourses of ‘fraudulent marriage.’ Hatred and fear of foreign Others and the racialization of immigrants (in particular, Muslim immigrants) has grown in Korean online communities (J.-G. Kang, 2014). The case of Hyojin (who got married to a Pakistani man in 2008) demonstrates how powerfully an anti-immigration online group influences the lives of Pakistani men and their Korean spouses

(personal communication, September 16, 2014). When Hyojin decided to get married to her Pakistani husband, Ahmed, her Korean family members opposed her decision. Hyojin's brother contacted one of the online anti-immigration groups and got advice about how to block Hyojin's marriage with Ahmed. The president of the online anti-immigration group contacted Hyojin to persuade her not to marry Ahmed. Even after she got married, the president continued to call her and ask her to get divorced, warning Hyojin that she would be beaten by her husband, pressured to convert to Islam, and that eventually their child would be sent to Pakistan. In the beginning, she simply ignored it, but later, she also became suspicious of her marriage. Her suspicions became a cause of a conflict in her marriage for some time until she finally blocked the group's president from contacting her. When I asked Hyojin about her life with her Pakistani husband, she firmly said, "it is very negative, Korean people think Pakistani men are all terrorists." Even at her Korean family gathering, her relatives talk negatively about Muslim in front of her. In everyday conversation, Pakistani men are stigmatized as being associated with terrorism.

As well as widespread discourses of fraudulent marriage targeting Pakistani men in their daily lives, Pakistani men and their Korean spouses face continuous suspicion throughout the entire process of immigration and the later stages of acquiring Korean citizenship. They relentlessly face suspicion surrounding their marriage. Immigration processes are more difficult, and these couples encounter arbitrary screening and suspicion from their family members, neighbours, etc. Hyojin, and her Pakistani husband, Ahmad, got married in 2008, and he received a spousal visa without much trouble on their spousal application visa. However, when they wanted to renew Ahmad's spousal visa in 2011, they were suddenly asked to prove that Ahmad had not engaged in polygamy in Pakistan. They

had to stop their business and go to Pakistan to acquire proper documents, a process that took three months. Hyojin says,

All of a sudden, in 2011, when we went to extend his visa, they tackled us. The immigration officer told me that, according to ‘rumours,’ my husband has a wife and children in Pakistan. I guess they would tell the same story to all Korean women who get married to Pakistani men. He asked me either to go to Pakistan and check or submit additional documents, like a “family registry.” In my husband’s family, my mother-in-law was illiterate, and father-in-law passed away. My brother-in-law was a high school student back then. What could we do? In the end, my husband and I went to Pakistan for a month plan but ended up being there for three months. Their administrative system was really bad, so it took three months (personal communication, Sept. 16, 2014).

This request from the immigration officer put her in a panic, but at the same time she was not startled because she and her husband very often faced diverse forms of racism in their everyday lives. Hyojin points out the prevalent discriminatory attitudes of Korean immigration officers toward Pakistani male migrants. Hyojin says,

They [immigration officers] don’t do this to American or British men.<sup>28</sup> If an American man says something with their arrogant gesture, they can get everything easily. For our case, they [immigration officers] continuously ask for more documents. I heard other couples like us have to even cry in front of them, visit the officer several times, and even write a letter and make calls in order to proceed with their cases (personal communication, Sept. 16, 2014).

When Hyojin refers to American or British men, she means ‘white’ men who are treated differently in Korean society given the colour of their skin and their power of the Western passports. The racialization of migrants from developing Asian countries does not take place separately, but on a continuum of racialization, where ‘white’ is considered desirable. The idea of white supremacy was imported at the end of 20<sup>th</sup> century when

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<sup>28</sup> As of 2015, 2,326 (about 8% of the total number of male marriage migrants) were American. I could not find data on their demographic characteristics, however, given the shared history between the United States and Korea, and the active interchanges between the two countries through military, education, travel, and work, I presume they are composed of a group of people who have diverse racial, educational, and socio-economic backgrounds depending on their encounters. Among them, only 19 Americans acquired Korean citizenship (Ministry of the Interior and Safety, 2015).

Western powers arrived in the Korean peninsula and Korea was colonized by Japan. Western modernization was accepted by Korean intellectuals at that time as a means by which to develop against Japanese colonization. Most of all, American hegemony held an important position in Korea, particularly after the Korean war, due to American troops which remained stationed there. Borrowing Franz Fanon's thoughts on the inferiority complex and obsessive identification with Whiteness, S.-B. Ha (2012) argues that Korean people have internalized white supremacy. The racialized experiences that Pakistani husbands and their Korean spouses face are amplified when they compare them to other (white) migrants from Western countries. Discriminatory attitudes towards Pakistani male marriage migrants demonstrate the intersection of race and 'class' that Pakistani male marriage migrants embody (in this context, not only as low-skilled migrant workers, but also as members of Pakistan whose economic status is located in lower rung of the global economy) compared to other male marriage migrants from western countries.

Hussain (a Pakistani man who was married to a Korean woman for 14 years whom he divorced in 2014, and then married a Pakistani woman in 2015) expressed his frustration (personal communication, August 13, 2015). He has worked as a translator for an immigration lawyer whose main customers are Pakistani migrant workers in Korea. While he was working for Pakistani men who marry Korean women, he felt that every marriage between Korean women and Pakistani men was subject to the meticulous screening process based on the suspicion of fraudulent marriage. "Why are we treated like a thief without stealing anything?" He spoke with great frustration. His remark reveals the devastating impact of the fraudulent marriage discourse, which is the outcome of discursive production, rather than originating from actual numbers.

Chayoung and Noor offer a story which demonstrates how male marriage migrants are subject to surveillance and suspicion in each step of the legal processes (Chayoung, personal communication, October 10, 2014; Noor, personal communication, August 10, 2015). They got married in 2007. When they applied for a spousal visa, the frontline worker at the immigration desk did not take their documents, saying that Chayoung's economic condition was not sufficient to sponsor her Pakistani husband. Chayoung was shocked but decided to try one more time with a different worker. She knew that the role of these workers was simply to check whether all documents were attached and not to exert authority to decide whether to issue a spousal visa. Chayoung returned to the same office the next day and waited until she could meet a different frontline worker. The tactic worked, and her husband received the visa after a month. She took advantage of the discretion exercised by different officers. However, the couple's struggle did not end there. After fulfilling the two-year marital status requirement for 'Simplified Naturalization' for marriage migrants, Noor decided to apply for Korean citizenship. However, Noor failed to acquire Korean citizenship twice. At the end of his first interview, the interviewer told him that he did not 'sing' the Korean national anthem 'sincerely' and said, "be prepared and see you in 6 months." Given there seemed to be no other reason to fail, he believed that singing the Korean anthem poorly was the reason why he failed to acquire the Korean citizenship. He interpreted the citizenship judge's comment on 'insincere singing' as that he was intoning the anthem, rather than 'singing' it. Therefore, for his second try a year later, he practiced singing hard. He received help from his Korean wife and a Korean social worker in a nearby immigrant support center. However, he failed in his interview again; this time, he did not get a chance to sing the anthem. One of the questions from the interviewer was whether he had a car or not. He believes that his citizenship was denied

because of a fine he had paid, KRW 1,700,000 (about CAD 2,000), for illegally driving his car with a Pakistani driver's license. Without any other means of knowing the official reason for refusing his application, he believed that was the sole reason he was denied citizenship. He thus decided not to apply again for the time being because he did not know how to solve the issue. He took his failure in stride because he believed that all Pakistani men failed the naturalization test at least once based on his knowledge of his Pakistani friends' cases. He internalized the unfair nature of the racialization process in immigration as a part of being a Pakistani man in Korea. This story about anthem singing provoked strong anger from the online community composed of Korean women who were married to Pakistani men, and members of the community expressed deep empathy. The fact that Noor's story was widely shared in the online community demonstrates the prevalent racism and unfair treatment to which these groups are exposed.

#### **6.1.3.1 Strategies against discourses of 'fraudulent marriage'**

The frustration and constant racism these couples face sometimes make them comply with the system rather than challenge its systemic discrimination since immigration officers hold so much power in deciding their legal fate. Hyojin said self-deprecatingly, "what can I do when facing all those things... maybe simply complying...[sigh] though it looks cowardly" (personal communication, Sept. 16, 2014). While showing compliance, she actively participates in the online community at the same time and shares her experiences with other Korean women who married Pakistani men. This online community was created by Pakistani men and Korean women who mobilized their political voices against gendered discriminatory policies in the late 1990s and early 2000s (H.-S. Jung, 2007); since then it has served as one of the biggest online communities for couples in Korea. At the individual level, she copes with discriminatory demands by visa officers

rather than continuously fight with them. However, she continues to participate in the online community, sharing her stories with other Korean women in the community who face similar experiences, hoping to collectively influence their futures.

In experiencing structural discrimination against their marriage and being faced with demonized images of fraudulent marriage migrants, some of them strategically use the concept of ‘romantic love’ to prove the legitimacy of their relationship in the immigration process. These couples believe that exceptional stories of ‘love’ constitute a legitimate rationale to replace undesirable images and conditions with which Pakistani male migrants are situated (even though Pakistani men face cultural dilemmas when they process their spousal applications). Hussain says, “as a Pakistani man, we do not have a culture of ‘dating’ before marriage” (personal communication, August 13, 2015). Ironically, the choice of Pakistani men to legitimize their relationship is to emphasize their ‘romantic love’ towards Korean women, which may contravene their cultural norms. Their narratives about their relationship are negotiated and readjusted in order to process their spousal application. It is in stark contrast to most female marriage migrants who are not expected to prove their ‘romantic’ love to offset presumed economic interests behind the marriage.

Chayoung, Hyojin, and Sunhee, who all married Pakistani men, emphasized how much their marriages are based on so-called romantic ‘love,’ and thus their marriage is different from and more legitimate than most female marriage migrants who come to Korea through commercialized marriage brokerages. Interestingly, all three of these Korean women met their husbands on the streets, and emphasized the ‘destiny’ of their encounter, saying that they fell in love at first sight. These stories function as a means of offsetting the presumed economic motivations of Pakistani male migrants through marriage. While the

presumed economic motivations of female marriage migrants through marriage are taken for granted offsetting big age differences, the economic motivations of male marriage migrants conversely become a signal of 'fraudulent marriage.' Sunhee problematizes the suspicion cast on their marriage and argues that such suspicions are unfair (personal communication, August 27, 2014). She questions why they are more closely scrutinized by the Korean government even though their marriage was based on love. Sunhee finds it discriminatory:

Suspicious eyes are cast on those of us who got married through 'love marriage' more so than on marriage migrant women who married through commercial brokers. The frame of 'fraudulent marriage' is imposed on men from South Asia, Pakistan, Bangladesh, etc. and they analyze our story with distorted perspective. 'Victim discourse' dominates for most of female marriage migrants while these men whose bodies are not able to prove marital authority by giving birth, have no way of proving that they did not come for the purposes of a fraudulent marriage (personal communication, August 27, 2014).

Sunhee is aware that their romantically decorated encounter itself was motivated by the desires of male marriage migrants, who wanted to meet Korean women to stay in Korea. However, this does not mean that she denies her feelings of 'love.' Rather, she believes in her love for her husband. Sunhee points out the relationship between structural discouragement of male marriage migrants and the construction of fraudulent marriage discourse tied to the restrictive immigration policy. She argues that the way to reduce fraudulent marriage is for the Korean government to open its doors to migrant workers and to allow them to bring their family members, rather than being suspicious of couples who are engaged in 'real' marriages, thereby creating a social stigma surrounding marriages between Korean women and Pakistani men. Sunhee says,

Just think about how young they [Pakistani migrant workers] are, in their 20s. It's the prime of their life. Don't you think they are lonely? Yes, they want to get married because they are lonely. However, at the same time, if they can continue to work in Korea, why do they try to use the system of

marriage? If they can bring their family members to Korea, they will get married to a Pakistani woman, and live here. The Korean government sticks to a temporary circulation system, which means that it takes advantages of only their labour for three or four years, and then asks them to leave the country. However, they still have debts back home; they have to build a house for their family members in Pakistan; for them, the only available option is to find any available option around them to stay. How can we blame them for arranging a fake marriage if they have only one option? It is not their fault, I think. It is the problem of system itself that instigates motivations of fake marriage. Listen. If you [the government] really want to reduce the rate of fake marriage, allow male migrant workers to bring their family members and work here under the 'labour permission system'. Then, it is the end of story (personal communication, August 27, 2014).

As Sunhee remarks, fraudulent marriage discourses are also tied to the institutional motivations of immigration policies that construct male migrant workers from developing countries as 'undesirable' immigrants. For low-skilled temporary migrant workers, who are institutionally discouraged from applying for Korean citizenship, marriage with a Korean woman becomes the only institutional tool for them to permanently stay in Korea. Given the discrepancy between the demand of low-skilled migrant workers to acquire Korean citizenship and the actual availability of opportunities to do so, restrictive immigration policies that block low-skilled migrant workers (the majority of whom are men) from being permanent immigrants, have become a source of discourses of 'fraudulent marriage' to regulate the flows of undesirable marriage migration. In sum, the 'undesirability' of Pakistani male marriage migrants is constructed through intersections of these subjects' gender, race, and class in relation to the governmental goal of reproducing the patrilineal Korean nation.

## **6.2 Power to claim 'fake' marriage: disentangling the unequal relationship between marriage migrants and Korean spouses**

The previous section demonstrates how fraudulent marriage discourses are constructed in close relation to the Korean government's gendered and racialized boundary

-making process with respect to the desirability and undesirability of marriage migrants. In this section, I shift my focus to the impact of ‘fraudulent marriage’ discourses on the relationship between marriage migrants and Korean spouses at the individual level. Power imbalances between marriage migrants and their Korean spouses are manifested precisely with respect to identifying whether they intended to enter into a ‘fraudulent’ or real marriage. In other words, not only do fraudulent marriage discourses play out corresponding to governmental goals with respect to the boundary of the Korean nation, they also contribute to exacerbating intrinsically unequal relationships between Korean spouses and marriage migrants whose legal status depends on their Korean spouses. Through this analysis, I endeavour to demonstrate how claiming certain relationships as ‘fraudulent’ manifests the unequal power relationship that marriage migrants have with their Korean partners and exacerbates marriage migrants’ marginalized positions.

There have not been any statistics to demonstrate the actual number of ‘fraudulent marriage’ cases. The statistics of so-called ‘runaway’ female marriage migrants are frequently used to indicate the presence of ‘fraudulent marriage.’ For example, according to the Korean National Policy Agency, more than 3,000 female marriage migrants are claimed to have run away from their homes annually: 3,777 in 2008; 3,617 in 2009; 3,613 in 2010; 3,551 in 2011; and 3,731 in 2012 (Myung, 2013). However, this number includes female marriage migrants who left the relationship for a variety of reasons including domestic violence, conflicts with Korean family members, etc. Thus it cannot be used as a numerical indicator of fraudulent marriage. However, some groups of Korean men actively utilized discourses of fraudulent marriage by denouncing marriage migrants who have run away or decided to divorce for a variety of reasons, as the ones who are involved in ‘fraudulent marriage.’

Korean men who identify as ‘victims’ of fraudulent marriage established the International Marriage Victim Center in 2005. Since then, this group has actively lobbied lawmakers, submitted petitions, and organized demonstrations demanding heavier punishments for women involved in ‘fraudulent marriage.’ They usually interpret their foreign wives’ demands for divorce as a sign of ‘fraudulent marriage.’ While these men implicitly acknowledge the economic motivations behind marriage migration as a motivating factor of their own marriage, women’s direct demand for paid work is interpreted as a sign of ‘fraudulent marriage’ (Kyungho, personal communication, September 12, 2014; Jinho, personal communication, September 16, 2014). Jinho and Kyungho, who hold leadership roles in the International Marriage Victim Center and claim that they are victims of international marriage, provide similar narratives of ‘fraudulent marriage.’ For example, Jinho and Kyungho married women from Vietnam and China respectively through commercial brokers and both have children from their marriages. After several years of marriage, their wives left them due to conflicts arising as a result of their wives’ choice to be involved in paid work. They share similar logic: that is, if a marriage goes well, economic motivations are not problematized, but if the marriage does not go well, economic motivations become a source of blame and suspicion of potential ‘fraudulent marriage.’ Female migrants’ ‘excessive’ desire for paid work at any time of their marriage stage is interpreted as a signal of ‘fraudulent marriage.’ Economic motivation works as a barometer for evaluating the sincerity of women when it comes to marriage. However, this evaluation of outside employment also carries gendered dynamics because in the case of Pakistani men, their involvement in paid work is interpreted as a signal of their commitment to ‘real’ marriage and taking responsibility for their family. All four Pakistani men in my interview cases were main breadwinners. Gender is used

differently in interpreting intentions of 'fraudulent marriage,' but both follow traditional gendered norms of men as breadwinners and women as dependent caregivers. While female marriage migrants are pressured to conform to idealized images of good Korean stay-at-home wives and mothers and minimize their economic motivations not to be suspected of fraudulent marriages, male marriage migrants are pressured to prove their economic ability to prove the sincerity of their marriages as breadwinners of the family. The assumptions, rules and criteria for 'successful marriages' systematically privilege Korean spouses and force female marriage migrants to conform to patriarchal models of marital and familial relations, and male migrants to fit into the traditional male role of breadwinner.

Yuniin argues that Korean men's increasing claims of fraudulent marriage should be reviewed more carefully because they are based on multiple motivations, such as 'revenge' for their partners by shifting blame for the failure of marriage, and the desire to hasten and facilitate another marriage chance in the near future (personal communication, August 23, 2014). She points out that there is a hidden motivation among Korean men who condemn women's economic motivation and claim their partner is involved in fake marriage. Yunjin states:

Based on my work experiences with marriage migrants, in the case of Korean husbands whose wives run away or have a conflict within a short period time, there is a tendency that they simply blame the women by saying that their wife came to Korea only for citizenship, and that's why they claimed this is a case for 'a nullity suit' ... I see a hidden intention of their claim though. They want to finish this relationship as soon as possible, and find another woman. ... I would like to ask them whether they really want to look for a marriage partner. I think they see the marriage migrant woman as a person who does domestic labour, who can be a sex partner, that's why they want to replace the old one with new one once their relationship does not work well (personal communication, August 23, 2014).

She cautiously expects that the tendency of going to court for a nullity of marriage suit would accelerate since the issuing of spousal visas has been limited to once every five years since April 2014. Her concern was actually reflected among my interviewees in the Center for Victims of International Marriage. One of their main activities has been supporting juridical cases of marriage annulment that Korean men have filed (Kyungho, personal communication, September 12, 2014; Jinho, personal communication, September 16, 2014).

Claiming certain relationships as ‘fraudulent’ manifests the unequal power relationship that marriage migrants have with their Korean partners beyond the traditional gender dynamic. ‘Fraudulent marriage’ discourses play powerful role in disciplining and regulating marriage migrants. Hussain shared one story about his client, a Pakistani man who got married to a Korean woman. In their process of applying for a spousal visa, the Korean woman faced an invasive immigration investigation including private questions about their sexual relationship, and she decided to cease support of her husband’s spousal visa because she feared the discrimination and immigration interventions she would otherwise continue to face. Due to her actions, her Pakistani husband faced deportation. The investigation and suspicions by the Korean immigration officers double the vulnerability of Pakistani male migrants not only in the decisions of immigration officers, but also in the behaviour of their Korean partners who hold power in deciding the future of their relationship. Discourses of ‘fraudulent marriage’ exacerbate the vulnerability of marriage migrants: in this case, the conventional gender dynamic is overturned. Since these men depend on sponsorship by Korean women, they become vulnerable vis-à-vis their Korean spouses.

Hyunjoo also argues that the power imbalance between Pakistani men and their Korean spouses originates from the unstable legal/citizenship status of Pakistani men, resulting in these men experiencing vulnerability in their everyday lives. Discourses of ‘fraudulent marriage’ are also sometimes used by Korean spouses against their Pakistani husbands. Hyunjoo says,

Whenever I consult Pakistani men and their Korean spouses, I can see that they got married because they were “in love.” Of course, we can’t deny the fact that these guys were desperate to stay in Korea. Anyway, they married because they were in love, but as they have lived, let’s say they might have changed a little bit. Then Korean women accuse them of fraudulent marriage, saying the guy did not love them, and sometimes they threaten to report the fraudulent marriage. Sometimes Korean women ask the guys to give money even though they got married. ... These men are vulnerable in terms of legal status, even in the case of having common children (personal communication, Sept.15, 2014).

Fraudulent marriage discourse has been used as a powerful tool for Korean spouses to exert power over both male and female marriage migrants based on their unstable and unequal legal statuses.

### **6.3 Conclusion**

In this chapter, I examined how the desirability and undesirability of marriage is constructed along varying axes and intersections of gender, age, race, and class, and how discourses of fraudulent marriage are constructed to reflect the interests of the ethnicized, gendered and neoliberal Korean government’s goal of reproducing the patrilineal Korean nation. The demographic and patriarchal interest of the Korean state results in the encouragement of younger female marriage migrants from developing countries, who are expected to be matched with older male Koreans mainly in rural areas, whereas ‘older’ and/or non-childbearing female marriage migrants and male marriage migrants from developing countries are constructed as undesirable because they do not serve the

governing goals of the Korean state based on biologically reproducing patrilineal-focused ethnic nationalism. ‘Undesirable’ marriage migrants and their Korean spouses employ diverse strategies to undermine ‘fraudulent marriage’ discourses when applying for spousal visas and Korean citizenship. Not only do fraudulent marriage discourses operate in the process of spousal and citizenship applications, they also operate at the individual level as a powerful tool for Korean spouses to control marriage migrants. ‘Fraudulent marriage’ discourses exacerbate marriage migrants’ marginalized positions as their legal status depends on their Korean spouses. Throughout chapters 4, 5, and 6, I have examined the case of marriage migration in Korea in relation to its role in the boundary-making of the Korean nation. In the following chapters, 7 and 8, I examine the case of marriage migration in Canada and its role in the boundary-making of the Canadian nation.

## **Chapter 7: The regulation of spousal and partner immigration in Canada: the construction of the phenomenon of ‘fraudulent marriage’**

In this chapter, I examine laws and policies on spousal and partner immigration in Canada. Historically, family immigration was a major means by which to reproduce the white-settler nation and to regulate ‘undesirable’ immigrant populations based on intersecting social relations such as gender, race/ethnicity, class, and age.<sup>29</sup> The regulation of immigration is closely tied to how the Canadian nation is defined and reproduced, and how the boundary of the Canadian nation is shaped by mechanisms of the inclusion and exclusion of migrants. While gendered ethnic nationalism and neoliberalism constitute the entry of marriage migrants to Korea based on their perceived role as reproducers of the patrilineal Korean nation, I examine how neoliberalism and securitization have affected the neoliberal, gendered and racialized mechanisms of inclusion and exclusion at Canada’s national borders with respect to regulating the flow of spousal and partner immigration. By doing so, I argue that the regulation of spousal and partner immigration contributes to the gendered, racialized and neoliberal boundary-making of the Canadian nation by constructing spousal and partner immigrants as economic burdens and security threats to the Canadian nation.

This chapter examines spousal and partner immigration laws and policies from the mid-1990s (when the neoliberal framing of family immigration was accelerating) to 2015 (when Stephen Harper’s Conservative government finished its term and the Trudeau Liberal government won the federal election), including *the Immigration and Refugee Protection Act*, *the Immigration and Refugee Protection Regulation*, CIC policy change

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<sup>29</sup> Refer to chapter 2.1.2 for the historical roles of spousal immigration in reproducing the white settler nation.

announcements on its website, and CIC Annual Report(s) on Plans and Priorities (2007-2015).

The organization of this chapter is as follows. Firstly, I examine how family immigration including spousal and partner immigration is framed under neoliberal logic as ‘unproductive, and thus undesirable.’ Secondly, I situate ‘fraudulent marriage’ discourses in line with the securitization of immigration pursued by the Conservative government (2006-2015), and analyze how new policy changes were adopted in the name of curbing ‘fraudulent marriages.’

### **7.1 A neoliberal restructuring of family immigration**

Neoliberalism as a political economic policy framework in Canada accelerated its explicit economic focus within the immigration system in the early 1990s. Under neoliberal logic, which calculates the value of migrants based on human capital, family immigration has been constructed as less desirable than economic class immigrants, and thus became a major target of immigration regulations and controls (Arat-Koc, 1999; Abu-Laban, 1998; Abu-Laban and Gabriel, 2002). The priority status given to family class immigrants under the 1978 Regulations<sup>30</sup> was officially dropped in 1993 (D’Aoust et al., 2017).

Under neoliberal logic, the most desirable immigrants are constructed as those who are postulated as self-sufficient and who do not depend on social welfare services (Abu-Laban and Gabriel, 2002, p. 65). Family immigrants were problematized as creating a financial burden to Canadian society in contrast to economic immigrants who were expected to bring larger human and financial capitals to Canadian society. Family immigrants are considered devalued as an antipode of an entrepreneurial ideal of citizens

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<sup>30</sup> *The 1978 Regulations* stipulated that family class immigrants were officially considered a top priority and that they were to be processed ahead of economic immigrants (Immigration Regulations 1978, p. 761)

who are self-reliant and economically independent. The issues of sponsorship default and the lower economic status of family immigrants highlighted the perceived ‘problems’ of family immigration, which were used to justify the government’s decision to decrease the number of family immigrants (Sarick, 1995; Abu-Laban, 1998). As Abu-Laban (1998) argues, the structural problems that family immigrants faced were deemed to be an indication of a lack of a capacity amongst individual immigrants. The Liberal government of Jean Chretien asserted that:

Family class immigrants, who are not assessed for their skills, are more likely than economic immigrants to make use of Canada’s social welfare system. Preliminary results obtained from a department study of sponsorship breakdown indicate that a number of family class immigrants, especially parents and grandparents, are currently on welfare (CIC, 1994, as cited in Abu-Laban, 1998, p. 199).

Abu-Laban and Gabriel (2002) argue that the government’s emphasis on ‘deadbeat’ sponsors was an attempt to “enforce the apparent privatization of integration costs away from the state and onto immigrants themselves” (67). Based on the rationale of ‘deadbeat’ and irresponsible family class immigrants, the federal government announced several policy changes affecting Family Class immigrants in 1994. The so-called 60/40 split policy (which outlined the goal in immigration level planning that 60 percent of immigrant admissions should come from economic categories and the remaining 40 percent should be drawn from family reunification and refugee categories) was adopted as a new measure to adjust the economic and family components of the overall immigrant intake (O’Shea, 2009, p. 11).

The CIC also clearly indicated the government’s changing aim to prioritize economic class immigrants, who were considered to embody human capital and contribute to the Canadian economy.

Beginning in 1996 the balance between economic, family, and other immigrant components will place greater emphasis on attracting those with

the capacity to settle quickly and contribute to Canada (CIC, *A Broader Vision 1995-2000*, p. 13 as cited in Abu-Laban and Gabriel, 2002, p. 65-66).

The economic focus was a major part of the *2002 Immigration and Refugee Protection Act*. Conservative groups actively participated in creating a discourse of family immigrants as being ‘deficient’ as Collacott, a commentator associated with the Fraser Institute, opined: “family class immigration may gain vote[s] but does not help the country” (Collacott, 2002, p. 19). The Harper government (2006-2015) had increased its emphasis on economic values and national security concerns with respect to immigration policies as reflected in changes to CIC’s Program Activity Architecture and Strategic Outcomes. Within CIC’s Annual Report on Plans and Priorities (2010-2011), CIC revised its Program Activity Architecture and Strategic Outcomes and highlighted the economic and security principles of immigration policies more explicitly. For example, the previous (2009-2010) Strategic Outcome 1 (“Migration that significantly benefits Canada’s economic, social and cultural development, while protecting the health, safety and security of Canadians”) was divided into newly designed Strategic Outcome 1 (“Migration of permanent and temporary residents that strengthen Canada’s economy”) and 4 (“Managed migration that promotes Canadian interests and protects the health, safety and security of Canadians”). As a result, the economic emphasis and security focus represented separate strategic outcomes, while immigrants’ “social and cultural development” was removed as a strategic outcome of immigration policy (CIC, 2011, p. 6). This demonstrates a one-sided economic-oriented perspective of the benefits of immigration by downplaying other contributions such as social and cultural development by immigrants. Only immigrants, who are considered as contributing to the development of Canadian economy, are encouraged to be part of the Canadian nation. The documents also emphasizes the neoliberal language of individual responsibility of costs, associated with family class immigration: CIC emphasized that

“this program facilitates family reunification while ensuring that there is no undue cost to the general public” (CIC, 2012a, p. 21).

Following the stated neoliberal preference for human capital, the prioritization of economic immigrants over family immigrants is premised on a binary gendered perspective of valuing independent economic immigrants (usually male) over dependent family immigrants (usually female) (McLaren and Dyck, 2004; Gabriel, 2017). Female spouses form a larger proportion of the family class than male spouses. For example, from 2006-2015, female spouses comprised between 58% and 62% of all spousal and partner immigrants (Immigration, Refugees and Citizenship Canada, 2015). Under the neoliberal interpretation of family immigration, female spouses are presumed to lack economic skills and capital, and to be less productive. The economic contribution of ‘dependent’ immigrants is easily concealed in a narrow understanding of ‘economic contribution’ based on labour market participation whereas domestic and household care work conducted mainly by female immigrants is devalued (Arat-Koc, 1999). The main criteria (such as education, training, and language) for the majority of occupations and professional skills in demand were favorable for male applicants, and rendered most working-class immigrant women from so-called Third World countries ineligible (Côté et al., 2001; Das Gupta, 1994). However, the gendered construction of female family immigrants as dependants conflicted with the realities that most lower-class immigrant women faced. Many immigrant women were pressured to participate in the paid workforce in order to support the economic survival of their families.

The neoliberal restructuring of the immigration system prioritizes economic class immigration, resulting in budget cuts and decreased resources allocated to processing family immigration. Backlogs and longer waiting times have been a feature of family class

immigration (Chen and Thorpe, 2015). Criticizing the absence of specific regulations that govern the lengthy processing times for marriage migration, Bhuyan et al. (2018) argue that “even if somewhat reduced, waiting continues to be a hallmark of marriage migration, particularly for people from countries in the Global South” (363). Most recently, the Spouse or Common-law Partner in Canada Class (hereafter referred to as inland spousal and partner immigrants)<sup>31</sup> has also faced significant backlogs and longer wait times. Inland spousal and partner immigration applicants argued that since 2013, the time required to process inland applications has gone up significantly from 14 months to 27 months (Canada Spousal Sponsorship Petitioners, n.d.).<sup>32</sup> This delay has resulted in enormous hardship for foreign spouses whose lives remained in limbo because they were not able to work and did not have health care until the first stage was cleared. Strong outrage was expressed, and desperate stories were raised due to the lack of income and health care for spouses (protesters, personal communication, March 1, 2015; Inland Sponsorship, n.d.)

Despite repeated requests by inland spousal and partner immigrants and critical media reports, the Canadian government did not provide specific reasons for the backlog. However, I note that this backlog of inland spousal and partner immigrants took place around the same time as the introduction of the *Express Entry System*,<sup>33</sup> which was

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<sup>31</sup> Since the *Immigration and Refugee Protection Act*, spousal and partner immigration applications can be submitted either via “the Family Class for overseas sponsorship” or “the Spouse or Common-law Partner in Canada Class” depending on where spousal immigrants reside. When I refer to spousal and partner immigration, I encompass both categories.

<sup>32</sup> Applicants argue that stage 1 (in which the status of submitted documents is checked) and stage 2 (in which genuineness of relationship and possible inadmissibility is evaluated) has tripled in time from 6 months to a maximum of 17 months in 2015 in the case of stage 1, and increased from 8 months (in 2013) to 10 months (in 2015) in the case of stage 2, therefore taking a maximum of 27 months for inland spousal and partner immigrants to receive permanent residency (Keung 2015b; Canada Spousal Sponsorship Petitioners, n.d.).

<sup>33</sup> *The Express Entry System*, which was introduced and implemented on January 1, 2015, was a part of economic class immigration, and provided some candidates who had received a valid job offer or nomination under the Provincial Nominee Program (PNP) with permanent residency within six months. The Conservative Government launched Canada’s Economic Action Plan 2014 and

implemented to advance the permanent residency of selected skilled workers and guarantee a shorter processing time of less than 6 months. The hardship experienced by inland spousal and partner immigrants was situated in direct contrast to the celebration of a new and faster immigration program for selected skilled workers. Inland spousal and partner immigration applicants protested that spousal immigration had been left behind in governmental planning and that budgetary allocations for processing applications contrasted with the newly implemented *Express Entry System* (protesters, personal communications, March 1, 2015). There is no explicit evidence that demonstrates the link between the adoption of the *Express Entry System* and the backlog of inland spousal immigration. Yet, 2008 amendments to the *Immigration and Refugee Protection Act* provided the Minister for Citizenship, Immigration and Multiculturalism with the authority to issue instructions to establish priorities for processing certain categories of applications (CIC, 2008). Given the repeated rhetoric of Conservative governments on highlighting economic immigrants, I conjecture that inland spousal and partner immigration was downgraded as a priority in contrast to the *Express Entry System* although the lack of data<sup>34</sup> provided by the government makes it difficult to prove the unequal distribution of resources.

Against the explicit economic focus of the Canadian immigration system at the macro-level, spousal and partner immigrants appealed their family reunification rights through emphasizing their economic value to Canadian society. The logic and slogans used in protesting against the delay by spousal and partner immigrants and their Canadian

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announced an investment of \$14 million over two years to ensure the successful implementation of the *Express Entry System* (Government of Canada, 2014).

<sup>34</sup> I reviewed the CIC Report on Plans and Priorities 2012-2013, 2013-2014, and 2014-2015. While there were no significant changes in the budget of family and discretionary immigration (2.1) ranging from 45 million to 49 million, I did notice significant change in the budget of permanent economic residents (1.1) which increased from 40 million in 2012-2013 to 90 million in 2013-2014 forecasting spending). The documents explain this increase as a result of return of fees for terminated applications: I could not dig into this further due to lack of data.

spouses in front of the CIC building in March 1, 2015, underscored the emphasis of their financial and economic contributions to Canadian society. Spousal and partner immigrants strategically appealed to the value of human capital in the public sphere that spousal immigrants can bring to Canada. Counter narratives of spousal immigrants (i.e. “We, *the taxpayers*, demand transparency from CIC,” “*Taxpaying* Canadians must support their family on a single income while their spouses must reject job offers because they are not allowed to work,” “A lot of us who are being sponsored, we are skilled workers”) emphasized their contribution to Canadian society as economic (tax-paying) subjects and workers embodying human capital more than appealing to the value of family reunification (protesters, personal communications, March 1, 2015).

## **7.2 The securitization of spousal and partner immigration**

In line with neoliberal framing of family immigration, the intensifying securitization of migration has discouraged the entry of spousal and partner immigrants by framing them as economic and security threats to the Canadian nation. Securitization discourses construct spousal and partner immigration not only as economic threats to the Canadian welfare state but also as threats to public security and the intimate lives of Canadians. Drawing upon the approaches of Bigo (2002) and Nyers (2009) on securitization of migration, I focus on the political and psychological construction of spousal and partner immigration as ‘security threats’ to the Canadian society. I analyze security not as a noun that describes certain conditions of imminent threats, but a verb that captures the processes of transforming other issues into ones of security (Nyers, 2009, p. 3). Securitization is conducted through the double movement of security: while acts of security aim to provide protection from danger, acts of security themselves also “encourage fear, foster apprehension, and feed off of nervousness in the population” (3). I

conceptualize the securitization of spousal and partner immigration in Canada as entailing political, discursive and psychological processes of constructing certain groups of marriage migrants as potential security threats to the Canadian nation. More specifically, this section pays attention to the widespread ‘fraudulent marriage’ discourses and anti-fraud policies under the Conservative government (2006-2015). In the process of securitization, the boundaries of the Canadian nation are shifted by constructing certain racialized marriage migrants as threats to Canadian society and excluding them from being part of the Canadian nation.

### **7.2.1 Constructing ‘marriage fraudsters’ as security threats**

That racialized Others are the objects of security and securitization is not new (Dhamoon and Abu-Laban, 2009). Anti-racist scholars bring a lens of race into securitization literature, paying attention to the process of racialization in terms of how particular subjects are postulated as being risky, threatening, and dangerous (Razack, 2008; Dhamoon and Abu-Laban, 2009). Immigration intermingles easily with discourses of public security. Taking an example of the transition of some of the Department of Employment and Immigration’s functions to a newly implemented the Department of Public Security in the early 1990s, Abu-Laban (1998) argues that immigrants who had previously been described as “potential Canadian citizens, voters, and contributors to Canada” were now portrayed as “potential security threats to the Canadian political and the citizens” at official levels of discourse (194). This perspective of constructing immigrants and refugees as potential threats to public security justifies the use of coercive controls and measures by state law enforcement agencies (Kruger, Mulder and Korenic, 2004).

Marriages of convenience have been a concern of immigration integrity for the Canadian government since at least the 1970s (Jane, personal communication, April 29,

2015). An internal government document entitled “East Indian Control Program (n.d.)” mentions the possibility of fraudulent marriage entered into by ‘East Indians,’ and targets them by scrutinizing the legality of recently married South Asian-Canadians and immigrants (Stasiulis, 1982, p. 62-63). In other scholarly materials, ‘marriages of convenience’ were mentioned as a possible scenario that immigrant officers faced in their work in evaluating applications (Wydrzynski, 1983, p. 101-2). At the level of legislation, the 1984 amendments to the *1978 Immigration Act Regulations* officially provided legal authority to immigration officers to reject spouses who “entered into the marriage primarily for the purpose of gaining admission to Canada as a member of the family class and not with the intention of residing permanently with the other spouse” (Immigration Regulations, 1984).

While the issue of ‘fraudulent marriage’ has been a concern for Canadian governments, it emerged as an urgent problem to tackle as a part of Stephen Harper’s Conservative government’s political agenda of restrictive and punitive immigration policies, which assumed that the Canadian immigration system was in danger and being taken advantage of by ‘illegitimate’ refugee claimants and ‘illegal’ migrants or other ‘fraudsters.’ Based on the assumption that a substantial proportion of immigrant claimants were either ‘bogus’ or ‘fraudulent,’ certain racialized groups of marriage migrants faced greater suspicion of fraudulent marriage throughout the whole process of spousal and partner immigration as examined below.

In the United States, security experts treat fraudulent marriage and family reunification as tools for terrorists to enter western countries and argue that cracking down on sham marriages is an effective way of dealing with terrorists (Gartenstein-Ross and Dabruzzi, 2007). In Canada, fraudulent marriage also emerged as a significant security

threat throughout Harper's Conservative government, albeit not directly linked to terrorism *per se*. Jason Kenny, then Minister for Citizenship, Immigration and Multiculturalism, clearly identified that curbing fraudulent marriage was at the center of the government's hardline approach to 'bogus' immigrants and refugees even though, in the beginning, his attitude was not consistent throughout departments: until 2008, 'marriages of convenience' were considered a low priority for CBSA (Standing Committee on Citizenship and Immigration, 2008 as cited in Gaucher, 2014). However, shortly after, the CBSA joined the CIC's hardline approach, which actively situated the issue of fraudulent marriage in parallel with other security concerns. In response to Liberal MP Ruby Dhalla in 2010, CBSA stated that

[t]he priorities for enforcement action are: those who pose a threat to national security, those involved in organized crime and crime against humanity, criminals and those who do not comply with the immigration legislation, *including those who misrepresent themselves through fraudulent marriage* [emphasis added] (McKie 2010).

In addition, in 2014, Brent Patter, Regional Director General, CBSA Prairie Region stated that, "investigating marriages of convenience is a priority for CBSA" (*Edmonton Sun*, 2014). Over the course of the Harper government, marriages of convenience had become a priority for both CIC and CBSA operations.

The issue of fraudulent marriage was actively framed through discourses of security and threat, that is, to protect the 'Canadian nation' from fraudulent queue jumpers. When the government conducted an online consultation<sup>35</sup> on the issue of marriage fraud in autumn 2010 after a series of town hall meetings in Montreal, Vancouver and Brampton, the consultation already carried an undertone of securitization and was premised on the

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<sup>35</sup> Over 2,300 general public respondents and more than 80 who self-identified as representatives from stakeholder organizations participated in the online consultations (CIC, 2010).

fact that fraudulent marriage was a security concern in the Canadian immigration system beyond matters of immigration integrity. The online consultation's first questionnaire asked respondents to "[c]onsider the information you read about marriages of convenience. Overall, how serious a *threat* or *problem* [emphasis added] do you think fraudulent marriages are to Canada's immigration system?" (CIC, 2010). The questions already framed fraudulent marriage as a 'threat' to or 'problem' of Canadian society. Under the question which framed fraudulent marriage as a 'threat,' respondents were assisted in coming up with possible threats that they would face. The report summary introduced three threats that participants responded with. It says,

When asked to explain the ways in which marriage fraud can or does pose a threat, responses cited include: effects on the immigration system (longer waiting times, people taking advantage of the immigration system); effects on individuals (potential financial or emotional effects on either the Canadian partner or on sponsored partner), and general effects on Canadian society (social/health benefits) (CIC 2010).

Through the report summary, potential risks are defined and specified across a wide range of areas. Spousal and partner immigrants are securitized as potential threats "even before they have done anything, simply by categorizing them, anticipating profiles of risk from previous trends and projecting by generalization upon the potential behavior of each individual pertaining to the risk category" (Bigo, 2002, p. 81). This summary report also indicates that spousal and partner immigrants are perceived as potential threats to the private and intimate lives of citizens and permanent residents in Canada as well as a public threat to welfare provisions and public safety.

One thing I noticed in the summary report was that the question given in the online consultation above included language of both 'threat' and 'problem,' however, in the summary report, the word 'problem' was deleted several times. For example, "Overall, respondents indicated that fraudulent marriage is a threat or problem to Canada's

immigration system, with three-quarters (77%) who reported it to be a *very serious* or *serious threat*.” I cannot prove whether this was a simple mistake or an intentional deletion, however, I conjecture that the absence of the term ‘problem’ may be intended to familiarize readers with the language of ‘threat’ and its connection to security rather than the language of ‘problem’ which can be understood in various ways.

The rhetoric of ‘threat’ was later used to justify serious backlogs of spousal immigration starting in 2013 (as explained above). When faced with questions by spouses and their Canadian partners who suffered from backlogs in the spousal immigration process, Minister Alexander justified this backlog by emphasizing the intensified scrutiny of ‘marriages of convenience.’ He asserted that foreigners involved in ‘fraudulent marriage’ posed a threat and that there were a large number of such cases in the spousal sponsorship program, although he failed to provide any specific data to support his allegations. By his logic, detecting a single fraudulent case should take precedence over facilitating non-‘fraudulent’ cases, in other words, penalizing spousal immigrants and their Canadian sponsors who are not involved in marriages of convenience. The rhetoric of marriage fraud easily justified backlogs and intensified the general public’s fear that Canadian immigration was severely abused by such foreigners. The issue of human smuggling also intermingles with the issue of ‘fraudulent marriage’ amplifying the criminal aspects of fraudulent marriage. Minister Alexander (who succeeded Jason Kenney as Citizenship and Immigration Minister) said in a public fundraising meeting held in Edmonton on May 20, 2015:

We still have an immigration system that is subject to abuse. We have large numbers of spousal sponsorship applications that do not come from people who are truly married. (anonymous audience [member]: what is the percentage?) *Truly, I can't give you an exact percentage* [emphasis added]. It's thousands, but any one case of marriage of convenience, any one case of forced marriage, and one single case of polygamy uh, and other violations

of Canadian law that comes through the spousal system *forces us to ensure a higher level of scrutiny* [emphasis added] and the people who have followed the rules and are truly in this program for the right reasons suffer. So, uh, *I am not going to apologize for the fact that there is scrutiny* and that these things aren't just rubber-stamped because there are lives of women and girls, men at stake and *there is a human smuggling dimension to our spousal sponsorship program* [emphasis added] (Mswiebe, 2015, my emphasis)

Alexander's remarks contributed to spreading public fears that the Canadian immigration system was under attack by both 'bogus' immigrants who aimed to gain entry to Canada by any means and the criminals who manipulated them. Excessive scrutiny imposed on 'genuine' couples was justified in the name of protecting innocent Canadians whose security was posited as being at stake. His statement indicates that the suffering of spousal immigrants and their families due to delays in the process are sacrificed in the name of security and spotting any marriage of convenience and possible human smuggling. Furthermore, Alexander paralleled the issue of marriages of convenience in line with forced marriage and polygamy and justified the hardline immigrant policy for marriage of convenience through the rhetoric of protecting women and girls from the non-Western, uncivilized world. His speech echoes Spivak's renowned line, "white men saving brown women from brown men." In reality, with the *Zero Tolerance for Barbaric Cultural Practices Act* (which was passed in 2015), immigration officers were given more discretionary power to "assign criminal intent for suspected polygamy" (Bhuyan et al. 2018, p.355) and restrictive immigration.

### **7.2.2 Disputes on 'numbers'**

As Minister Alexander's remark above indicates, there is no specific publicly-available empirical data on the actual number of marriages of convenience (Gaucher, 2014, 2018). Fraudulent marriage has been securitized as a potential threat without concrete data to support its actual prevalence. I unearth the myth of a significant increase in the number

of fraudulent marriages, which was used as rationale to construct marriage migrants as threats to Canadian nation.

There are several methods by which to estimate the number of fraudulent marriages, yet discordance and contradictions exist surrounding attempts to estimate the exact 'number.' Firstly, the disapproval rate of spousal visas is assumed to imply the number of attempted fraudulent marriages. One of the earliest federal surveys in 1983 revealed that around 11 percent of refused spousal immigration applications were suspected of fraudulent marriage (Lipovenko, 1984). In the background section provided for the 2010 online consultations to participants, CIC (2010) stated that

[w]hile there are currently no firm numbers on the extent of marriages of convenience, Citizenship and Immigration Canada knows that, in 2009, overseas offices received about 49,500 applications for permanent residence for partners and spouses. Of these, *just under 20 percent were refused*. Many of these refusals were due to evidence that the marriage was one of convenience, while others were refused for reasons including criminality, security and medical issues (my emphasis).

However, these refusal rates do not separate applications refused based on marriages of convenience from applications refused based on other forms of misrepresentation; thus, it is difficult to pinpoint the exact numbers of marriages of convenience (Gaucher, 2014). CBSA documents (obtained through the Access to Information Act by Richard Kurland, immigration lawyer) reveal that the prevalence of marriage fraud is concentrated in about 10 to 15 countries (CBSA, Intelligence Operations and Analysis Division 2013a). In the documents, China, India, Pakistan, Sri Lanka, Vietnam, Cambodia, Nigeria, Ghana, Ethiopia, Guyana, and Haiti were listed as high-risk countries. In the case of China, the same report noted that the refusal rate had dropped to 25% in 2011, and 15% (extrapolated) in 2012 from 36% in 2008, which seems

contradictory to the governmental claim of a significant increase in fraudulent marriage (CBSA, Intelligence Operations and Analysis Division, 2013b).

The second way to estimate the numbers of fraudulent marriage is to review appealed cases. Applicants whose applications are refused can appeal to the Immigration Appeal Division. The Immigration and Refugee Board of Canada does not provide separate statistics on spousal and partner immigration appeals. In 2011, Hazelyn Ross, assistant deputy chairperson of the Immigration and Refugee Board of Canada, says, “roughly 30% of the sponsorship appeals are allowed, about 40% are dismissed, and the remainder are withdrawn or abandoned” (Standing Committee on Immigration and Citizenship, 2011, p. 8). The rate of successful appeals posted on the IRB website was about 31% in 2013, 29% in 2014, and 35% in 2015, and does not demonstrate a significant change (Immigration and Refugee Board of Canada, n.d.). These statistics include both spousal applications and parents and grandparents applications, yet given the fact that the majority of appeals are filed by spouses (about 80%), it can be argued that this roughly reflects the pattern of spousal sponsorship success rates (Standing Committee on Immigration and Citizenship, 2011, p. 8). These statistics also do not provide any concrete data which indicates a significant increase in the numbers of fraudulent marriage.

The third way to trace fraudulent marriage is to examine the actual number of fraudulent marriage cases investigated through so-called poison pen letters sent to visa officers either signed or submitted anonymously, or via CBSA toll-free calls. Satzewich’s (2015) research shows that poison pen letters are taken seriously in visa officers’ decision-making processes. One of his interviewees mentioned, “[i]n about 5 percent of cases, there are poison pen letters. If we get a poison pen letter, we will usually recommend bringing them in for an interview. Most times, the poison pen letters are correct” (157). Except for

his remark, I could not find any other statistical data on the number of poison pen letters sent to visa officers. In the case of CBSA, it receives tip-offs from people from various sources including its toll-free number. CBSA also initiated Project Honeymoon<sup>36</sup> to investigate referred cases: between 2008-2010, CBSA received around 200 referred cases. Of these, 39 warranted a formal investigation and 7 cases were charged resulting in three convictions (*Canadian Press*, 2011). The total number of referred cases was updated by Geoffrey Leckey (Director General of the Enforcement and Intelligence Operations Division of CBSA), but the total charged number does not seem to have changed since then. He says,

Since April 1, 2010, there have been 392 referrals of marriage convenience cases to our criminal investigations division. Of those, 67 cases have been opened, and 34 remain open. Several charges have been laid, and three out of five have gone to court have been concluded with a guilty finding. The other two remain before the courts (Standing Committee on Citizenship and Immigration, 2014b. p. 3).

In another meeting of the Standing Committee on Immigration and Citizenship, Robert Orr (Assistant Deputy Minister, Operations, Department of Citizenship and Immigration) also provided some statistics related to referred cases in Ontario. Orr noted that between July and September 2013, “there were 190 tips about these sorts of situations, about the conditional visas, which led to approximately seven instances of where people were given a departure notice” (Standing Committee on Citizenship and Immigration, 2014a, p. 4). Yet, given the annual average number of processed spousal applications (from 2006-2015, between 39,000 and 47,000 applications were processed annually), these numbers seem too insignificant to warrant extraordinary policy measures and accompanying discourses of ‘threat.’

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<sup>36</sup> I could not find more materials about the Honeymoon Project other than some descriptions in newspaper articles. I submitted an Access to Information Request to CBSA in 2016 regarding the Honeymoon Project. I am still waiting for their response to my request.

In sum, the three ways used to estimate the number of fraudulent marriages are not exhaustive and they lack sufficient data to demonstrate the actual number of fraudulent marriages. It can be concluded that none of the presumed numbers above demonstrate any significant increase in the number of fraudulent marriages. In fact, CIC itself concluded in its 2012 ‘Evaluation of the Family Reunification Programs’ report that

attempted fraud and program misuse are perceived as being high, particularly in the spouse and partner category; however, *available data is insufficient to assess the true nature and extent of fraud overall* [emphasis added] (CIC. Evaluation Division, 2014, viii).

Given the lack of reliable empirical data, it can be concluded that the perceived rampant increase in fraudulent marriage is constructed through the rhetoric of moral panic contained in governmental documents and justification for new policies, rather than being based on existing statistical data. While the problem of numbers was created through intentional delay tactics in the case of parents and grandparents (Chen and Thorpe, 2015), discourses of ‘fraudulent marriage’ operate under the false impression that their numbers have increased significantly and thus pose a threat to ‘Canadians.’

### **7.2.3 “Don’t be a victim of fraudulent marriage”: government-led anti-fraud campaigns**

Notwithstanding the dispute around ‘numbers,’ discourses of fraudulent marriage actively spread with anti-fraud campaigns initiated by the Canadian government in March 2013. These anti-fraud campaigns included the announcement of March 2013 as “Fraud Prevention Month” following two commercials executed by the government (both entitled ‘Don’t be a victim of fraudulent marriage’). Such government-led campaigns utilized the binary discourse of innocent Canadian victim and evil foreign marriage fraudsters<sup>37</sup>

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<sup>37</sup> A binary frame of “the Canadian victim and the evil foreign queue jumper” (Gaucher, 2014, p. 188) resonates with one of the most widely published case of Lainie Towell (a purported Canadian victim) and Fode Mohamed Soumah (a spousal immigrant accused of fraudulent marriage). Their

(Gaucher, 2014, p. 198) and stimulated the personalized ‘fear’ of Canadians by touching on the emotions of the general public, which I interpret as part of the affective politics of fear. Fraudulent marriage is constructed as a threat to the private lives of citizens and permanent residents as well as a public threat to welfare provisions and public safety. Levels of fear, frustration, and anger are much more intense at the personal level in the case of fraudulent marriage (compared to, for example, ‘bogus’ refugees in general) because it can have a greater impact on the intimate, personal and family lives of citizens in host countries.

The first short CIC commercial depicts the image of a typical western heterosexual wedding, including a groom with a brighter skin tone in a black tuxedo and a bride, also with a brighter skin tone, in a white wedding dress standing on top of a wedding cake (as I introduced in chapter 1, see figure 1 on page 2). Soon the groom gradually disappears, and the bride is left alone. The male narrator states that “sometimes marriage is a scheme to jump the immigration queue. Victims are left financially responsible if spouses go on welfare. Being a sponsor is no cakewalk.” The message of the 15-second video speaks of binary division between ‘innocent’ Canadians (the bride) and ‘vicious’ foreigners (the groom) who take advantage of Canadian benevolence. It also carries interesting gender and citizenship dynamics. In the video, the Canadian victim of marriage fraud is feminized as the bride whereas the foreign marriage fraudster is portrayed as the groom. In contrast to

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case, which suited the Conservative government’s direction of immigration policies towards criminalizing immigration and problematizing ‘bogus’ immigrants, actively contributed to constructing and reinforcing the rhetoric of the Canadian government. Towell who claimed that her Guinean husband Fode Mohamed Soumah ‘ran away’ only 4 weeks after his arrival on Canadian soil, first approached local news media in Ottawa in order to publicize her story. After her story was disseminated by several media outlets in 2008, she later performed on Parliament Hill in 2009, putting on a white wedding dress and strapping a red door to her body on which was written “Mr. Immigration Minister, it’s getting heavy.” The story of a ‘white’ Canadian woman’s desperate voice and her presumed ‘run-away’ Guinean husband was widely publicized as a typical case of ‘innocent’ female Canadian victims and opportunistic male, non-white, spouses from ‘poorer’ countries who intend to take advantage of Canadians’ ‘innocent love.’

reality where Canadian sponsors have more power originating from their citizenship status and the social, economic and cultural capital they may possess over marriage migrants, Canadians in the video are feminized and portrayed as victims to be protected from foreign marriage fraudsters. While this video did not explicitly depict the groom as a person of colour from a non-western culture (seemingly to avoid being accused of racism), this commercial chose a western heterosexual wedding to demonstrate the norm of conjugal unions between two people. Furthermore, this video speaks to mainstream Canadian viewers' (who may align themselves with the 'Canadian bride') emotions as if the threat is imminent and Canadians can easily become victims. By muting all other contexts surrounding the imbalanced power dynamics between Canadians and sponsored immigrants, Canadians are feminized and victimized while perpetrators are represented as foreign men.

Another video clip from CIC (which was disseminated through its website as part of the 2013 Fraud Prevention Month campaign) highlights the explicit intentions of CIC more clearly, including three narratives of Canadian victims (one Anglophone female, one Francophone female, and one Indo-Canadian male) who articulated that their hearts had been broken by foreign matrimonial swindlers. Without being supported by the actual number and patterns of 'fraudulent marriage,' this narrative represents typical victims of fraudulent marriage, commonly presumed to be white, female, English-speaking and Francophone Canadians, and a male Canadian of South Asian descent. The pitiable

narrated voices of the victims are intended to evoke sympathy from the general public and provide legitimacy for policies aimed to control fraudulent marriage.

[Figure 3]



(CIC, 2018)

Most of all, this video effectively appeals to people’s emotions, in particular, fear, by using a black and white background with red lettering to emphasize certain words. In addition, the voices of desperate victims contrast the monotonous tone of a high-ranking Canadian male (presumably a ‘white’ officer) who represents Canadian authority. In fact, the video’s black and white colours amplify the image of criminality imposed on ‘fraudulent marriage.’ The words written in red (“scam,” “Abandoned,” “three years” [for financial responsibility], “you” [the one to repay that debt], “\$100,000,” and “five years” [sponsorship bar]) are intended to intensify the viewer’s emotional response to the issue of fraudulent marriage. For instance, the video begins by invoking sympathy for Canadian victims, and moves to elicit anger against their foreign spouses. At the same time, this video emphasizes the neoliberal value of individualizing responsibility for one’s own security with the message of “learn how to protect yourself.” This video highlights that Canadians should learn how to protect themselves from outside threats, a message that is also reflected in Jason Kenny’s statement:

I want to crack down on this kind of practice that leaves so many Canadians stranded here in Canada, but *people have to take responsibility* as well and make sure they're getting into relationships that they can really trust (Delaney, 2009, emphasis added).

Securitization discourses are tied to neoliberal language by emphasizing individual responsibility for one's own security. Compared to the first commercial, Canadian sponsors are more diverse in the second video. The ways in which Canadian sponsors and their foreign spouses are represented, however, require an intersectional analysis of gender, race and culture to be understood. The first two victims in the video (who are putatively white) are portrayed through 'female voices,' whereas the last male voice is of South Asian descent. In the first two stories, I observe unique intersections of gender, race and country of origin insofar as white female Canadians portray victimhood and their foreign male partners from the global South are constructed as marriage fraudsters. These stories resonate with the message of the first commercial described above. Unlike the first commercial, however, the second commercial demonstrates more explicit racial components of discourses of fraudulent marriage discourse through the narratives of two female Canadian sponsors against their non-white partners from the global South. In their narratives, multiple social relationships intersect: female, white, and Canadian versus male persons of colour from developing countries. Interestingly, the last story of 'victimhood' is conveyed by a male voice, but who is of South Asian descent. In his narrative, a foreign woman (who holds less power in the context of immigration) is constructed as a threat to racialized men from immigrant communities in Canada. In all three cases, I observe the reverse of power dynamics in the video portraying Canadian sponsors as someone holding less power: white women holding Canadian citizenship and racialized men from immigrant communities are constructed as the victims of foreign spouses. It is important to note that there is no room for the voices of foreign spouses – this demonstrates the power imbalance

between Canadian sponsors and spousal immigrants to light of whose voices are represented by the Canadian state.

With the two commercials disseminated by the government, I argue that discourses of fraudulent marriage have centered on a binary frame of privileged white female Canadians vs. predatory persons of colour (male foreigners) who take advantage of Canadians. Even though the case of the South Asian male was included in the 2<sup>nd</sup> commercial as the last case, the overall framing of fraudulent marriage discourse has focused on the feminization of Canadian victims against male marriage fraudsters from the global South. This form of fraudulent marriage discourse contrasts with the actual policy implementations which target particular racialized immigrant communities (where the majority of economic and family class immigrants come from - mainly India and China). Jason Kenney explicitly used a “wall of shame” metaphor to single out India as a country of concern (Gaucher, 2018, p. 148) and mentioned ‘immigrants’ as the target group of governmental control and regulations. Kenney (2010) says,

*I'll tell you, there are very few native-born Canadians who have ever raised the issue of bogus spousal sponsorship with me. I have held a series of public forum across the country, and hundreds of people have come out, in Brandon, Vancouver, Montreal and elsewhere. I think all, or almost all of them, are immigrants to Canada, and they have insisted that we find ways to tighten up both the rules and the enforcement of the rules to prevent bogus spouses from coming to Canada as permanent residents. (Citizenship and Immigration Committee Meeting, 2010 as cited in Gaucher, 2014, p. 192, emphasis added).*

As reflected in his 2010 statement, the Canadian government set up clandestine teams and deployed them into foreign countries in the interest of gathering information about patterns of fraudulent marriage. The details have not been publicly disclosed, ostensibly in the name of protecting diplomatic relationships. However, the choice of a diplomatic trip in 2010 to China, India and the Philippines by then-Minister Kenney

explicitly demonstrate the targets of the government's investigation on fraudulent marriage, especially since one of the main objectives of his diplomatic trip was to address the problem of marriages of convenience. Since then, anti-fraud units composed of CBSA officers have also been created in India. CBSA documents (CBSA, Intelligence Operations and Analysis Division 2013a; 2013b) also focused on China and India, and clearly acknowledged that China, India, Pakistan, Sri Lanka, Vietnam, Cambodia, Nigeria, Ghana, Ethiopia, Guyana, and Haiti<sup>38</sup> were considered “high risk” for marriage fraud.

Targeting certain racialized immigrant groups as prone to fraudulent marriage was ironically tied to the political goal of the Conservative party, which aimed to attract more immigrant votes as part of its ethnic outreach strategy (Gaucher, 2018, p. 135). This racialized targeting was implemented with the guise of protecting immigrant communities, but actually resulted in racialized immigrant communities facing increased scrutiny over their relationships in order to be accepted as legitimate and law-abiding.

Finally, the discord between government-led anti-fraud campaigns (producing the binary discourse of ‘innocent’ white female Canadians and ‘vicious’ or ‘scheming’ male foreigners who take advantage of Canadian benevolence) and the actual policy implementation (targeting certain racialized groups such as Chinese and Indians, and others from the global South as potential threats to the Canadian nation) demonstrates that government-led actions to curb fraudulent marriage were not conducted with the aim of rectifying actual problems and protecting the nation from threats, but more as justification for the racialized gaze by the Canadian government against certain groups of racialized immigrants from the global South entering Canada as spouses/partners.

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<sup>38</sup> This document did not indicate whether the list was in order of frequency or not, rather they were listed as examples of high-risk countries for ‘fraudulent marriage.’

### **7.3 Three major changes in spousal and partner immigration application processes**

Both neoliberal and securitized framings of spousal and partner immigration as economic and security threats have led to three major policy changes to spousal and partner immigration application processes. They are: 1) the implementation of a conditional two-year permanent residency requirement for marriage migrants; 2) tightening of conditions to refuse recognition of a relationship; and 3) the adoption of a 5-year sponsorship bar for sponsored spouses who want to invite a foreign spouse after terminating the initial relationship. These three changes are based on the assumptions that family immigrants are ‘undesirable’ to Canadian society and that foreign spouses are responsible for fraudulent marriages. These policies cater mainly to Canadians’ anxieties by punishing spousal immigrants accused of fraudulent marriage.

The first change was the implementation of a two-year conditional permanent residency requirement in 2012, which was repealed by the Liberal government in 2017 (Government of Canada, 2017). This newly adopted two-year conditional permanent residency was applied to spouses or partners who were in a relationship of two years or less and who had no children in common with their sponsor at the time they received their permanent resident status in Canada. If the relationship ended within two years, spousal immigrants would lose their permanent resident status. By creating “insecurity of presence” (Rajkumar et al., 2012, p. 484; Chen and Thorpe, 2015, p. 90), this policy disciplined and regulated the practices of spousal immigrants whose legal status was tied to the maintenance of their relationship. As well as legitimizing the unequal power relationship between sponsors and sponsored persons by tying sponsored spouses’ legal status to the maintenance of the relationship, this condition also produced psychological discursive effects on foreign spouses insofar as the Canadian government stood on the side of

Canadians rather than treating them equally (Jeong, personal communication, February 20, 2015). Therefore, this change exacerbated the already unequal relationship between sponsored spouses and Canadian sponsors, and accelerated the vulnerability of sponsored spouses and partners (Bhuyan, Baqi, Korteweg, 2016; Canadian Council for Refugees, 2015). Even before the implementation of conditional permanent residency, scholars pointed out the vulnerabilities of foreign spouses including settling down in a new country as a foreigner, economic dependency, emotional dependency, social and cultural isolation, and lack of state protections against domestic violence (Côté, Kérist, Côté 2001; Walton-Roberts, 2004). Even though this change stipulated that in the case of abuse, neglect or death of the sponsor, conditional permanent residency would not be applied, most sponsored spouses, mainly women, are reluctant to report their spouses for abuse because, in many cases, they have difficulty collecting evidence and thus they are afraid of their application being refused (Canadian Council for Refugees, 2015). As Feng, a lawyer, points out, even simply proving the fact that they have cohabitated together with their sponsors is sometimes difficult because some spouses do not have any documentation that prove their address since most of their life arrangements depend on their sponsoring spouse (Feng, personal communication, March 10, 2015). This difficulty is compounded by the difficulties of collecting evidence of abuse by sponsors.

This conditional permanent residency has affected racialized immigrant communities disproportionately (Bhuyan, Baqi, and Korteweg, 2016, 2018). The language of the new change is neutral in racial and ethnic terms. However, because this policy applies only to couples who are in a relationship of two years or less and who have no children in common with their sponsor at the time they received their permanent resident status in Canada, it disproportionately affects some racialized immigrant communities that

have a tradition of ‘arranged marriage,’ which tends to have shorter periods of courtship and a general absence of common-law relationship culture before marriage. This condition also emphasizes the presence of common offspring as a barometer for a relationship’s authenticity. It is important to note that spousal immigrants who have accompanied dependent children from a different relationship are granted two-year conditional visa (Bhuyan et.al, 2018, p. 359).

Bhuyan, Baqi, and Korteweg (2016) argue that since the adoption of two-year permanent residency conditions, the statistical profiles for sponsored spouses demonstrate that racialized immigrants are more greatly affected by this policy. According to their research conducted from October 2012 to December 2014, among 103,867 newly sponsored spouses, common law partners and conjugal partners, 28% of all spousal and partner immigration applicants received a conditional PR status. The top 5 countries of origin for spouses who were granted conditional permanent residency were India, China, the Philippines, USA, and Morocco. When it comes to the proportion of those who were granted conditional permanent residency over the total number of permanent residencies issued, Turkey, Tunisia, Azerbaijan, Algeria, Nepal, Morocco, and Cuba composed the majority, of which the average was 51-56%. This new condition further deepened the vulnerabilities of spousal immigrants, particularly female immigrants, since women comprised 64% of the total number of these immigrants while men comprised only 36% (Ibid). After the Trudeau Liberal government came to power, this two-year conditional permanent residency status was repealed in 2017. This was a positive move to ameliorate the legal vulnerability of spousal immigrants who are generally situated in an unequal power relationship with their Canadian spouses. However, its five-year implementation has

already proven that securitization discourses can make the legal status of immigrants (who had previously been considered permanent) fragile in the name of protecting the nation.

The second change was with respect to conditions by which marriages of convenience are identified. 1984 amendments to the *1978 Immigration Regulation*, which provided immigrant officers with the authority to refuse spousal applications based on marriages of convenience, defined ‘bad faith’ as “a spouse who entered into the marriage primarily for the purpose of gaining admission to Canada as a member of the family class and not with the intention of residing permanently with the other spouse” (Immigration Regulation, 1984). It used a two-prong test, including an element of ‘purpose’ and ‘genuineness,’ to refuse recognition of a relationship. This two-prong test principle remained intact in the *2002 Immigration and Refugee Protection Act*. In the Act, under Division 2, Family Relations, bad faith is defined in the following way:

For the purpose of these Regulations, a foreign national shall not be considered a spouse, a common-law partner, a conjugal partner or an adopted child of a person if the marriage, common-law partnership, conjugal partnership or adoption is not genuine *and* [emphasis added] was entered into primarily for the purpose of acquiring any status or privilege under the Act.

In 2010, this conjunctive test (‘and’) was changed to a disjunctive test (‘or’) in order to ease the conditions for immigration officers to identify ‘fraudulent marriage.’ Now a bad faith relationship is regarded as one that “was entered into primarily for the purpose of acquiring any status or privilege under the Act” *or* “is not genuine” (emphasis added). The government explains that creating a disjunctive relationship between the ‘genuineness’ and ‘purpose’ elements will clarify a finding of bad faith in the case that either of these elements are present (Immigration and Refugee Protection Regulations, 2010, p. 660). By changing ‘and’ to ‘or’, immigration officers can claim fraudulent marriages more easily if

only one of the conditions is fulfilled. Robert Orr (Assistant Deputy Minister, Operations, Department of Citizenship and Immigration) states,

Regulation 4(1) was amended in 2010 to deal with bad faith relationships and gave officers more discretion, more room to move on ways that they could refuse applications. Previously, it had to be that the applicant was entering into the marriage both for immigration purposes and the marriage was not genuine. That level of proof changed (Standing Committee on Citizenship and Immigration, 2014a, p. 3).

However, this change does not take into consideration the inextricable nature of spousal immigration where the elements of ‘genuineness’ and ‘purpose’ are intertwined. Immigration prospects are an important matter of consideration for many spousal immigrants although it might not be the only reason for their decision. This change reflects the government’s prioritization of a punitive attitude towards spotting fraudulent marriage rather than its concern with minimizing the suffering of spousal immigrants and their Canadian partners whose relationships are still genuine, but whose applications are denied as a result of the “purpose” element.

Separation of the elements of ‘genuineness’ and ‘purpose’ exacerbates the already racialized perceptions of spousal immigrants from developing countries. The element of ‘purpose’ is deeply connected to structural motivations of spousal immigration under a globalized economic hierarchy: ‘purpose’ can be easily used to refuse applications from developing countries (assuming that immigrants from those countries marry or enter into a relationship for the purposes of immigrating to Canada). By separating the elements of ‘purpose’ and ‘genuineness,’ immigration officers are granted a legal tool to target spousal immigrants from developing countries, who are already pressured to prove their ‘genuineness’ under the previous system. Therefore, it is highly probable that spousal immigrants from developing countries are hit hardest by this new change.

The Canadian Bar Association (2008) points out that “the proposed disjunctive test may be perceived as targeting those cultures that practice arranged marriage” because the genuineness of an arranged marriage is perceived to be more difficult to test compared to so-called western conceptions of marriage for ‘love.’ This change may put further pressures on spousal and partner immigration applicants to adopt a more Western conception of ‘true love’ in their relationships in order to prove that the genuineness of the relationship takes precedence over the ‘purpose’ element, thus increasing the burden on spousal immigration applicants from non-western countries and/or developing countries. This punishment-oriented enforcement approach can subsequently create more room for immigration officers to misjudge cases, thereby creating more ‘failure’ of spousal applicants rather than protecting the family reunification principles of spousal immigration. This change would provide an extra measure to strengthen the power of immigration officers to claim ‘fraudulent marriage.’

The third change was to implement a 5-year sponsorship bar. Since March 2012, anyone sponsored as a spouse or partner has been barred from sponsoring a new spouse or partner for a period of five years. Again, this change is based on a one-sided punitive measure towards sponsored spouses or partners. The Background of this new policy on CIC’s website says,

spousal sponsorship is open to abuse when individuals enter into non-bona fide relationships in order to obtain status in Canada. The primary intent of the amendments is to create a disincentive for a sponsored spouse or partner to use a relationship of convenience as a means of circumventing Canada’s immigration laws, abandoning their sponsor soon after becoming a PR, then seeking to sponsor a spouse or partner (Government of Canada, 2012).

It is not clear how the five-year sponsorship bar imposed on sponsored spouses actually discourages them from engaging in ‘fraudulent marriage.’ Rather, this type of ban can signal that “permanent residents and naturalized citizens who entered Canada as

sponsored spouses are inherently suspicious if they seek to sponsor the immigration of a subsequent spouse/partner who is a foreign national” (Bhuyan et. al., 2018, p. 357). Based on one scenario of fraudulent marriage in which a foreign spouse intentionally deceives a Canadian spouse (and not vice versa), this approach may cater to Canadian sponsors’ emotional frustrations as a form of ‘revenge’ by preventing their sponsored spouse from inviting other partners from abroad after they divorce, rather than preventing ‘fraudulent marriage’ per se.

#### **7.4 Conclusion**

This chapter examined changes to spousal and partner immigration policies and regulations over the last two decades through a lens of neoliberalism and securitization. Under the broader trend of the neoliberalization of Canada’s immigration system since the 1990s, spousal and partner immigration as a part of family immigration has been deprioritized in contrast to economic immigration, which has resulted in a decrease in a proportion of family immigrants and application backlogs. Most of all, spousal and partner immigration became the object of governmental policies and regulations under Stephen Harper’s Conservative government (2006-2015). Combined with securitization, discourses of ‘fraudulent marriage’ work as a major governmental tool to control and regulate spousal and partner immigration to Canada. Governmental policies and regulations construct ‘marriage fraudsters’ as security threats, spreading personalized fears through the binary discourse of innocent Canadians and evil foreign marriage fraudsters, and racialized targeting of governmental controls and regulations. The securitization of spousal immigrants and discourses of fraudulent marriage justify the racial profiling, targeting and punitive measures imposed on spousal immigrants, particularly those from developing countries. The construction of the phenomenon of fraudulent marriage functioned as

justification for three new policies in 2010 (change in a two-prong conjunctive test [‘and’] into a disjunctive test [‘or’]) and in 2012 (two-year conditional permanent residency and 5 year sponsorship bar for sponsored spouses to invite a new foreign spouse). These policies have exacerbated the unequal relationship between sponsors and sponsored persons by imposing institutional barriers on spousal immigrants. Under intensive processes of securitization, suspicions of foreign spouses place major constraints on their lives in Canada. In the following chapter, I shift my focus to experiences of spousal and partner immigrants in their application processes to analyze how contestations surrounding the legitimacy of the relationship function as a venue where both the boundary of the Canadian nation is drawn, and racial and cultural hierarchies are reproduced.

## **Chapter 8: Determining the legitimacy of marriage migrants: experiences of spousal and partner immigrants and their Canadian spouses**

This chapter shifts its focus to the spousal and partner immigration application process, which constitutes a site where the boundary of the Canadian nation is drawn and redrawn with respect to determining the legitimacy of applicants' relationships. In order to capture the series of processes that spousal immigrants and their Canadian spouses must undergo in order to settle down in Canada, I examine the roles of visa officers as gatekeepers as well as the experiences of spousal and partner immigrants. I argue that experiences of spousal and partner immigration applicants are shaped by their different positionalities based upon intersections of race, gender, culture, class, and the country of origin. Spousal and partner immigrants and their Canadian spouses negotiate their cultural and racial identity in relation to their understanding of 'Canadian norms' (white hegemonic norms and/or multicultural values) in order to secure their entry to Canada. I contend that the processes of spousal application work as racialized venues where racial and cultural hierarchies are reproduced and reinforced with respect to the legitimacy of the relationship. After they secure their entry to and settlement in Canada, spousal and partner immigrants face another barrier of 'suspicion' that they must deal with: suspicions by neighbours, and/or by their Canadian spouses/partners and their families. The intimate relationships of spousal immigrants and their Canadian spouses/partners have continuously been subjected not only to the state's regulations and controls, but also to suspicions by family members and neighbours.

The organization of this chapter is as follows. First, I examine the roles of visa officers as gatekeepers who are tasked with determining the legitimacy of applicants' relationships. After that, I focus on the experiences of marriage migrants and their

Canadian spouses/partners as they navigate the process of the spousal immigration application. Second, I examine barriers of suspicion that marriage migrants face after they enter Canada, particularly suspicions by family members and neighbours.

### **8.1 Screening by visa officers**

In migration literature, gatekeepers and gatekeeping have been important research metaphors for the examination of mechanisms of both inclusion and exclusion, which control and regulate migrants' admission to host countries and to acquisition of citizenship by nation-state authorities (Pellander, 2015; Satzewich, 2014b). In this section, I focus on the roles of gatekeepers of visa officers. According to the *Immigration and Refugee Protection Act* implemented in 2002, spouses,<sup>39</sup> common-law partners,<sup>40</sup> and conjugal partners<sup>41</sup> of Canadians or permanent residents are entitled to apply for permanent residency in Canada through the Family Class. Depending on where they reside and where they plan to reside during the time when their application is being processed, they can apply for either the Family Class for Overseas Sponsorship (division 1 under the Family Classes) or the Spouse or Common-Law Partner in Canada Class (division 2 under the Family Classes) (Justice Laws Website, n.d.). After an application is submitted, decisions are mainly granted on the basis of written applications, but if concerns relating to marriages of convenience arise, visa officers can ask applicants to submit supplementary documents or request an interview with applicants before making a decision (Margaret, personal

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<sup>39</sup> Spouse under the *Immigration and Refugee Protection Act* is defined as both opposite and same-sex marital partner whose marriage is legally performed in Canada or whose marriage is legally recognized in the country where it takes place and in Canada if performed outside of Canada (Government of Canada, n.d.).

<sup>40</sup> Common-law partner under the *Immigration and Refugee Protection Act* means both opposite and same-sex partner who has been in a conjugal relationship for at least one year (Government of Canada, n.d.).

<sup>41</sup> Conjugal (both opposite and same-sex) partner under the *Immigration and Refugee Protection Act* refers to a binding relationship between a person outside Canada with a sponsor for at least one year, wherein the partner could not live with together (Government of Canada, n.d.).

communication, April 9, 2015). While the language of immigration laws, policies and regulations sounds neutral, the ways they are interpreted and practiced are not straightforward. Since the spousal and partner immigration process involves the intimate and private lives of immigrants, the decision-making process of immigration officers is open to subjective interpretation more so than in the case of economic class immigration. Pellander (2015) conceptualizes immigrant officers' decisions regarding spousal immigration applications as "moral gatekeeping" conducted through "moral conceptions of what makes a good and acceptable marriage" (1476). Some research conducted in European countries demonstrates how preference is given to marriages that comply with mainstream Western values of 'romantic love' in host countries, which corresponds with the gatekeeper's moral conceptions of good and acceptable marriages (Wray, 2006; Eggebø, 2013; D'Aoust, 2014). Research in Canada has highlighted the racialized and gendered practices conducted by the Canadian government in the process of determining the validity of marriages or partnerships (Walton-Roberts, 2004; Gaucher, 2014, 2018). Gaucher (2018) also highlights the discrimination against common-law couples (including same-sex couples), arguing that current sponsorship programs favour married couples. She criticizes the "one-size-fits-all" approach, which is applied to applicants with diverse positionalities of race, gender, sexuality, culture, class, and country of origin. Building upon such literature, I analyze decisions by visa officers with four recurrent themes I observed based on my interviews with three retired visa officers, governmental manuals which outline the spousal application process, and internal government documents (which became public through *the Access to Information Act*): the 'balance of probability between gut feeling and evidence,' 'Embedded 'white norm' and racism in the rhetoric of multiculturalism,' 'love versus economic motivation,' and 'compatibility.'

### 8.1.1 The balance of probability between gut feeling and evidence

Jane, had a 30-year career in processing all forms of immigration and temporary migration applications<sup>42</sup> from all over the world (personal communication, April 29, 2015). She describes her job in processing spousal immigration applications more as an ‘art’ than a ‘science’ by emphasizing the human side of the process. This metaphor of ‘art and science’ captures the nature of visa officers’ jobs and responsibilities in evaluating the intimate lives of applicants which are subject to diverse interpretation, but also need to be explained through the ‘objective’ language of immigration laws and regulations. The metaphor of ‘art’ and ‘science’ is also demonstrated in Satzewich (2015)’s research: a visa officer in his research mentions that “it’s part science, and part art. The science part is applying the law. The art part is about understanding people” (9).

Supplementing her metaphor of ‘art,’ and ‘science,’ Jane also characterizes her job as a practice of the ‘balance of probability’ between acting upon gut feelings, and proof or evidence. Jane says,

I think I never had to put this into words, but I guess it's a *balance of probability*. I'm pulling that out of my head. This is a person, okay, first of all, Can I prove it? Do I have a solid case? Right? Do I have enough evidence to say yes, I definitely feel this is ... that's out. No issues, that's what I won't refuse. If it is grey or I am not quite sure and there's no real way to go and collect evidence. To the contrary, like other marriage certificate, so, I lived all my life like in expat-ish at this town, I can go to the town, we usually have officers to go around and check things, go to that town and look at the marriage register thing, you know, so that's hugely labour intensive, hugely, sometimes you have a case that you don't think it is strong. You have a *gut feeling* whatever the hell that is, and you know what, I can't, I don't have enough here to prove that or to feel comfortable this is the case, there's no point in wasting your time. So, files languish for months on officers' desks because they don't wanna make the decision. They don't feel comfortable, but they can't find a way [to refuse it], that's

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<sup>42</sup> Jane worked as a visa officer in all over the world from the 1970s to the 2000s. After her retirement, she worked as a casual employee with CIC to process spousal immigration applications.

what you hope ... or they don't pass medical exam. *Because it's an art, not, you can't tick off the boxes.* (personal communication, April 29, 2015)

According to Jane, judging the balance of probability requires a negotiation between her gut feeling and physical documents of proof. When the gut feeling is greater than submitted proof, the decision is often delayed. In Jane's narrative, her 'gut feeling' is closely tied to her 'common sense' guiding her decision. For Jane, common sense refers to a logical conclusion of immigration applicants' stories, resulting from a synthetic decision-making process, verifying the consistency of stories, incorporating an understanding of local culture, and consistency in each document. Jane says,

It's a story. I guess what you are looking for is a connection. What is the connection, how is the whole thing developed? "Tell me how you met your husband, what you know about his family, his relatives, how many times you have seen him, how many you've talked to him on the phone, how does it work? You talked to him on the phone every day?" That's great, do you have a phone? No? How do you make [a phone call?] ... One little question always leads to something and something and something once again, it's an *art*, you just have to use common sense, does it make sense? Does this sound to you knowing what you know about the country and everything, does it sound legitimate or there are pieces, clearly pieces? (personal communication, April 29, 2015).

With respect to Jane's experience of training new visa officers, she emphasizes that "good immigration officers are curious and nosy, and not shy. Can't be shy. You have to ask people intimate, personal, questions." The balance of probability, however, is not simply an individual decision following a logical conclusion. The elements of art and science in individual officers are not fixed, rather they are weighted differently depending on diverse factors including structural conditions such as the pressures of productivity put on officers (Satzewich 2014a; 2015), and institutional racism embedded in immigration policies which target certain racialized immigrant communities as potential marriage fraudsters. These structural conditions factor in individual officers' decision-making processes and judgements surrounding the balance of probability. Firstly, visa offices are

under pressure to meet yearly processing targets for each class of permanent resident visa for each office, and therefore quick processing is sometimes prioritized over other matters. Satzewich (2014a) points to the competitive work environment in visa offices across the world, where processing times are given priority in order to meet assigned yearly processing targets for each visa office.<sup>43</sup> He contends that an immigration officer's decision to declare a marriage as legitimate or illegitimate is affected by this structural incentive of fast processing, which eventually permits more favorable spousal immigration decisions. In other words, according to Satzewich, visa officers are less likely to reject 'suspicious' applications when a relationship's credibility is doubted because it means extra work for visa officers. Jane also recalled that, in her office, they set up a thermometer to illustrate monthly targets and to pressure officers to meet the targets: all officers were pressured to meet annual target numbers (personal communication, April 29, 2015). Another interviewee, Margaret<sup>44</sup> partially supports Satzewich's argument about structural pressures for fast processing, but she refutes his argument saying that individual immigration officers' perspectives and values still matter in their decision of refusing or approving applications (Margaret personal communication, April 9, 2015). Because immigration officers are human beings with value system, emotions, and work ethic, the preferences and perspectives of individual managers and officers are still a crucial part of their job practices even in a competitive work environment. Margaret says,

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<sup>43</sup> Satzewich (2014a) explains that the targets assigned to office are determined by different factors including "the previous year's target, the overall staff complement, and the volume of applications in the region" (p. 9). However, he did not go deeper to disentangle how these predetermined quotas were established in the first place, or how racialized assumptions relating to discourses of fraudulent marriage intervene in the decision-making process with respect to setting yearly targeting numbers.

<sup>44</sup> Margaret worked as a visa officer for more than 30 years from the late 1970s to late 2000s. She was posted to all over the world, and dealt with diverse immigration processes including spousal immigrants, refugees, and economic class immigrants.

the converse is that again we are all human, we have good managers and bad managers [who] probably refuse [more]. Bad officers became very enforcement-minded and refuse what they shouldn't have. Again, we did a quality control of that sort of thing (personal communication, April 9, 2015).

In line with Margaret's point, I argue that Satzewich's position on 'structural incentive' attends to only one aspect of the structural conditions within which visa officers are situated. I identify other significant and influential factors that affects the decision of visa officers, which I analyze as a form of institutional racism that reflects a broader structure of racialized practices including racialized targeting, and racialized thinking embedded in individual officers' perspectives reflected as 'white norm.' As I examined in chapter 7, certain racialized groups have been the target of intense scrutiny as potential marriage fraudsters. For example, anti-fraud units composed of CBSA officers have been established in New Delhi and Chandigarh, India, to detect 'marriages of convenience' (Standing Committee on Immigration and Citizenship, 2012). With respect to screening processes, immigration officers in India and China have been instructed to scrutinize applications more closely than in other locations to spot fraudulent marriage (Gaucher, 2014, p. 200). Unlike Satzewich's point that pressure put on officers to process applications quickly induces the facilitation of applications rather than their refusal, officers in these targeted countries are asked to identify fraudulent marriages meticulously instead of pressured to process applications quickly.

Racialized targeting based on the country of origin is reflected in Gaucher (2014)'s research. One visa officer in her research says that "[w]hen I was stationed in London, cases were rarely refused. When I was stationed in Delhi, couples were considered guilty until proven innocent. Geographical location meant everything" (201). A strong bias against certain racialized groups can lead to indiscriminately higher levels of suspicion. While the pressure to process applications quickly represents a partial structural factor,

institutional racism accompanying racialized practices that target certain groups of spousal immigrants do not lose their power: rather, racialized targeting combined with securitization discourses account for frequent excuses for any delay or backlog related to spousal immigration.<sup>45</sup> In other words, with respect to the standards that legitimize ‘real’ and ‘fraudulent’ marriage, visa officers are affected by a broader structure of institutional racism embedded in the immigration system, which eventually results in disparate screening practices of spousal immigration applicants mainly from racialized communities. Institutional racism works as an influential structural factor to shape and shift the line between ‘art’ and ‘science’ in individual officers’ decision making, which results in a predisposition that favours white applicants from European countries over racialized applicants from poorer Asian, African and Latin American continents.

### **8.1.2 Embedded ‘white norm’ and racism in the rhetoric of multiculturalism**

Institutional racism influences individual officers’ understandings of marriage and relationship practices judged in accordance with ‘white norm.’ When Jane explained what she understood as the Canadian definition of marriage and relationship (during our conversation with respect to differences in visa policies in Canada and Korea), she reluctantly labeled the basis of her common sense as a ‘white norm.’

Jane: I hate to say, the white norm.

Jiyoung: So, it has been really embedded in the system?

Jane: Yes, nobody would ever say it to you, but yes, in my head, I’m thinking a long-term affectionate relationship that would produce children and blah. yes, I have to say, I never thought of that way before, that’s my, my definition. Isn’t it?

Jane verbalized her ideal definition of legitimate marriage or relationship as a form of “white norm.” While a white norm is not explicitly verbalized in immigration laws and

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<sup>45</sup> Recall former Minister Alexander’s remark cited in chapter 7, which justifies significant backlogs of inland spousal immigration in the name of identifying and deterring fraudulent marriage.

regulations, a recently leaked CIC training manual for CIC officers on spotting fake marriage (obtained by lawyer Steven Meurrens through an Access to Information request) reveals that a Eurocentric cultural perspective (in Jane's term, "white norm") is not an individual perspective, but that it is institutionally embedded in the immigration system (Keung, 2015c). Without mentioning 'race' explicitly, this document clearly denounces which applicants should be flagged as potentially fraudulent (namely non-European immigrants or Canadians with lower levels of education whose socio-economic status does not align with a Eurocentric cultural perspective and middle-class marriage expectations). This document offers some indicators of non-genuine marital relationships, such as "Chinese nationals, often university students, marrying non-Chinese" or if a "sponsor is often uneducated, with a low-paying job or on welfare" (CIC, 2007). It also recommends flagging applicants who do not provide photos of kissing on the lips, who do not go on a honeymoon, and applicants who do not wear "diamond rings." In other words, relationships without any indication of 'love,' (which is manifested in certain practices such as "kissing on the lips" and "touching each other," or materialized through wedding culture such as honeymoons and wedding receptions) are targeted as suspicious. Immigrants who do not follow the Western relationship norms and material symbols of 'love' are more easily subjected to greater scrutiny and investigation. Discerning the performance of 'love,' which is manifested in terms of a western wedding ceremony and material representations such as a diamond ring, is an important part of the work of visa officers in other western European countries in managing and regulating marriage migration (D'Aoust, 2014).

I also found that white hegemonic norms embedded in the immigration system do not work alone, rather they coexist paradoxically with the rhetoric of multiculturalism. While noting a 'white norm' as the basis of her judgments, Jane also emphasized her efforts

to respect local cultures in her decision-making process (personal communication, April 29, 2015). Similarly, Margaret emphasized her efforts to understand local cultures and acquire knowledge of local cultures through locally hired officers in visa offices in her decision-making process (personal communication, April 9, 2015). In both interviews, their respect for Canadian multiculturalism and Canadian multicultural identity existed as subtexts of their work as visa officers. The Overseas Processing 2 (Processing Members of the Family Class), an administrative manual for visa officers, clearly notes that “it is important for officers to examine the particular circumstances of a relationship and to assess it in the context of the cultural norms of the country” (CIC, 2006, p. 44). In other words, the hegemonic white norm and the rhetoric of multiculturalism simultaneously co-exist in visa officers’ decision-making process. I define the practice of emphasizing ‘local culture’ as ‘multicultural gatekeeping’ in the decision-making process of visa officers. Multicultural gatekeeping provides Canadian visa officers with the authority to interpret local non-Western culture in a certain way, mainly by essentializing local culture and producing ideal multicultural subjects who conform to the mainstream local culture. Multicultural gatekeeping sometimes leads to a more oppressive evaluation of the relationships of those who do not conform to mainstream local culture outside of Canada, and is premised on the homogenization of minority culture. Following a white norm and multicultural gatekeeping seem ostensibly contradictory, yet in fact, both demonstrate the institutional racism embedded in visa officers’ decision making processes. For example, Tara, a lawyer mainly working for South Asian immigrants, argues that the lives of people who do not embody the typical minority culture face more suspicion given her experience. Currently, she is helping an appeal case of her client’s (a middle-aged Indo-Canadian woman). Her client’s husband’s immigration application was refused, mainly due to their

ages (her being ‘unconventionally’ older for a first marriage and her husband being several years younger). Tara say,

“Why did you get married late?” and, this is one thing, also in the case if men are younger, they have a lot of objections. How come are you getting to marry a younger person? That is also a problem to them. All those things which are not problems in Canadian society. ... Everything we allow in our society and we think is okay becomes a problem for persons who are from somewhere [else] (personal communication, March 2, 2015).

‘Unconventional’ ethnic cultural practices in non-Western countries are easily subject to suspicion. The culture of the Other is generalized as a unitary one, thus the individuality and variation in practices among Others are easily ignored. In other words, when immigrants from non-Western culture conform to their mainstream local culture, they tend to have a higher chance of being accepted, whereas immigrants outside of mainstream local culture are excluded in the name of respecting local culture. Tara says,

Things which I see come across, basically startle me is commentary like, “*in your culture, you are not supposed....* In your culture, why did you get married so late? In your culture, people usually get married young. Why did you get married so late? There was another one, where, it was said that how come, in your culture, you were not supposed to get married within the same clan? How come you and your spouse have the same last name? ... And, I also find like “We understand what normative relationship is, because yours is not normative, we question you.”

‘Your culture’ is understood in an essentialized way by immigration officers and their specific knowledge becomes the basis for raising the bar to screen immigrants who do not follow ‘conventional’ norms. The rhetoric of ‘your’ and ‘our’ culture operates under presumed hierarchical cultural relations. Tara’s remark reflects that the emphasis of local culture by visa officers can lead to the practice of essentializing the culture of ‘Others,’ and marginalizing migrants who do not conform to essentialized cultural norms. Walton-Roberts (2004)’s work also supports this point. She argues that immigration officers are granted the power and authority to interpret local cultures and exercise their understanding

of those cultures in judging and evaluating the legitimacy of immigrants' cultural practices even to the extent of expectations of adhering to the local customs of spousal immigrants, which directly contradicts the gender equality advocated for within Canada. She points out that the value of gender equality is contradicted in the name of accommodating local cultural norms in the decision-making process.

This form of 'multicultural gatekeeping' based on the homogenization of ethnic culture prioritizes couples of the same culture and race over inter-cultural or inter-racial couples. Couples of different ethnic backgrounds are flagged more often for potential fraudulent marriage (Keung, 2015c; Gaucher, 2018). That contravenes the value of multiculturalism which aims to respect cultural diversity as Gaucher (2018) astutely points out the contradiction below:

It is also troubling that in a self-declared multicultural society, sponsorship-seeking couples who were religiously, ethnically, and culturally compatible were deemed less suspicious than spouses that came from different backgrounds (129).

In sum, visa officers' decisions reflect both persistent white norms and multicultural gatekeeping (which has worked to essentialize ethnic culture, or disfavour inter-cultural or inter-racial couples). Both white-centric and multicultural assumptions are applied without dismantling racial and cultural hierarchies and racism against racialized migrant groups mainly from global South.

### **8.1.3 Love versus economic motivation: the intention of marriage**

Another crucial criterion implemented by visa officers to evaluate the motivations of marriage migrants is the intention or motivation to enter into a marriage or partnership. The intention of entering into a marriage is questioned more in the case of marriage migrants coming from developing countries. The leaked CIC document above mentions

how the country of origin works as a major basis for deciding the legitimacy of relationship.

The document says,

Someone from USA doesn't gain that much (our economy and standard of living are similar, fairly safe country) as compared to someone coming from a very poor country or a country where there is much unrest, violence, war, etc.). Could they be entering into a marriage of convenience (MOC) solely to avoid having to go back to a bad situation? The more they have to gain the higher the bar is to satisfy the bona fides (Keung, 2015c).

Satzewich (2015) research also points out that officers are less inclined to question the intention of spousal immigration in the case of countries whose citizens do not need a visitors' visa. His interviewee says,

When I was in [South] Korea, there was no visitor visa requirement. A Korean could just get on a plane and come to Canada. As a result, there were no marriages of convenience. There was no need for Koreans to enter into a marriage of convenience because if they wanted to get to Canada, they could just jump on a plane (145).

The country of origin works as an important criterion when visa officers are determining the motivations of a relationship. In other words, spousal immigrants from developing countries are expected to prove that they are in a sincere and committed relationship, which can offset structurally assumed economic motivations even though, in reality, spousal immigrants' motivations are more complicated than a choice of either economic calculation or love. The clear-cut distinction between economic motivation and the intention of entering into a marriage allows for the demonization of spousal immigrants from developing countries as those who are potentially engaging in fraudulent marriage. 'Love' emerges as a factor to determine the legitimacy of the relationship when it comes to cases of immigrants from developing countries. Any presumed economic motivation is considered suspicious and troublesome, which undermines the value of 'true love.' Spousal immigrants have to prove that they are not the ones taking advantage of 'innocent' Canadians who believe in 'true love.' In this way, love becomes both a "target and object

of governmental calculation in the project of immobility and a movement that participates in projects of mobility” (D’Aoust, 2014, p. 320). D’Aoust argues,

‘good marriage migrants’ are expected to reunite with their partners for the sake of love, not for the sake of other material benefits. It is the constant re-enactment of this loving movement that is being regulated, tested, and assessed by the state (326-327).

Yet, the binary distinction between good marriage migrants and bad marriage migrants does not explain the inevitably ‘economic’ nature of spousal immigration embedded in the globally hierarchical economic system. Immigration officers recognize the structural push factors that motivate spousal immigration in sending countries. Jane says,

You got no money, you got no education, how long do you think people like us are gonna wanna hang around there? What would you do to get out of that? I would do anything. And you would do anything, right? Because we are smart people. And these are smart people, too. They are looking for a way out of town anyway. ... Why wouldn’t you? The whole world thinks the streets of Canada and the United States are paved in gold. Why are you here? Right? Same, my family immigrated, why would we be here? Better life for us, kids, right? So you do what you have to do, so in immigration, we talked about push and pull factors, and there are a lot of push factors around the world. And I don’t blame people, that’s what I mean about being empathetic (personal communication, April 29, 2015).

She emphatically understands desperate situations as push factors of migration. She also emphasizes empathy as an essential quality of being an immigration officer. At the same time, her empathy also works in tandem with the reasons for imposing stricter rules and greater suspicions towards spousal immigrants from developing countries. Under these structural circumstances, she approves cases mainly when she is persuaded by their stories of ‘love’ or relationship commitment, which seem to offset the obvious economic motivation. The emphasis on ‘love’ is therefore paradoxically applied more to immigrants from developing countries in which the majority may not follow Western relationship norms. Immigrants from these countries are expected to provide narratives of love or

commitment to their relationship; these are presumed to be the favoured narratives of immigration officers.

#### **8.1.4 Compatibility: who matches with whom?**

To offset the assumed economic motivation of immigrants from developing countries, spousal immigrants are pressured to present their stories of love and commitment, which are believed by many visa officers to transcend any economic interests that these immigrants may acquire through spousal immigration. At the same time, their relationship is tested through a lens of compatibility based on social norms and cultural expectations in both countries of origin and Canada. Who matches with whom? Judging compatibility is another venue where cultural norms compete with each other.

Compatibility is considered an important element in evaluating conjugal relationships in spousal applications. The leaked CIC document mentioned above notes that applicants with an age gap (10 years), educational differences, and different ethnic backgrounds are flagged as incompatible (Keung, 2015c). Physical suitability is also examined by immigration officers through photographs (Satzewich, 2015, p. 160-161). An officer in Satzewich's study flags a couple whose appearances does not match each other (from a Canadian perspective) using coded language such as "they do not appear to be physically compatible" and to present 'abnormalities' of the relationship (161). Similarly, Gaucher (2018) lists age, education, religion, culture, and common interests in her analysis of appeal decisions. Jane also considers occupational backgrounds and social class as important criteria to evaluate her decisions (personal communication, April 29, 2015). For example, she refused the immigration application of a Jamaican sugar cane cart worker who married a Canadian female senior-level bureaucrat after Jane thoroughly interviewed the man because she did not believe that they made a believable match in occupational and

class terms. Unlike the conventional image of ‘love’ which is transcendental, love in spousal applications is recognized under the boundary of social and cultural norms. ‘Love’ is situated somewhere between offsetting economic motivations and fulfilling ‘compatibility’ based on social norms and culture. Spousal immigration applicants thus must contend with the subjective standards of compatibility and discretionary power exercised by immigration officers.

In sum, the decisions of visa officers are influenced by diverse factors that I identify here as the ‘balance of probability between gut feeling and evidence,’ ‘embedded white norm and racism in the rhetoric of multiculturalism’ ‘love versus economic motivation,’ and ‘compatibilities.’ In the next section, I analyze how spousal immigrants and their Canadian partners employ different strategies in order to walk through visa officers’ screening gates.

#### **8.1.5 Strategies employed by spousal immigration applicants**

The futures of spousal and partner immigration applicants depend on the decisions of immigration officers who evaluate the legitimacy of applicants’ intimate relationships. Yet, spousal immigration applicants are not privy to information on how their applications are actually evaluated by visa officers. In the face of this uncertainty, they calculate every possibility under which their marriage might be deemed suspicious by visa officers and utilize diverse strategies to reduce any uncertainty surrounding the application process in order to ensure that their permanent residency application is processed smoothly.

The first task of spousal immigration applicants to walk through the gate of spousal immigration process is to prepare all the necessary documents including an application form, sponsor and sponsored/partner questionnaires, relationship information, sponsorship evaluation, etc. to fit an individual life into particular bureaucratic procedures. The

preparation includes understanding the purpose of each document, finding, locating, and selecting the relevant information to include, formulating relationship stories, and strategizing answers to given questions. Through the process of reading, interpreting and analyzing the necessary forms and documents, spousal immigration applicants actively seek to understand visa officers' intentions and cultural expectations in order to align their stories with officers' expectations. Narratives of marriages or partnerships are intentionally written for visa officers because spousal immigration is decided based on the extent to which personal and intimate lives translate into 'understandable' and 'readable' language for visa officers. Seemingly 'neutral' language in immigration laws and regulations is interpreted differently by spousal immigrants, who employ diverse strategies. These strategies differ based on intersections of their positionalities including race, culture, gender, class, religion, country of origin, and their conjugal status such as married or common-law.

In the face of widespread discourses of fraudulent marriage, racialized spousal immigrants (who are considered major targets of fraudulent marriage by the government) utilized any possible resource to the fullest extent in order to avoid suspicion, whereas self-identified 'white' spousal immigrants from developed countries seemed to be less worried about being suspected of being involved in fraudulent marriage. Among my interviewees, racialized immigrants adopted one of two ways to 'normalize' their relationship in order for it to be accepted as legitimate: either by actively adopting and following the 'hegemonic white Canadian model' or by appealing to the value of 'multiculturalism.' Both strategies operate under the assumption of hierarchical perceptions of culture and racial identity in Canadian society. Given the relatively small sample of my interviewees, my goal is not to generalize the practices of racialized migrants. Rather, I aim to identify different strategies

by differently racialized groups of migrants, and discuss what these varying strategies explain about their pursuit of being accepted as part of the Canadian nation as spousal immigrants. I argue that spousal immigration application processes constitute a site where the racial and cultural identities of spousal immigrants are re-visited and negotiated, and which reveals how, as ‘racialized’ spousal immigrants positioned in a cloud of suspicion, they imagine belonging as to the Canadian nation.

#### **8.1.5.1 Performing perceived mainstream Canadian culture**

Ahmed (who self-identifies as a Moroccan-Canadian man), who married and sponsored his Bangladeshi-American wife, Mafuja, recalls that filling out application forms was an experience of constantly being reminded of how his marital relationship was different from so-called western romantic love and marriage (Ahmed, personal communication, February 16, 2015). He met his wife, Mafuja, through mutual friends. Ahmed and Mafuja talked online for some time and then decided to get married. Because their Muslim backgrounds did not allow dating before marriage, they met only once face-to-face before getting married mainly for the purpose of immigration. Ahmed found the application process puzzling because he could not frame his story into given questionnaires. By reviewing application forms, which center on the development of the relationship such as dating before marriage, traveling, and co-activity, he thought that his marriage might seem ‘odd’ to immigration officers who would base their understanding of the relationship on the logic of the questions in the questionnaire included in the application forms. He decided to “make up” his and Mafuja’s story in order to fill in the blanks on the forms because he feared that leaving a blank in the form would be problematic.

Ahmed: we had to *make up* a lot of, lots of stuff because they ask questions. They wanna see that you had a relationship before, but we didn’t.  
Jiyoung: What do you mean?

Ahmed: We met before, and then we got married. We were not dating. I know, in the application, they ask, they want to see you guys have kind of ... They want pictures. We met because of that.

Jiyoung: What do you mean by “making up”?

Ahmed: You know, they want to learn stuff that you guys went to the park together, you guys know each other, you are in love, they want to know all these things, yes, they want to make sure you guys know each other before. We did not really know each other. We met because [of the application]. Culturally we are not allowed to do dating before we get married. ... Basically, you have to sort of *create* the relationship they have in their head, like what the married couple, or somebody who are about to get married, [what] would look like, you know that they are very happy, they are involved, they love each other before marriage, culturally, we are not, we are not gonna have that (personal communication, February 16, 2015, my emphasis).

As Ahmed points out, two required documents for spousal immigration (‘sponsor questionnaire [IMM 5540 (04-2008) E]’ and ‘sponsored spouse/partner questionnaire [IMM 5490] (08-2013) E’) denote a certain type of relationship, mainly a western conception of marriage based on ‘love’ and partnership as the norm. These documents do not include any explicit cultural language; however, the ways in which questionnaires are arranged in order and the specific language such as ‘gifts’ hint at what immigration officers look for. For example, in these documents, questionnaires comprise four sections: (1) first meeting; (2) family members; (3) development of your relationship; and (4) information about your marriage. These sections assume that a relationship is constructed based on chronological steps of the first meeting, the development of the relationship through dating, introductions to each other’s families and friends, and marriage or cohabitation. In addition, these questionnaires indicate how a ‘normal relationship’ is perceived in spousal immigration. For example, under the ‘first meeting’ section, two out of six questions are about ‘gifts’ such as “Did you give your sponsor any gifts?” and “Did your sponsor give you any gifts?” Even though the forms offer no explanation of what ‘gift’ means.

In the case of Bidayak, the word ‘gift’ in the application forms was understood as a code for Western dating culture (personal communication, Jan 25, 2015). He came to Canada for his PhD from India and received his permanent residency. He met Anaya from India through a popular matrimonial website (a popular website for people from India both domestically and internationally), married her, and she joined him in Canada in 2011. When he was studying Canadian immigration documents and noticed the word ‘gifts’ written in the document, he decided to send gifts and flowers to his wife regularly; he also collected receipts in order to present his ‘commitment’ to immigration officers even though sending gifts was not what he otherwise would have done, and certainly not often. The question on the documents shaped the way in which he practiced courtship. The appearance of ‘gifts’ in immigration documents is not the only section that has an effect on applicants; question 9 under the ‘development of your relationship’ section does affect applicants. The question asks applicants to

describe how your relationship developed after your first contact/meeting with your sponsor and if you and your sponsor dated or went on any outings or trips together. Provide photos and documentary evidence of events or activities in which you both participated.

This question assumes a chronological development of the relationship prior to marriage. Questions under the ‘information about your marriage’ section are focused on marriage proposal (Q12-13), engagement (Q14), the formal marriage ceremony (Q15), the reception (Q18), and the honeymoon (Q19). Reading these application forms creates anxieties for some spousal immigrants such as Bidayak and Ahmed whose relationship is not framed under questions noted above and their implications for a normative development of a marital relationship. Spousal immigrants and their Canadian counterparts are pressured to interpret their own stories with a language of perceived mainstream culture

or create stories in order to fit them into the given questions instead of telling the truth about how they decided to marry, etc.

Only question 17 touches upon other forms of marriage, represented as arranged marriage. The document broadly defines arranged marriage as “a marriage that was arranged by relatives, friends or brokers (matchmakers).” This broad definition does not specifically refer to a particular culture, but the definition of arranged marriage is interpreted by immigrants (who come from a culture where arranged marriage is believed to be a dominant pattern of marriage) as a ‘cultural’ code. In fact, if the definition of arranged marriage on the form is technically applied, the majority of marriages including western forms of marriage can be interpreted as ‘arranged’ marriage because, broadly speaking, the majority of relationships include certain levels of arrangements by the internet, friends, family, colleagues, etc. However, this question does not ask for such details. ‘Arranged marriage’ is understood as a way to express a fixed cultural form of marriage. For some immigrants, checking the ‘arranged marriage’ box is assumed to create more stigma rather than working as a signal for cultural awareness and easing the anxieties of applicants of cultural minority groups. In an interview, Ahmed emphasized that his marriage was not an arranged marriage because he was afraid of the stigma attached to the practice of arranged marriage.

Jiyoung: Is it [your marriage] similar to an arranged marriage?

Ahmed: No, it’s different. We wouldn’t *have to* get married. They [mutual friends] introduced us to each other. And then we related to each other. Then we get married. We are still in contact through emails and talking (personal communication, February 16, 2015).

If I literally apply the definition of arranged marriage to Ahmed’s relationship, his marriage could be included under the category of arranged marriage, but he did not want

to define his relationship as a form of ‘arranged marriage,’ because Ahmed believed that ‘arranged marriages’ were not favoured in Canada.

Jiyoung: Do you think arranged marriage is accepted here?

Ahmed: Absolutely not. This is the question we get all the time when people ask us, “how did you meet each other? Is it arranged?” Cause I know, when you think it’s arranged, you think somehow, you know people lack choice, or they are forced to do this thing. But that is not what I think, and plus, I don’t think ours was an arranged one. It is something we got introduced by two people who knew that we wanted to get married. I said, I wanted to get married, and I am sure she told someone that she wanted to get married, people just made us together.

Jiyoung: Were you trying to emphasize that yours was not arranged marriage?

Ahmed: Yes, I wanted to make sure we met before. We elaborated on that instead of [saying arranged marriage]. Because I know that they [immigration officers] have problems with that here (personal communication, February 16, 2015).

Ahmed’s experience, as a member of a religious and racial minority group, caused him to strategize his spousal application by incorporating a flavour of ‘mainstream’ Canadian cultural practices, rather than emphasizing his own cultural difference. Even though his wife Mafuja has American citizenship, her country of origin itself does not inspire confidence in and of itself when Ahmed and Mafuja are weighing the legitimacy of their marriage. They believed that race and religion would be weighted more heavily than their country of origin or level of education. Mafuja, a PhD student and American citizen, did not feel that her American citizenship and her education level were enough to guarantee the success of her application process. Mafuja’s case is in stark contrast to the case of Paula, who self-identifies as white American and got married to a Moroccan Canadian man, as examined below. In fact, Mafuja already faced some barriers in extending her temporary visa before starting the immigration process in Canada with her American passport. Their Muslim background was a major concern for her and Ahmed. Ahmed says “my wife wears a hijab. We were very, kind of, worried about what sort of image would be portrayed”

(personal communication, February 16, 2015). The hijab functions as an explicit physical manifestation of Mafuja's female Muslim identity. Ahmed and Mafuja's racial and religious backgrounds seem to prevail over Mafuja's American passport and high level of education in their own assessment of what matters most.

Ahmed's concern about the effect of bringing in a Muslim wife is also based upon his own experiences of diverse forms of Islamophobia (which have intensified since 9/11) throughout his entire life. His experiences are aligned with other Muslims in Canada post 9/11 who are defined as the "enemy within" Canada (Arat-Koc, 2006, p. 220). The new racist discourse on "Arabs and Muslims" creates a climate of suspicion, intimidation and fear (Ibid). As a racialized Muslim man in Canada, Ahmed has learned that Canadian multiculturalism does not mean that his culture is respected as much as mainstream 'white' Canadian culture. Ahmed said, "I know [the mainstream culture]. I was grown up here. I know how to speak that language" (personal communication, February 16, 2015). In his understanding, 'happy' Canadian marriages involved doing outdoor activities together such as hiking or going to restaurants. Instead of persuading immigration officers by emphasizing his cultural differences, Ahmed intentionally planned his one-time visit with his fiancée to be something that would be considered a 'normal' activity that a Canadian couple would do together. For Ahmed, telling the truth about their culture would contribute to immigration officers' 'Othering' the couple rather than understanding them, in more exclusion than inclusion. He tried to dilute any religious or cultural language in his application in order to appear to be a 'normal' Canadian couple:

Ahmed: We tried to show photos of us doing things that Canadians would do, maybe, go for hiking, [laugh] outdoor things, at the restaurant, you know.

Jiyoung: So you included those photos?

Ahmed: Yes, doing activities, you know, people here would be doing, not so much pictures of marriage because I think they did, it might express too much *Otherness*? it is funny because I did not think about it [before], but

now I remember, I just do it, I thought about this. ... You think about how you kind of present yourself, if you are showing marriage in a religious environment, it shows that maybe these people are not capable of integrating into our society (personal communication, February 16, 2015).

Ahmed's successful application eventually reinforced his assumptions about the success of performing as "Canadian" as opposed to as performing in accordance to his understanding of his and his wife's religion and culture: it is better not to evoke 'otherness' and instead mimic presumed mainstream culture. He thinks that telling the truth and expecting cultural tolerance are irreconcilable. Ahmed's acquaintance's case also supported this belief; his acquaintance in his town was of a similar religious and ethnic background but his application was refused under the suspicion of 'fraudulent marriage.' Ahmed believed that it was refused because they had 'unfortunately' provided truthful information about 'arranged marriage' to immigration officers. As a member of a racialized minority and much-vilified religious minority group in Canada, he believes that the legitimacy of his culture is always contested and not naturally accepted.

Jiyoung: How did your friend deal with the case?

Ahmed: It was genuine, because I don't think he did not have any stories. He did not know how to write the part, I think he was being *truthful* to say "I did not know her [before marriage], I met her once, and I got married".

Jiyoung: Because he was more truthful?

Ahmed: yes, he gave [truth] unfortunately, unlike we did. He was not accepted (personal communication, February 16, 2015).

Some migration literature supports Ahmed's suspicions (Gaucher, 2018; Tara, personal communication, March 2, 2015) even though some high-profile CIC officers have repeatedly insisted in public speeches<sup>46</sup> that they accept cultural differences and consider arranged marriage to be an acceptable form of marriage. For some racialized immigrants,

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<sup>46</sup> One example is a remark made by Geoffrey Leckey, the director general of the enforcement and intelligence operations division, CBSA, in parliament. He says, "[a]n arranged marriage is not the same thing as a marriage of convenience. An arranged marriage can very well be a part of the culture in some foreign countries and be absolutely acceptable" (Standing Committee on Citizenship and Immigration, 2014b, p. 4).

Canadian multiculturalism is not considered a bastion upon which they can rely. Rather, they are aware of ‘hidden’ racial and cultural hierarchies embedded in discourses of Canadian multiculturalism, and strategize their application plans by mimicking the perceived mainstream Canadian practice, usually understood in terms of ‘white’ hegemonic norms. Their strategy resonates with critical race scholars who have located racial/cultural hierarchies in the myth of cultural plurality and celebrated Canadian tolerance (Stasiulis and Jhappan, 1995; Mackey, 2002; Thobani, 2007). Under the notion of seemingly ‘neutral’ multiculturalism, “an element of whiteness quietly enters into cultural definitions, marking the difference between a core cultural group and other groups who are represented as cultural fragments” and thus concealing racial hierarchies (Bannerji, 2000, p. 10).

#### **8.1.5.2 Emphasizing cultural otherness**

In the case of Ahmed and Mafuja above, ‘not telling the truth,’ ‘performing Canadian,’ and ‘diluting any distinctive non-mainstream cultural connotations’ constituted their strategies. However, Naveen and Nayhan decided to take the opposite approach (personal communication, February 7, 2015). Naveen came to Canada as an international student from India and acquired permanent residency after finishing a bachelor’s degree and getting a job. Soon after, he invited his wife Nayhan from India, whom he met through a matrimonial website to join him in Canada. Naveen had university education gained in Canada, and had a positive experience as a member of the Indian community in Canada. He believed that his hard work was the reason for his career success, and he was confident that his wife, Nayhan, who was a doctor, would settle down in Canada without discrimination. While Ahmed’s childhood and adolescent experiences as a Muslim made him believe that he should not expose his cultural otherness, Naveen’s positive experience

as an international student and his successful career in Canada led him to feel that, if he tried, he and his wife would be accepted as part of Canadian society with their culture being recognized. As a result of their higher economic status and educational levels, they believe that they could acquire a certain form of cultural citizenship as multicultural subjects even if their understanding of culture is still premised on cultural hierarchies situating them as a cultural 'Other' (Ong, 1996).

Naveen and Nayhan trusted and believed strongly in the value of Canadian multiculturalism, and felt that it was their responsibility to explain their own culture to immigration officers who would not know about their culture. They were not afraid to view their culture as something different and construct themselves as ethnic subjects. They actively ethnicized their own culture as something different from perceived Canadian culture, and did not hesitate to construct themselves as 'multicultural' subjects in a country with a long-standing official multiculturalism. Their strategy was to explain the meaning of every detail of what Indian arranged marriage including the cultural practices that take place throughout the entire marriage process. Inside the 6 kg immigration application package, they chronologically organized 150-160 photos with separate sheets that provided step-by-step details of Indian wedding rituals. They seemed to be proud of their work and achievement.

Nayhan: The important thing is to make them understand, you just write all, this is our wedding, what is the function's name. What would *he* [visa officer] understand, we explain in English as well, simple example, 'Mangalsutra [a wedding necklace]' he [Naveen] typed it, what would he [visa officer] understand? Wedding, holy thread, symbolic of marriage, we took time to really write a proper letter (personal communication, February 7, 2015).

They provided detailed information about every single marriage ritual as they feared that their application would be turned down if an officer did not understand an aspect

of their culture. Their approach was to differentiate their culture from ‘mainstream’ Canadian culture and to explain their culture in as much detail as possible. While celebrating their culture, they also situated their culture as something to be understood by officials who lacked understanding of their culture. In other words, the undertone of their perception of Canadian multiculturalism assumes hegemonic white culture as the norm and other cultures as something different. This echoes Mackey’s metaphor of the “house of difference,” which is based on a hierarchical relationship between a distinct white Anglophone head of household and different ethnic family members (Mackey, 2002, p. 12). Naveen and Nayhan’s approach to filling out their application forms was premised on the existence of a cultural and racial hierarchy. They did not explicitly visualize who the immigration officers would be, but through the emphasis in their application on having connections with ‘white’ Americans and Canadians, it can be conjectured that they assumed that their application spoke to ‘white’ Canadian immigration officers, who has authority to interpret their culture. They thought that including photos of ‘white’ relatives would help their application process being accepted because showing that they had a relationship with ‘white’ Canadians would demonstrate how well they were equipped for integration into ‘white’ Canadian society. The couple included a lot of photos of their relatives from India who got married to white Canadians or Americans (believed to be ‘authentic’ Canadians or Americans).

Nayhan: My case is strong regardless. What more do I have to prove? There are pictures of his side of the family in Canada and the United States, *they are all whites*. His aunts and uncles. My grandfather’s younger brother, he married American, Naveen: ‘White’. Nayhan: His cousins are Americans I had pictures with them. Just to tell them that yes I was here with him. You cannot create every this type of thing. Nayhan: [Introducing his families] cousins, nephews, *those are Americans, whites, all the same for us. Relatives are white* (personal communication, February 7, 2015, my emphasis).

Naveen and Nayhan's stories demonstrate their reliance on the value of Canadian multiculturalism for the success of their application, which is premised on racial and cultural hierarchies. Throughout the application process, they defined their racial/cultural identity in relation to their conception of mainstream norms. They wanted to belong to the Canadian nation by situating themselves as multicultural subjects, who are different from mainstream 'white' Canadians.

Karthik was also very specific about whom he imagines Canadian immigration officers to be (personal communication, February 21, 2015). Following his father, Karthik immigrated from India to Canada when he was young. He was the most educated person in his family; he had a bachelor's degree, and therefore took on all of the responsibilities of the spousal application for his older brother and younger sister who both married someone from India. For them, this whole process was a family project. Without getting an immigration consultant or lawyer, he had to utilize all of his knowledge and conceptions of the immigration system, and cultural capital about Canadian society that he has acquired to make the application successful. From the very beginning of his preparations, he imagined an 'old white male' immigration officer who would eventually consider his application. His whole application was therefore tuned to satisfying the imaginary white man.

Karthik: You know, not to sound 'racist' or anything, I do see *older, Caucasian male*, sitting in the cubicle, a few files on the side, just going through it one by one, that's the image I have in my mind, what an immigration officer would be, I don't know, probably totally incorrect about it, but just the image in my head, that's what it is (personal communication, February 21, 2015).

Karthik symbolizes Canadian authority as an 'old, white, man.' He clearly separates his culture from mainstream Canadian culture (which he understand as 'Anglo' or white European culture), and he situates his culture as something that requires extra

efforts to understand. He situates white culture as normative, and his culture as something different. He uses the rhetoric of ‘your’ and ‘our’ culture, which presupposes the distinction between culture as norms, and cultural others. Karthik says,

I do remember clearly, writing “*in our culture, we do this. This is me trying to explain something to someone who is not familiar with our culture*” Why I’m doing this? So, I think, definitely! Even if I did not think about it outwardly, but it [this perception] did affect the way I did (Karthik, personal communication, February 21, 2015.)

The rhetoric of “in our culture” used in his application forms demonstrates how spousal application processes work as racialized experiences for some immigrants where racial and cultural hierarchies are consolidated.

### **8.1.5.3 Immigration as a simple bureaucratic process**

While racialized migrants from developing countries conform to a script - either performing narratives of Canadian ‘love’ or conforming to assumed, essentialized ethnocultural norms of culture, two self-identified ‘white’ spousal immigrants from developed countries among my interviewees did not seem worried about their applications, and were less inclined to emphasize ‘love.’ For example, Paula, a self-identified white American and PhD student, did not feel the need to emphasize her love story in her application (personal communication, February 7, 2015). She got married to a Moroccan-Canadian man, who immigrated to Canada when he was young. When I asked about love, she answered:

Paula: No. Not really. ... *We did not say, we are in love, blah blah, it sounds of cheesy, made up. Obviously, he sponsored me, and says, he has.* I don’t think there is any place [in the application] to put romantic love other than question 12. I mean, you could have gathered kissing pictures, we don’t have kissing pictures because we don’t really take pictures of us. Those are all of us of pictures together.

Jiyoung: What was the main focus of the application?

Paula: Just filling it all in. Trying to answer the question in the right way. I did not emphasize anything (personal communication, February 7, 2015).

Paula did not feel the need to emphasize her and her husband's love in their application. She treated the immigration process simply as a bureaucratic procedure. She was neither worried nor anxious, and she did not believe her application would be refused. Her confidence seemed to originate from her positionality including her country of origin, education level, and racial identity. She continuously repeated "there is no reason to be refused. It's a real marriage." She did not put in any extra effort, apart from simply filling out the form. When I mentioned Naveen and Nayhan's case to her, who submitted a 6-kg application, she adamantly said, "That's crazy. You don't need it." She did not share the same anxieties felt by Naveen and Nayhan. Her case seems also to be in contrast to Mafuja's case above. Both Paula and Mafuja are American citizens and PhD students who married Moroccan-Canadians and wanted to immigrate to Canada. Yet, while Paula, a white American woman, did not worry about her application, Mafuja, a Bangladeshi-Muslim, believed that her culture and religion would create potential roadblocks in her application.

Julia, who self-identifies as white and comes from Austria, shared a similar attitude. When I asked her about whether she was worried about her application being rejected, she said, "Yes, we were worried, yes, to some extent. [but] you sit with the knowledge that he [her husband] is a Canadian and American citizen. I am a white European. So, you know, chance is in our favor [laugh]." (personal communication, March 4, 2015). For two white spousal immigrants from developed countries such as the United States and Austria, the spousal application was a simple bureaucratic process.

## 8.2 A barrier of suspicion by family, friends, and neighbours

If spousal immigrants and their Canadian spouses and partners successfully walk through visa officers' screening gate,<sup>47</sup> immigrants are permitted to stay in Canada as permanent residents. However, they still must walk through the barrier of suspicion erected by family members, friends and neighbours. Widespread discourses of fraudulent marriage (which dichotomously construct Canadians as innocent victims and spousal immigrants as potential threats to Canadians' intimate lives), continuously affect the lives of spousal immigrants and their Canadian spouses and partners, both while waiting for their permanent residency and after they receive it. Jennifer (a self-identified white woman), who sponsored her male Mexican common-law partner to Canada, faced the suspicious eyes of neighbours and friends whenever she introduced him to them.

Jennifer: It's amazing when you sponsor somebody, especially from the country considered poor in some way, or less powerful in the world. It's surprising when you are talking to people in Canada that you sponsored someone from there. It's always, *this idea of marriage fraud was always present in people's mind*. Always [emphasis], is he using her? He is not using her? Is it a real relationship? Is it not? It is there. Nobody says it, but when they talk to you, it is in the subtext of everything they ask about in my daily life (personal communication, January 24, 2015).

When Jennifer experienced domestic violence later by her male partner, she was shocked by responses by her friends and acquaintances who instantly said, "announce it and deport him."

Jennifer: The point is that people would say to me "you have the power to deport him." Do you understand what I'm saying? I would say, he is a father of children. So, the general sentiment in Canada was like that, you can use the power as a Canadian, to get rid of whoever might be in that situation. So, anyways, so, a lot of times, people would say that, this is the situation, you know, you should report him and send him back to Mexico. This is my family. I can't deport him, you know, if he was a Canadian, you would not say that. He is the father of my children, I wouldn't do it. It's out of my

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<sup>47</sup> If they fail, they go to the appeal court. This is beyond the scope of my research. See Gaucher (2018)'s work for appealing the decision-making process.

principle. [...] It was always on the tip of peoples' tongue. It is a tense topic in Canada that people don't talk about. When you sponsor somebody from another country, particularly a country which isn't the US, or Commonwealth, right, it is this idea like, you brought them with you, it's always on the tip of the tongue that is this person came ... to get a residency out of you, get a visa out of you, and there is consciousness of power you have, as a Canadian, to deport them, or get rid of them if you don't like them, it is really horrific (personal communication, January 24, 2015).

The domestic violence that Jennifer experienced was interpreted by her friends and neighbours to be the result of 'fraudulent marriage,' as some extra evil thing done by a foreigner (which carries an undertone of blaming Jennifer for bringing him to Canada), rather than a form of gender-based violence, which is prevalent in Canadian society (Status of Women Canada, n.d.). Such responses further traumatized her and added to the pain of having suffered from domestic violence. Jennifer's separation from her partner was interpreted by people around her as the result of 'fraudulent marriage' rather than domestic violence. In other words, any "bad" behaviour on the part of Jennifer's partner would be taken as evidence of fraudulent marriage. That is, while an 'abusive partner' is simply a 'abusive partner' in the case of Canadians husbands, an 'abusive husband/marriage' means a 'fraudulent marriage' if the husband is from developing country.

Spousal immigrants from developing countries are subject to greater suspicion throughout the whole immigration processes in Canada. In the face of questioning about their marriage and social stigma, some Canadian sponsors strategically emphasize the economic and cultural capital of their spouses' countries, which are undervalued in Canada. Peter (a self-identified white Canadian) who married a Russian woman actively defends that Russia is not a Third-world country.

Maybe Russia is not as economically developed as Canada, but it's not a Third world country though. I mean, I heard, Moscow is probably, I heard, the 2<sup>nd</sup> most expensive city in the world. President Putin just recently put on the Olympics that would have paid 5 times more than the Vancouver Olympics. Something in Russia, you can't get it from Canada. ... I have been asked this by other people when you were deciding to get married to a

woman from a Third world country, less developed country, I may say, you may better travel and see Russian women are far more fashionable than Canadian women (Peter, personal communication, January 22, 2015).

Smith (a self-identified white Canadian), who married a Chinese woman whom he met online, also emphasized that China is not an economically less developed country.

Having been to China myself twice, definitely there is poor way, poorer than here, but richer way richer than here. I would not call China an economically less developed country; there are so much more money there. It's ridiculous ... One reason I wanted to live there because I could make more money there if I start a business or something although I could not own officially. There's so much growth there, they just built a train near her house downtown. It's done in two years. Things work. A lot more money there than here. People, rich people are way richer than people here. China is a very rich country (Smith, personal communication, February 8, 2015).

These Canadians have had to continuously prove to people around them that their partners did not marry them solely for immigration purposes by arguing that Russia and China are not underdeveloped countries as perceived in Canada. Not only are immigrants from developing countries subject to the suspicion of Canadians throughout their everyday lives, but so too are immigrants from relatively developed countries such as South Korea. This suspicion is illustrated in my interview with Jeong (personal communication, February 20, 2015). Jeong (a female Korean immigrant), who married a white Canadian man, recalled several moments when people around her husband repeatedly questioned what her intentions were in marrying her husband, even after they married. One time, Jeong and her husband invited his friends to their home. She cooked for them and had a great time with them. They gave her a hug after dinner and congratulated their marriage. But after one hour, they called her husband to tell him to "be careful with your marriage. I have seen so many people who run away after getting PR." It was a big shock for her. She realized how deep the suspicions were. Even though she did not explicitly mention the connection, I presume that the continuous suspicion she had faced influenced her to emphasize 'romantic love' in her narrative to people around her and to me as an interviewer.

In explaining her application, she told me that she included a photo of American trumpeter Chris Botti (who resembles her husband) as a way to romanticize her love toward her husband, who is her ideal type. Jeong seemed to be continuously pressured to perform her love in front of others during the process of her application because suspicion about her motivations continuously followed her regardless of her marital status.

Imbalanced and unequal power relationships between sponsors and sponsored spouses became more explicit with respect to the barrier of suspicion. Scholars have pointed out that sponsored women in particular are subject to dependency and vulnerability in their relationships with male sponsors. Sponsorship becomes “a source of conflict, tension, blackmail and, at times, abuse” (Côté, Kérist, Côté, 2001, p. 1). These women experience the exacerbation of their unequal status through traditional gender roles and sexual subordination within the marriage, the diminishment of their dignity and degree of independence, and the socio-economic disadvantages that they (many racialized female immigrants) face (Côté, Kérist, Côté, 2001). Most of all, the vulnerability becomes much more intense in their everyday lives with the implementation of the 2-year conditional permanent residence, which took effect from 2012 to 2017. The vulnerability of female immigrants to gender-based violence, particularly the fear of losing their permanent legal status, coupled with the fear of removal, is reiterated in the parliamentary report *“Strengthening the Protection of Women in Our Immigration System.”* (Standing Committee on Citizenship and Immigration, 2015). Feminist organizations and scholars have pointed out the danger of putting these women at greater risk (who are reluctant to report abuse, for example) (Bhuyan, Baqi, Korteweg, 2016). Female spousal immigrants became more vulnerable as a result of their precarious legal status and gender inequality which can result in gender-based violence. This inequality in legal status also affects the

power relationship between couples, and the ways in which immigrants deal with their spouses and partners in less equal ways. According to Jeong,

... because of the 2-year condition, he [her husband] sometimes treated me badly. For example, when we argued with each other, he always said “go back to Korea” in the end. So, one time, I talked back to him saying “You are using a weapon on me. Are you intimidating me?” ... The problem is that Canadians can use the power of [the two-year conditional permanent residency]. Even though I am so angry with him, at the end I ended up apologizing to him. The two-year condition gives some sort of power to Canadians to intimidate us. My husband is good-hearted, but even he also uses its power (personal communication, February 20, 2015).

Jeong’s case demonstrates how the conditional visa can exacerbate an unequal relationship between couples. The fear of losing her status in Canada also relates to her fear of the social stigma in Korea that divorced women face. This is her second marriage, and she does not want to go back to Korea as a second-divorcee because of the stigma and judgement she may face. Not only does the threat of losing her legal status influence Jeong to accept the inequality stemming from the two-year conditionality of her status in Canada, so too does the social stigma in Korea against divorced women.

### **8.3 Conclusion**

In this chapter, I walked step-by-step through the spousal immigration application process. First, I examined the ways in which a relationship’s legitimacy is evaluated by visa officers and how different strategies are employed by immigrants of various positionalities to negotiate the process. Racial and cultural hierarchies and institutional racism embedded in the immigration system are manifested in the decision-making processes of visa officers with respect to the legitimacy of a relationship. Spousal immigration applicants manage risks and uncertainty surrounding visa officers’ decisions based on their perception of Canadian society and the immigration system, and how they situate themselves as racialized immigrants in relation to their understanding of the

Canadian nation. Their strategies are based on their positionalities located in intersections of power relations, especially gender, culture, country of origin, race, and religion. Racialized spousal immigrants and their partners normalize their relationships in two ways, either the 'hegemonic white Canadian model' or the 'multicultural model' in order to maximize their chance of receiving permanent residency. Both ways assume the racial and cultural hierarchies of Canadian society concealed with the language of Canadian multiculturalism (Mackey, 2002; Bannerji, 2000). Whereas racialized migrants from developing countries conformed to a script – either by performing Canadian 'love' or clearly conforming to the assumed ethnocultural norms of (arranged) marriage, 'white, developed-country' immigrants take the process as a simple administrative task. The spousal application process comprises a site where the boundary of real Canadians and multicultural Others is defined and shaped for racialized spousal immigrants.

The efforts and negotiations of spousal and partner immigration applicants to counter public discourses of 'fraudulent marriage' continue during and after they acquire their immigration status, which I define as a barrier of suspicion. Spousal immigrants and their partners are subject to continuous suspicion from the people around them. This prejudice deepened the inequality between spouses when the sponsored spouse had only a conditional status in Canada as occurred from 2012 to 2017. With respect to suspicion, imbalanced power relations between sponsors and sponsored spouses intensify. The entire process of spousal immigration demonstrates how the boundary of the Canadian nation is drawn with respect to the evaluation of the legitimacy of the relationship: who is considered a 'legitimate' immigrant to the Canadian nation, and who is not?

In the following chapter, I provide a comparative analysis of the Korean and Canadian cases in terms of how the boundaries of the Korean and Canadian nations are drawn and these boundaries shift with the regulation of spousal immigration.

## **Chapter 9: South Korea and Canada Compared**

In this chapter, I provide a comparative analysis of the regulation of marriage migration in Korea and Canada with respect to national boundary-making processes. I outline the similarities and differences of each country's approach to marriage migration through an analysis of each country's laws and policies. In both countries, the regulation of marriage migration occurs as a result of influences from diverse forces including nationalism, racialization, neoliberalism, and the securitization of immigration policies. I argue that with the regulation of marriage migration, the boundaries of the Korean and Canadian nation have shifted, and have been contested and reinforced to reflect multi-layered mechanisms of inclusion and exclusion based on gender, race/ethnicity, class, age, and the divide between the global North and South.

### **9.1 Different attention to marriage migration as a source of permanent immigration**

Both Korea and Canada currently function as major destination countries for marriage migration. However, the composition and weight of marriage migration within the total immigration intake in Korea and Canada are different. In Korea, marriage migration has been a major source of permanent immigration over the last decade. Between 2007 and 2015, marriage migrants comprised 56%-64% of the total number of naturalized immigrants (Danuri, 2016). By contrast, in Canada, over the last 10 years (2006-2015), the spousal immigration category comprised between 15% and 19% of all immigration (its high was 19% in 2007 and its low was 15% in 2009), which is far below that of Korea (Government of Canada, 2015).

This contrasting statistical data demonstrates the different positions and roles of marriage migration in each country's endeavours to manage the population of marriage migrants in relation to other types of immigration. In Korea, marriage migration, and

female marriage migration in particular, have been actively encouraged as a way to enter the country. Gendered ethnic nationalism and neoliberalism establish female marriage migrants as desirable immigrants for their expected role as reproducers of the patrilineal Korean nation, and gendered subjects who are expected to solve the country's crisis of social reproduction. In the face of a care deficit resulting from a low-fertility rate and aging population, the Korean government disproportionately focuses on marriage migrants and encourages them to enter Korea as a simple alternative to fulfil the care and reproductive labour required to maintain Korean families and reproduce the Korean nation. Through immigration, settlement and citizenship laws and policies, female marriage migrants of 'child-bearing age' are encouraged to reproduce the Korean nation and are cast as desirable prospective members of the Korean nation.

In contrast, in Canada, spousal and partner immigration currently takes a smaller role in reproducing the Canadian nation and is perceived more as an undesirable source of immigration compared to economic immigration. Determining the composition of economic and family immigrants of the total immigrant intake has been a core question and debate with respect to the construction of the un/desirability of migrants in Canada. In fact, source countries for both economic immigrants and spousal immigrants are similar. Asia and the Pacific regions are major source countries for both family and economic class immigration ranging from 49.7% to 59.1% of Family Class<sup>48</sup> immigrants and from 51% to 61.5% of Economic Class between 2006 and 2015 (Government of Canada, 2015). However, since the mid-1990s, the neoliberal restructuring of immigration in Canada has characterized family immigration and spousal immigration as an economic burden,

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<sup>48</sup> In the case of Canada, there is no publicly available data on the top source countries for spousal immigrants. Given that spousal immigrants comprise the highest proportion of sponsored family categories (ranging from 55% to 70%), I argue that the Asian and the Pacific regions are major sources of spousal immigrants in Canada (Government of Canada, 2015).

resulting in budget cuts, a reduction in resources allocated to processing family immigration, subsequent backlogs for family immigration and a transformation of family immigrants to time-limited migrants (Chen and Thorpe, 2015). As a result, spousal and partner immigrants, and in-land spousal and partner immigrants in particular, have faced significant backlogs between 2013 and 2017 (see chapter 7 for further information about the backlog). The neoliberal framing of immigration as a binary division between family immigration and economic immigration has constructed spousal immigrants as less desirable reproducers of the Canadian nation.

The neoliberal emphasis on the human capital of economic immigrants in Korea has not automatically discouraged or de-prioritized marriage migration in Korea. The emphasis in Korean immigration policies on economic immigrants with human capital has co-existed with the Korean government's emphasis on marriage migration as a major source of immigration unlike in Canada where family immigrants are discursively situated as dependant and run counter to economic immigrants who are considered self-sufficient immigrants with human capital. This contrast demonstrates each country's distinct implementation of neoliberal logic in immigration policies. Whereas family class immigrants in Canada are discursively constructed as dependent, female marriage migrants and their children in Korea are discursively portrayed as human capital with cultural resources, dovetailed with the neoliberal goal of the Korean government to improve global competitiveness. In sum, neoliberal discourses operate differently in Korea and Canada with respect to the construction of marriage migrants as desirable and undesirable. Neoliberalism works as a mechanism to restrain the entry of spousal immigrants in Canada, whereas in Korea it works as an inclusive mechanism to highlight certain marriage migrants as economic assets for the Korean economy.

The different attention paid to marriage migration by Korea and Canada has also brought about different legal and social service support systems for marriage migrants. In Korea, since 2006, a series of laws and policies have been legislated, focusing particularly on the integration of marriage migrants (see chapter 4). In addition to having separate support for marriage migrants, Korea also revised *the Nationality Act* to provide marriage migrants with faster and easier paths to gaining Korean citizenship. The category of ‘Simplified Naturalization’ entitles marriage migrants to apply for permanent residency or Korean citizenship after 2 consecutive years of residency holding a spousal visa (F6-1) (instead of 5 years required for the general naturalization process) (Hi Korea: e-government for foreigners, 2016). This system differs from Canadian system, where spouses, common-law partners, and conjugal partners apply for permanent residency under the Family Class category in order to establish their settlement in Canada. From there, spouses, common-law partners, and conjugal partners must have held permanent residency status for at least 1,095 days within the five years as a prerequisite to acquire Canadian citizenship (Government of Canada, 2018). In the Canadian case, there is no specific simplified or accelerated process that prioritizes marriage migrants to acquire Canadian citizenship. Rather, the process of Economic Class immigrants takes priority and is streamlined over spousal immigrants in Canada. The implication is that marriage migrants experience backlogs and longer wait times for their applications to be processed, as I examine in chapter 7. In sum, neoliberalism and human capital theory have different effects on the entry and regulation of marriage migration in South Korea and Canada.

## 9.2 Different neoliberal logic of sponsorship and requirements of ‘sponsors’

Both Korea and Canada require their citizens and permanent residents to provide certain forms of sponsorship in order to invite their foreign spouses to the country: a ‘3-year undertaking for sponsorship’ in Canada and ‘sponsor’s letter of guarantee’ in Korea. However the ways in which these two systems assign responsibilities to sponsors differ. This demonstrates the different weight of state and individual responsibilities for supporting new immigrants in each country. For example, Korean nationals who want to invite their foreign spouses to Korea are obliged to submit a ‘sponsor’s letter of guarantee,’ which describes their legal responsibility for their spouse in abiding by Korean laws and regulations, and financial responsibilities related to travel expenses and any costs associated with their foreign spouse staying in Korea. In Canada, Canadians or permanent residents who want to sponsor their spouses or partners are required to sign a ‘3-year sponsorship undertaking agreement’ (which was reduced from 10 years with the implementation of the *Immigration and Refugee Protection Act* in 2002) legally obliging sponsors to pay for social assistance and any other governmental benefits used by their spouses during the sponsorship period.

While the wording of the sponsor’s letter of guarantee and the 3-year sponsorship undertaking agreement are similar, individual responsibilities and repercussions resulting from signing them are different. In contrast to Canada’s 3-year undertaking for sponsorship, Korea’s letter of guarantee does not carry specific financial obligations of Korean sponsors to reimburse the government for services that spousal immigrants may use. This means, in principle, that marriage migrants can access various social services provided by the Korean government. However, social assistance provided by *the National Basic Living Security Act* is not a service available to marriage migrants until they acquire Korean citizenship,

unless they raise children from their marriage. Korea's letter of guarantee works as a general administrative document to be filled out to invite a foreigner to Korea, in contrast to the 3-year sponsorship undertaking agreement in Canada, which requires the sponsor to take on financial responsibility for their foreign spouse. This latter system clearly demonstrates the privatized nature of sponsorship and sponsors' individualized financial responsibilities for sponsored immigrants in Canada. The emphasis on the financial responsibility and sacrifice of sponsors "suggest that only they [spousal immigrants] and not Canadian taxpayers benefit from family class immigration, which emphasizes the outside status of immigrants" (McLaren, 2006, p. 7)

Some Canadian government documents describe the nature of family sponsorship in Canada as a 'privilege' (a special right or advantage available to a particular person or group of people) rather than a universal family reunification right guaranteed to Canadian citizens and permanent residents. By using the rhetoric of 'privilege,' family sponsorship is recognized as a matter of private choice and thus an individual responsibility: this system detaches the state responsibility for new immigrants in the name of 'private' sponsorship. Deshaw (2006), who worked with the Family Reunification Policies and Programs Unit in the Selection Branch at CIC, 'corrects' the public misunderstanding of 'sponsorship' as 'rights.' She argues that:

Myth: Sponsorship is a right.

Fact: Sponsorship is a privilege and sponsors must meet several criteria before being eligible to sponsor (Deshaw, 2006, p. 11).

As evidence to back up her claim, she quotes a 1995 CIC document, which says,

When Canadian citizens or permanent residents sponsor family members to immigrate to Canada, they undertake an important responsibility. A sponsored immigrant is permitted to come to Canada because of the family relationship and the sponsor's commitment to support that immigrant. Sponsorship is a *privilege*, and sponsors have an obligation to look after

their families once they arrive here (Citizenship and Immigration Canada, *Strengthening Family sponsorship*, 1995 as cited in DeShaw, 2006, p. 11)

Similarly, the rhetoric of ‘privilege’ is also reflected in Jason Kenny’s public speech on the five-year sponsorship ban, which prohibits anyone sponsored as a spouse or partner (whose marriage then is terminated) from sponsoring a subsequent spouse or partner for a period of five years.

Now we put a five-year bar on the ability of people who came in as sponsored spouses to subsequently do that. And so we’ve stopped the revolving door. Now, this is an interesting case study in how we’ve improved the integrity of the system, responding to a popular demand from new Canadians. And I’ll be honest with you, my officials weren’t very keen on this policy because they thought it would just involve more work for the bureaucracy, which I understand. But new Canadians have been thrilled that we’re finally saying that we take seriously the *privilege* [emphasis added] to sponsor foreign spouses into Canada (Government of Canada, 2012)

The rhetoric of ‘privilege’ shifts the responsibility of protecting new immigrants from the state to individuals by making family reunification rights a private choice. As the National Association of Women and the Law (NAWL) accurately commented in 2001 regarding the proposed *Immigration and Refugee Protection Act* (Bill C-11), sponsorship undertaking reflects the “de facto privatization of basic social security on the part of the federal government,” which further threatened immigrant women’s equality rights (NAWL, 2001, p.15 as cited in Gabriel, 2017, p.182). The private sponsorship system reinforces the neoliberal characteristics of the Canadian immigration system, which emphasizes the privatization of social services and individual responsibilities.

While imposing financial responsibilities on the individual sponsors of new immigrants, the Canadian government does not set stronger income and housing requirements for being sponsors in Canada: only Canadians who received social assistance are ineligible to sponsor their family members. This is in contrast to the Korean case where sponsors do not have financial obligations to pay back social assistance or other benefits

used by their spouses; however, income and housing requirements are imposed on sponsors. These requirements run the risk of infringing on the freedom of lower or working class Korean nationals to marry foreigners whereas their aim is to protect foreign spouses who are not fully informed by their spouses given the malpractices of commercialized brokers. In sum, Korea's 'letter of guarantee' and Canada's 3-year sponsorship undertaking agreement are different in terms of the underlying principles that define them (i.e. individual's privilege and responsibility in Canada and the state responsibility for new immigrants in Korea).

Despite their differences (as listed above), both systems exacerbate the unequal relationship between sponsors and sponsored persons and reinforce the dependency of sponsored immigrants on their Canadian/Korean sponsors, which has been the cause of abuse and discrimination that (female) marriage migrants have faced in both Korea and Canada. In both countries, the patterns of marriage migration are feminized. For example, between 2006 and 2015, the proportion of sponsored women in spousal and partner immigration has ranged from 58% to 62 % in Canada (Government of Canada, 2015); in Korea, between 2007 and 2016, female marriage migrants comprised about 85%-87 % of marriage migrants while male migrants comprised about 13%-15% of all marriage migrants (Danuri, 2016). Given these feminized patterns, these systems ('letter of guarantee' and '3-year sponsorship undertaking agreement') produce gendered impacts on female marriage migrants.

Anti-racist and feminist scholars of Canada further highlight the problems of the racial and gendered assumptions behind the privatized sponsorship regulations. Thobani (2007) points out that the rationale of private sponsorship is based on gendered and racialized constructions of immigrant women "possessing a fecundity that could prove

costly to the nation” (136). These assumptions racialize immigrant women as “family bound, dependent on their families and cultural communities,” whereas a white Canadian woman is “exalted as a deserving social and political citizen in her own right” (138). Côté, Kérist, and Côté (2001) also analyze sponsorship undertaking as a way for Canadian sponsors to exert symbolic power, which “magnifies his [male sponsor’s] actual power within the spousal relationship” (121). They argue that sponsorship undertakings eventually lead to the subordination of women’s social and family lives to the authority of their husbands.

Similarly, in Korea, some Korean nationals use the letter of guarantee as a way to exert power and control over their foreign spouses (particularly female spouses) (So, 2009; Han, 2017). The ‘letter’ has both legal and symbolic power and consolidates unequal relationships between Korean sponsors and foreign spouses whose legal status remain unstable until they acquire Korean citizenship. For example, if Korean nationals withdraw the letter by reporting it to the immigration office (before migrants receive Korean citizenship), marriage migrants’ spousal visa is terminated, resulting in their deportation. In other words, the letter exacerbates the dependency and legal vulnerabilities of marriage migrants by treating Korean nationals as marriage migrants’ legal guarantors. In chapter 6.1.3, I also demonstrate this power imbalance, which exists between female Korean sponsors and male marriage migrants as well as female marriage migrants and male Korean spouses.

In sum, Canada’s 3-year sponsorship undertaking agreement demonstrates the neoliberal emphasis on economic self-sufficiency and individual and family responsibility for sustaining and supporting immigrants instead of the state. It also demonstrates the racialized and gendered discursive constructions of immigrant women as dependent and as

social burdens to the Canadian economy. This differs from Korea, where female marriage migrants are encouraged to enter and provided with social service, under the guise of ‘multicultural families.’ However, at the individual level, both systems symbolize the imbalanced power relations between sponsors and sponsored immigrants, with both systems exacerbating these unequal relationships even further.

### **9.3 The role of gatekeepers in drawing the boundaries of the nation**

In both Korea and Canada, visa and immigration officers work as the main gatekeepers to regulate the entry of marriage migrants and furthermore their belonging to the nation. In Korea, the decision-making processes of visa and immigration officers, which determine the entry of marriage migrants, their visa renewal, and later citizenship, are linked closely to the Korean government’s demographic, nationalistic and neoliberal goals regarding marriage migrants. The pressure to prove the legitimacy of the relationship is weighted differently depending on marriage migrants’ intersecting social relations of gender, race, age, and class (see chapter 6). For example, young female marriage migrants from developing countries (who are expected to be matched with older male Koreans mainly from rural areas) are not required to prove their conjugal relationship in the process of visa application and citizenship acquirement to the extent that male marriage migrants from developing countries are required to prove the sincerity of their conjugal relationship. The role of visa and immigration officers centers mainly on administrative tasks such as verifying submitted documents, rather than scrutinizing a relationship’s sincerity. In contrast, ‘older’ (non-childbearing) female marriage migrants and male marriage migrants from developing countries face continuous suspicion at every step of the application process, from applying for and renewing their visa, and later applying for Korean citizenship. The reproduction of the patrilineal Korean nation is at the center of the

gatekeepers' role in determining whether or not marriage migrants should be permitted entry.

Compared to Canada, Korea employs a narrower definition of legitimate relationships between Korean nationals and foreign spouses based on heterosexual nuclear family model. Only heterosexual couples whose marriages are registered in Korea are able to apply for spousal visas to enter Korea. Common-law couples that raise a child are considered eligible for spousal applications on an exceptional basis (Ministry of Government Legislation, n.d.). This narrower scope of legitimate relationships (defined as a heterosexual marriage) reflects the Korean norms of conjugal relationship based on patriarchal heterosexual family traditions.

In addition to visa and immigration officers, the migration industry of sending countries and receiving countries play the role of gatekeepers in facilitating and restraining the flows of marriage migration, corresponding to the Korean government's demographic and nationalistic goals towards marriage migrants. My research examined in detail the role of profit-seeking and non-profit organizations in the pre-migration stage operating in countries such as Vietnam (see chapter 5). The business interests of marriage brokers, Korean language institutions, and certain non-profit organizations encourage the performance of gendered and ethnicized roles by female marriage migrants inside the family.

In Canada, visa officers also play a major role as the main gatekeepers in determining marriage migrants' entry to the country. Canada has used a broader definition of legitimate relationships than Korea by stipulating both homosexual and heterosexual relationships as legitimate since the *2002 Immigration and Refugee Protection Act*. In addition, three forms of relationships and cohabitation are accepted as legitimate:

marriages, common-law partnerships, and conjugal partners.<sup>49</sup> This symbolizes a more socially inclusive move towards the recognition of relationships at an official level by accepting a broader definition of family that includes different sexualities and forms of cohabitation. However, in reality, institutional barriers still exist in spousal immigration processes with respect to the unequal treatment of same-sex immigrants and common-law partnerships. Scholars point out that the traditional nuclear family model based on heterosexual marriage still works as a reference point by visa officers to evaluate other forms of relationships such as common-law and homosexual relationships (Laviolette 2004; Gaucher 2018).

Most emphatically, my research demonstrates that decisions surrounding the legitimacy of relationships has been a key site where racial and cultural hierarchies are reproduced and the division between real Canadians and Others is perpetuated. The legitimacy of the relationship is determined by visa officers based on their conception of Canadian relationship norms, and Canadian multiculturalism and the embedded white norm in particular. Whereas multicultural rhetoric is not specifically utilized in the Korean case, it is prevalent in Canada surrounding the recognition of the diverse cultures of immigrants. My analysis of the gatekeeping practices of visa officers (see chapter 8) demonstrates that their decisions reflect both persistent white norms and ‘multicultural gatekeeping,’ which I define as practices of essentializing ethnic culture and disfavoring inter-cultural or inter-racial couples. Gatekeeping based on a white norm and multicultural gatekeeping seem ostensibly contradictory, yet both forms of gatekeeping operate under existing racial and cultural hierarchies. Through visa officers’ determination of taking certain relationships as legitimate (mainly based on white-centric norms) or illegitimate

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<sup>49</sup> See chapter 8 for detailed definitions.

(those that do not follow white-centric norms or essentialized ‘other’ culture), the division between real Canadians and Others is perpetuated in the process of spousal immigration. Visa officers, as gatekeepers, produce ‘ideal’ marriage migrants (who are included as part of the Canadian nation) and weed out those deemed unsuitable and risky (those who should be excluded). Both white-centric and multicultural assumptions are applied without dismantling racial and cultural hierarchies and racism perpetuated against racialized migrant groups mainly from developing countries in the global South. The spousal and partner immigration application process constitutes a key site where the boundaries of the Canadian nation are drawn and redrawn with respect to determining the legitimacy of the relationship in a way that continues to privilege whiteness and Euro-Canadian forms of settlement.

#### **9.4 The securitization of marriage migration and discourses of ‘fraudulent marriage’**

In both countries, the securitization of marriage migration constitutes one major regulatory discourse, which constructs certain racialized and gendered marriage migrants as security threats to the integrity of both the Korean and Canadian nations and to the intimate lives of Koreans and Canadians. It is notable that discourses of ‘fraudulent marriage’ have constituted a governmental tool in both countries to regulate the flows of certain marriage migrants and to justify new laws and policies that restrain the entry of some marriage migrants and to create a temporary spousal visa and immigration status.

In Canada, the securitization of marriage migration has intensified on a broader scale through a government-led public campaign under Harper’s Conservative government (see chapter 7.2) and has subsequently heightened the scrutiny of spousal immigration applications. The Harper government initiated a government-led public campaign including designating ‘anti-fraud’ month and disseminating commercials on ‘fraudulent

marriage' online. These government-led campaigns have produced binary conceptions of 'innocent' (usually white) Canadians and 'evil marriage fraudsters' (Gaucher, 2014), and employed a tactic of stimulating personalized 'fear' among Canadians by touching on the emotions of the general public as part of the affective politics of fear. Fraudulent marriage is constructed as a threat to the private lives of citizens and permanent residents as well as a public threat to welfare provisions and public safety. The issue of fraudulent marriage is actively framed through the language of security and threats, that is, to protect the 'Canadian nation.'

In Korea, securitization discourses relate more to the government's explicit demographic and nationalistic goals of reproducing the patrilineal Korean nation. Discourses of 'fraudulent marriage' centre on marriage migrants who do not correspond to the government's demographic goal of reproducing the nation. Whereas a government-led public campaign was initiated in Canada, there was no such government-led public campaign in Korea with respect to fraudulent marriage. Discourses of 'fraudulent marriage' in Korea target undesirable marriage migrants (i.e. non-childbearing female marriage migrants and male marriage migrants from developing countries), reflecting intersecting social relations of gender, race/ethnicity, and the divide between developed and developing countries (see chapter 6). Securitization discourses intersect with gendered ethnic nationalism in Korea to construct certain racialized and gendered subjects as threats to the Korean nation.

Both the Canadian and Korean governments employ securitization discourses to justify restrictive changes to immigration policies such as sponsorship bars for sponsored migrants and Canadian/Korean sponsors, the two-year conditional permanent residency in Canada (which was repealed in 2017), and the two-year residency requirement for Korean

citizenship. First, in Canada, since March 2012, anyone sponsored as a spouse or partner (whose initial relationship ends) is barred from sponsoring a subsequent spouse or partner for a period of five years. The CIC uses ‘fraudulent marriage’ as the main reason for this five-year sponsorship bar for sponsored immigrants.

The primary intent of the amendments is to create a disincentive for a sponsored spouse or partner to use a relationship of convenience as a means of circumventing Canada’s immigration laws, abandoning their sponsor soon after becoming a PR, then seeking to sponsor a spouse or partner (Government of Canada, 2012).

This is based on only one scenario of fraudulent marriage in which a foreign spouse intentionally deceives a Canadian spouse (and not vice versa). This approach may cater to Canadian sponsors’ emotional frustrations as a form of ‘revenge’ by preventing their sponsored spouse from inviting other partners from overseas after they divorce, rather than preventing ‘fraudulent marriage’ per se. Similar measures were implemented in Korea: since April 2014, naturalized marriage migrants have been restricted from inviting foreign spouses into the country for three years after gaining Korean citizenship. This policy aims to discourage naturalized citizens from divorcing their Korean spouses and inviting foreign spouses (mainly from their countries of origin) to Korea. In addition, the Korean government explicitly expressed its racialized concern of chain migration as the rationale for this change, as well as the problem of fraudulent marriage. The Korean government cited the specific case of young male migrant workers from South Asian countries (described as someone who married an older Korean woman, acquired Korean citizenship, got divorced, and then invited a foreign woman from their country of origin to Korea) as a ‘problematic’ example of chain migration. The government encourages female marriage migrants to join Korean families, but restricts potential migration chains, which can result from naturalized marriage migrants inviting foreign spouses from outside Korea. Korean

migrant justice groups opposed the implementation of a new 3-year sponsorship bar arguing that it violated the human rights of naturalized marriage migrants and their freedom to choose their spouse, but the Ministry of Justice pushed the policy in the name of curbing ‘fraudulent marriage.’ This new sponsorship bar for sponsored immigrants in both countries demonstrates a punitive approach to marriage migrants based on the assumption that foreign spouses who seek to sponsor a subsequent spouse from a foreign country are suspicious for having entered into their first marriage with a Canadian/Korean sponsor fraudulently.

Both countries also impose a sponsorship bar for sponsors (3 years for Canadian sponsors and 5 years for Korean sponsors). The 3-year sponsorship bar for Canadian sponsors relates to the 3-year sponsorship undertaking signed by sponsors because, before the undertaking is terminated, they are not allowed to invite a new foreign spouse. The 5-year invitation bar for Korean sponsors aims to regulate commercialized marriage practices by preventing them from inviting a new foreign spouse within a short period time. Korean migrant justice groups welcomed this new policy, arguing that some Korean men had abused the previous system by marrying a foreign woman, divorcing them before a spousal visa had been issued, and then marrying another woman (Women Migrants Human Rights Center of Korea, 2013).

As such, both countries implement similar sponsorship bars for both Canadian/Korean sponsors and sponsored migrants, but interestingly the exact numbers of years are reversed. The Canadian government imposes stricter rules for foreign spouses than Canadian citizens in contrast to the Korean government, which imposes a longer restriction on Korean nationals. This reflects each government’s different approach to marriage migration: in short, the prioritization of marriage migration in Korea and de-

prioritization of marriage migration in Canada. However, they are similar insofar as both governments impose punitive punishments on marriage migrants by treating them as ‘potential’ marriage fraudsters, and thus barring them from inviting a new spouse for a certain period of time.

While the specific procedural details of acquiring permanent residency and/or citizenship are different, both countries use the legal vulnerabilities and precarious status of marriage migrants as a tool to curb ‘fraudulent marriage’ by prioritizing the protection of Koreans and Canadians in the process of acquiring spousal visa and permanent residency. In Korea, a two-year condition was implemented in 1997 which requires marriage migrants to remain married and live in Korea for two years to acquire Korean citizenship or permanent residency<sup>50</sup> after they enter the country with a spousal (F6-1) visa (Hi Korea: e-government for foreigners, 2016). The creation of this two-year requirement means that the legal status of marriage migrants and their ability to remain with more secure status in Korea depends on them maintaining their marital status, which can lead to forms of subordination and control at the hands of their Korean spouses (Han, 2017). This legal dependency of marriage migrants on their Korean spouses exacerbates the already imbalanced and gendered power relations between male Korean nationals and female marriage migrants, and sometimes subverts gender relations between female Korean nationals and male marriage migrants. My research shows that the 2-year marital status requirement also works as a mechanism by which Korean women can exert power over their Pakistani husbands. The insecure legal status of marriage migrants over the course of those 2-years and the wait time (for the citizenship application to be processed) can put marriage migrants in vulnerable positions. Similarly, in Canada, a 2-year conditional

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<sup>50</sup> Refer to chapter 4 for further explanation of the two-year marital status requirement.

period for permanent residency was implemented between 2012 and 2017, at which time it was abolished by Trudeau's liberal government. This policy also exacerbated the vulnerability of marriage migrants, and deteriorated the already imbalanced power relationship between Canadian spouses and their foreign spouses.<sup>51</sup> These policies aim to protect 'Korean citizens' or 'Canadian citizens' at the expense of the vulnerabilities and dependency of marriage migrants. Both countries provide similar exceptions in the application of this policy, particularly for victims of domestic violence. For example, if marriage migrants prove that they are victims of domestic violence, they can apply for Korean citizenship regardless of their marital status. In the Canadian case, victims of domestic violence are exempt from the 2-year residential condition. Despite this legal measure of being able to remain in the country as Korean citizens or permanent residents in Canada, migrant rights organizations and feminist scholars in both countries have pointed out the reality that most marriage migrants face: it is difficult for them to prove domestic violence given their lack of knowledge in a new societal environment, gender and racial discrimination, lack of social network and the fact that the consequences of reporting domestic violence (e.g. if not believed) can lead to the loss of their ability to remain in the country (Han, 2017; Bhuyan et.al., 2014).

Unlike Korea, this two-year conditional permanent residency status was finally repealed in 2017 in Canada. The Liberal government says:

By removing the condition, the Government recognizes that, while cases of marriage fraud exist, the majority of relationships are genuine and most spousal sponsorship applications are made in good faith (Government of Canada, 2017).

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<sup>51</sup> Refer to chapter 7 for my detailed analysis of this policy.

This explanation sounds stark contrast to the disputes surrounding the ‘number’ as I examine in 7.2.2, and clearly demonstrates how ‘fraudulent marriage’ discourses was constructed on falsely accused number of ‘fraudulent marriage’ practices.

## **9.5 Conclusion**

The two case studies of Korea and Canada demonstrate that the flows of marriage migration have been regulated based on multiple intersections of gender, race/ethnicity, class, age and the developed/developing country divide. Through the regulation of marriage migration, the racialized/ethnicized boundaries of the nation have been drawn, shifted and been contested and re-negotiated, thus shaping the un/desirability of various groups of marriage migrants. Both Korea and Canada as major destination countries exert hegemonic power in selecting and hierarchizing marriage migrants. In both countries, marriage migration plays a pivotal role in serving different intersections of nationalistic, neoliberal, and securitized interests for each state. In the case of Korea, the underlying logic of gendered ethnic nationalism, securitization, and neoliberalism shape child-bearing female marriage migrants from developing countries as desirable, and older and/or non-reproductive female marriage migrants and male migrants from developing countries as undesirable prospective members of the ‘Korean nation.’ Government laws and policies on marriage migration are structured to reproduce the patrilineal Korean nation, Koreanize marriage migrants, and maximize the cultural resources of marriage migrants and their children. Not only does the Korean government contribute to such gendered, ethnicized and neoliberal ways of belonging and integration, but so too do other non-state actors including different actors in the ‘migration industry’ including marriage brokers, language institutions, and non-governmental organizations which operate in a sending country. In the Canadian case, the twin logics of neoliberalism and securitization construct the

category of spousal immigration as economically unproductive and thus undesirable (in contrast to economic class immigrants), and shapes certain gendered and racialized marriage migrants as potential security threats to the Canadian welfare system and to the private lives of Canadians. In both countries, the regulation of marriage migration plays a key role in drawing and shifting the boundaries of the nation through the construction of the un/desirability of marriage migrants.

In both countries, evaluating the legitimacy of intimate relationships functions as a venue where the trajectory of each government's stance towards marriage migrants is revealed. In Korea, the legitimacy of marriage between Korean men and female marriage migrants of 'child-bearing age' is treated with less suspicion or indeed actively sought, whereas marriages between Korean men and 'infertile' female marriage migrants and marriages between Korean women and male marriage migrants from developing countries in the global South are subjected to suspicions of 'fraudulent marriage.' 'Undesirable' marriage migrants employ diverse strategies to prove the authenticity of their relationships including collecting neighbours' signatures, participating in online communities to share their stories, and emphasizing narratives of 'romantic love' to undermine discourses of 'fraudulent marriage' (see chapter 6). In Canada, the legitimacy of marriages and partnerships is contested, working explicitly as a racialized venue where racial and cultural hegemony and hierarchies are reproduced, reinforced and/or contested. In opposition to institutional racism embedded in the immigration system, spousal and partner immigrants and their Canadian spouses negotiate their culture and racial identities in relation to their interpretation of 'Canadian norms' (white hegemonic norms and/or multicultural values). As demonstrated by my interviewees, racialized migrants from developing countries perform their marriage according to a script – either performing Canadian 'love' or clearly

folding themselves into narratives reflecting ethno-cultural norms of ('arranged') marriage. Contestations of a relationship's legitimacy function as a place where the boundary of 'real' Canadians and multicultural Others is defined and shaped for racialized spousal immigrants.

In sum, the regulation of marriage migration demonstrates how the boundaries of both the Korean nation and the Canadian nation are continuously drawn, re-shaped and negotiated in accordance with the nationalistic, neoliberal, and securitized interests of each state. Yet, as so often the case with respect to migrants, the latter are not passive recipients of these often exclusionary, discriminatory and punitive policies. Rather, as reflected in the practices of marriage migrants in both countries, both the sponsoring and sponsored spouses negotiate their own cultural/racial identities in order to undermine discourses of 'fraudulent marriage' and their own 'undesirability.'

## Chapter 10: Conclusion

[Figure 4]



Lainie Towell, an alleged victim of marriage fraud, speaks on Canada AM from CTV's studios in Ottawa, Thursday, April 23, 2009.



Minister of Citizenship, Immigration and Multiculturalism Jason Kenney speaks on Canada AM from CTV's studios in Ottawa, Thursday, April 23, 2009.

(CTV News, 2009).

[Figure 5]



Inauguration ceremony 'Movement to Build a Better World to Have and Raise a Child' (Oh, 2009).

This PhD research began with my academic curiosity around the seemingly different attitudes and policies of the Korean and Canadian governments with respect to marriage migration. The three photos above capture the contrasting directions of each government to marriage migration, as I have critically examined throughout this dissertation. The photo at the top right from *JoongAng Daily* (a nation-wide newspaper), taken on June 10<sup>th</sup>, 2009, depicts former President Lee Myung-bak in having conversation with Nguyen Thi Nga, a Vietnamese marriage migrant and participant in the inauguration ceremony 'Movement to Build a Better World to Have and Raise a Child,' which was jointly initiated by the Ministry of Health and Welfare and conservative civil society and

religious organizations in Korea (Oh, 2009). This photo symbolizes the disproportionate attention that female marriage migrants have received for providing a solution to Korea's low fertility rate and for their role as reproductive subjects to continue the patrilineal Korean nation (See chapter 4).

In contrast to the Korean case, my research highlights that Canadian immigration policy has focused on reproducing the nation through economic immigration while excluding certain marriage migrants whose conjugal relationships are deemed non-genuine and who are perceived as taking advantage of the Canada's 'generosity.' Marriage migration has recently been considered an 'undesirable' and highly suspect source of permanent immigration in Canada. Thus, Jason Kenney, former Minister of Citizenship and Immigration under the Harper Conservative government stated in the second photo in response to the most widely published 'fraudulent marriage' case of Lainie Towell (a purported Canadian victim) and Fode Mohamed Soumah (a spousal immigrant accused of fraudulent marriage)<sup>52</sup>:

Jason Kenney: I would say it's [marriage fraud] one of the most frequent forms of immigration fraud. ... The most important thing, first of all, is to prevent from happening in the first instance, because there are *thousands of people* who are victimized by this (*CTV News*, 2009, emphasis added).

As I discuss in chapter 7.2, Kenney's public statements demonstrate how marriage migrants have been constructed as public threats in Canada based on unsubstantiated and falsified 'numbers problem' (Gaucher, 2018).

Despite the ostensible differences between Korea and Canada, my research emphasizes several similarities between the two countries as major destinations for marriage migrants. My dissertation provides evidence of the specific role played by 'race/ethnicity,' gender and intersectionality, securitization of immigration and

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<sup>52</sup> See footnote 37 on pg. 208-209 for more detail about this case.

neoliberalism in shaping marriage migration in the two countries. It is informed by and also makes several contributions to intersectional and anti-racist scholarship, security studies and migration studies. First, my study analyzes the regulation of marriage migration as part of the contemporary nation-building process in both countries, which seek to produce 'ideal' marriage migrants while weeding out those deemed to be unproductive or risky. Each government has constructed gendered, racialized/ethnicized and classed mechanisms of inclusion and exclusion at their national borders and within the nation-state that utilize the vulnerability of migrants from developing countries to suit their own national ends. This study contributes to intersectional and anti-racist feminist scholarship by providing critical insights about the hierarchical and discriminatory structures and practices embedded in contemporary nation-building processes in both countries through the regulation of marriage migration.

Second, in both countries, discourses of 'fraudulent marriage' serve as an effective governmental tool to securitize and exclude certain gendered and racialized marriage migrants in line with global trends of securitization of migration, which have intensified since 9-11 with heightened anxieties around (especially Muslim) migrants. Securitization discourses have been used as a governmental rationale to justify new laws and policies that restrain the entry of marriage migrants and create temporary spousal visas and immigration statuses in both countries. My research dissects discursive constructions of marriage migrants as security threats and debunks the discursive linkage between the purported phenomenon of 'fraudulent marriage' and targeted racialized and gendered marriage migrants (see chapter 6.1.3 and 7.2). In both countries of reception, the threat of fraudulent marriage is constructed to advance certain governmental aims rather than to address any legitimate problems or threats to the larger Korean and Canadian societies. This study

contributes to critical security studies by providing two nuanced case studies of the securitization of marriage migration.

Thirdly, by highlighting the gendered, racialized/ethnicized, classed and securitized regulation of marriage migrants in both countries, my study argues that Canada and Korea, two major destination countries (which represent western and non-western countries), have exerted hegemonic power over the entry of marriage migrants from developing countries in the global South and their right to unite with their family members. As discussed in chapter 1, this comparison is particularly timely to contemporary migration literature because of the notable trends in the obsessive scrutiny and policing of marriage migration over the last two decades (not only in western countries, but also in some Asian countries that have recently emerged as receiving countries such as Japan, Taiwan, and Singapore). Through situating both Korea and Canada as hegemonic receiving countries and emphasizing their similarities, this study contributes to migration literature by expanding the scope of comparative studies on immigration policies. The similarities and differences evidenced in my study suggest that a larger comparative framework based on a global perspective is required in order to highlight the increasing regulation of marriage migration and contemporary nation-building through marriage migration. As the inclusion of my field research in Vietnam suggests, an integral part of such comparative research would be the study of gatekeepers in both sending and receiving countries that assist in the construction of marriage migrants as a security threat to developed countries and serve the demographic and reproductive interests of destination countries. As my interviews with marriage migrants to Korea and Canada suggest, the selection mechanisms, policies (e.g. multiculturalism, access to citizenship in both countries), stigmas and barriers to

acceptance and integration have a substantial adverse effect on marriage migrants and reinforce power relations within households constructed through marriage migrants.

Cross-national research on immigration creates opportunities for academia, policy makers, and migrant justice movements to draw from the experiences of others and to set directions to develop fairer and more just immigration systems. The comparative study speaks to academic audiences in both Korea and Canada. For Korean scholarship, it suggests a critical and nuanced approach to Canadian multiculturalism which is frequently assumed and touted to be an ideal multicultural model worth emulating in the Korean context. The Canadian multiculturalism and immigration policies that I examine demonstrate how multiculturalism can easily be reduced to empty rhetoric of cultural diversity, which consolidates binary conceptions of real Canadians and Others instead of dismantling fundamental racial and cultural hierarchies. In particular, in Korea, where the myth of ethnic homogeneity plays a powerful role in constructing the boundaries of the Korean nation, a more nuanced and contextualized approach to multiculturalism is required in order to deconstruct the centrality of Korean nation, rather than simply adopting Canadian multiculturalism as an ideal model.

For Canadian scholarship, this study provides a contemporary linkage between marriage migration and the reproduction of the (white-settler) Canadian nation. While the existing literature on marriage migration examines the explicit biological reproduction of the white settler nation in the past (Dua, 2007; Thobani, 2007), I identify some of the contemporary, more veiled policies that aid in the reproduction of the white settler nation through the regulation of marriage migrants. While marriage migration does not function as the same explicit form of biological reproduction of the white settler nation as in the past (i.e. by encouraging French and British female migrants to join white male settlers,

see chapter 3.2.1), institutional racism and a specific type of exclusionary nationalism in the contemporary Canadian immigration system influence the ways in which (mostly non-white, racialized) marriage migration is regulated as part of Canada's ongoing nation-building process. Racialized spousal immigrants are easily constructed as 'suspicious' sources of permanent immigration. The comparison with the Korean case also demonstrates that Canada has implemented a more punitive approach to marriage migrants with respect to some immigration rules (i.e. the 5 year sponsorship ban for spousal and partner immigrants in Canada compared to Korea's 3 year ban), and highlights Canada's specific discursive construction of family immigrants as 'unproductive' and as burdens on the social welfare state. Also, the comparison with the Korean case highlights the private nature of immigration sponsorship in Canada compared to Korea where state responsibility for new immigrants is widely accepted.

While my comparative study contribute to Korean and Canadian scholarship, it can help inform migrant justice movements and their action plans to disrupt the hegemonic nation-building project in regards to the government's gendered, racialized and classed regulation of marriage migrants, and the heightened securitization of migration. Providing a nuanced analysis of both cases and debunking discourses of fraudulent marriage based on anecdotes and falsified numbers can be used as a resource for political mobilization to fight back against both governments' policies which construct marriage migrants as security threats to 'innocent' Koreans and Canadians.

Furthermore, narratives of marriage migrants and their Korean/Canadian spouses presented in my study point out that the most serious repercussions of the discursive creation of 'fraudulent marriage' were borne by marriage migrants, subjecting them to more precarious statuses and a variety of restrictions. In order to build a fair and just

immigration system, my research suggests that we need to redirect the question from ‘who [Korean nation/Canadian nation] is threatened’ to ‘who suffers most from fraudulent marriage discourses?’ My interviewee Hussain (a male Pakistani marriage migrant in Korea) asks “why are we treated like a thief without stealing anything?” Certain gendered and racialized marriage migrants have faced unfair suspicion, which has negatively affected their entry and integration to Korea/Canada and has sometimes resulted in deportation. In Korea, to undermine discourses of fraudulent marriage, marriage migrants (and their Korean spouses) collect signatures from neighbours to appeal their citizenship decision, participate in online communities to share their stories, or utilize narratives of ‘romantic love’ as a way to emphasize the positive attributes of their relationship or conform to the system. In Canada, racialized spousal and partner immigrants and their Canadian spouses negotiate their culture and racial identities in relation to their perception of ‘Canadian norms’ (choosing to provide narratives that conform to white hegemonic norms and/or multicultural values) in order to secure their entry to Canada. The narratives and diverse strategies of spousal immigrants who try, in both countries, to succeed in spousal immigration processes and later in acquiring citizenship, require us to think critically about how mainstream norms of conjugality and racial/ethnic hierarchies have restricted the entry of marriage migrants and imposed certain gendered and racialized forms of integration. The equal treatment of marriage migrants is only possible when the existing hierarchies of white norms (in Canada), and ethnic-centeredness (in Korea) and gender biases in both countries are critically examined and thus dismantled.

I conclude my dissertation by presenting two overarching policy suggestions in the interest of moving towards building a fairer and more just immigration system in both destination countries. First, I suggest that immigration and integration policies which

exacerbate the intrinsically unequal relationship between Korean/Canadian sponsors and foreign marriage migrants should be abolished. Due to citizenship status and the unequal cultural/social capital that Canadian/Korean spouses possess in destination countries, most marriage migrants hold significantly less power compared to their Canadian/Korean partners. In 2017, Liberal Trudeau government abolished the two-year conditional visa for spousal and partner immigrants. I take this as an important measure to remove an institutional barrier and rectify the vulnerability of marriage migrants that originate from their precarious legal status. However, the 3-year sponsorship undertaking requirement for Canadian sponsors and the 5-year sponsorship ban (for sponsored and now divorced marriage migrants to invite a new foreign sponsor) remain. In Korea, the two-year co-residency and marital status rule has remained since 1997, and a new 3 year sponsorship ban for naturalized Korean citizens to invite a new foreign spouse has existed since 2014. These policies exacerbate the unequal relationship between Canadian/Korean spouses and marriage migrants, and restrain rights and self-determination of marriage migrants.

Second, I suggest that both countries expands diverse paths to permanent immigration by allowing low-skilled immigrants from the global South to acquire Canadian/Korean permanent residency and citizenship. The Korean immigration system institutionally blocks low-skilled migrant workers from applying for permanent residency/Korean citizenship, whereas female marriage migrants are encouraged as potential reproducers of the patrilineal Korean nation. Such ethnic-centered and patrilineal bloodline-based immigration policies in Korea should be rescinded in order to open the door for low-skilled workers (and their families) to be part of the Korean nation. If low-skilled workers are allowed to stay in Korea permanently and to acquire Korean citizenship, the need for low-skilled migrants to get involved in ‘fraudulent marriage’ would eventually

decrease (as my interviewee Sunhee discusses in chapter 6.1.3.1). In addition, I suggest adopting *jus soli* (based on birth within the territory of the state) as a basis of Korean citizenship as well as *jus sanguinis* (based on the descent of nationals), which currently works. The number of children of migrant workers who were born and raised in Korea has increased significantly (presumably to around 20,000), but they do not have access to Korean citizenship due to the absence of the principle of *jus soli* in *the Korean Nationality Act* (Choi, 2018, p. 4). Instead of adhering to reproducing the ethnic-centred Korean nation, Korean immigration should accept and accommodate diverse forms of immigrants including low-skilled migrant workers who have made their home in Korea and who contribute substantially to the Korean economy. The extension of permanent residence and citizenship rights to low-skilled workers would help address the issue of Korea's low fertility rate rather than giving a disproportionate amount of attention to female marriage migrants and their children. In fact, this spotlight has sometimes created more social stigma (see chapter 4.4.) than supporting their life.

Similarly, in Canada, low-skilled migrant workers have not had an official opportunity to immigrate to Canada regardless of how long they have worked in Canada (except for some caregivers). Even though the Canadian government abolished racial language present in immigration laws and policies in the 1960s, low skilled migrants from developing countries have been hierarchized along the lines of class based on a presumption of the human capital that migrants hold. This neoliberal binary framing of migrants should be reformed by providing all migrants with equal opportunities to immigrate to Canada permanently, instead of dividing migrants into 'desirable' economic immigrants and 'undesirable' family immigrants, refugees and low-skilled immigrants.

## Appendices

### Appendix A: Interview list

#### Appendix A1: Korea Case

	NAME	(Self-identified) ETHNICITY	CHARACTERISTICS	DATE
1	Hyojin	Korean	Korean spouse	Sept. 16, 2014
2	Chayong	Korean	Korean spouse	Oct. 10, 2014
3	Sunhee	Korean	Korean spouse, migrant rights activist	Aug. 27, 2014
4	Hussain	Pakistani	Marriage migrant	Aug. 13, 2015
5	Xuan	Chinese	Marriage migrant	Aug. 28, 2015
6	Jinho	Korean	Korean spouse	Sept 16, 2014
7	Kyungho	Korean	Korean spouse	Sept 12, 2014
8-1	Hyunjoo	Korean	Migrant rights activist	Sept 15, 2014
8-2	Dep	Vietnamese	Marriage migrant, migrant rights activist	Sept 15, 2014
9	Lan	Vietnamese	Marriage migrant	Aug. 29, 2015
10	Yunjin	Korean	Migrant rights activist	Aug. 23, 2014
11	Yoon	Korean	Migrant rights activist	July 3, 2014
12	Changsoo	Korean	Pastor supporting migrants	Sept 4, 2014
13	Eunjung	Korean	Citizenship judge	Aug. 19, 2015
14	Zhang	Chinese	Marriage migrant, migrant rights activist	Sept 7, 2014
15	Noor	Pakistani	Marriage migrant	Aug. 10, 2015
16	Thi	Vietnamese	A staff in a NGO for supporting migrants	July 22, 2015
17	Jung	Korean	A staff in a NGO for supporting migrants	July 21, 2015
18	Sangho	Korean	A staff in a NGO for supporting migrants	July 24, 2015
19	Hyo	Korean	A head of a language school	July 23, 2015
20	Dongho	Korean	Marriage broker	July 23, 2015
21	Han	Korean	Marriage broker, Korean spouse	July 23, 2015
22	Min	Korean	Immigration officer	July 21, 2015

## Appendix A2: Canadian Case

	NAME	ETHNICITY	CHARACTERISTICS	DATE
1	Litzy	Nicaraguan	Spousal immigrant	Dec. 11, 2014
2	Maureen	Philippian	Spousal immigrant	Feb. 22, 2015
3	Abril	Uruguayan	Common-law partner	Feb. 3, 2015
4	Aaden	Barbadian	Spousal immigrant	Mar. 3, 2015
5-1	Victoria	Quebecois	Canadian sponsor	Feb. 3, 2015
5-2	David	Israeli	Common-law partner	Feb. 3, 2015
6-1	Bidayak	Indian	Canadian sponsor	Jan. 25, 2015
6-2	Anaya	Indian	Spousal immigrant	Jan. 25, 2015
7	Kemala	Indonesian	Spousal immigrant	Feb. 11, 2015
8	Youzou	Chinese	Canadian sponsor	Feb. 14, 2015
9-1	Pamela	White-American	Spousal immigrant	Feb. 7, 2015
9-2	Hamza	Moroccan	Canadian sponsor	Feb. 7, 2015
10	Sabrina	Brazil	Spousal immigrant	Feb. 19, 2015
11	Karthik	Indian	Who helped his brother and his sister' spousal applications	Feb. 21, 2015
12	Yeonsu	Korea	Spousal immigrant	Feb. 21, 2015
13-1	Naveen	Indian, PR	Canadian sponsor	Feb. 7, 2015
13-2	Nahyan	Indian	Spousal immigrant	Feb. 7, 2015
14	Jennifer	Canadian	Canadian sponsor	Jan. 24, 2015
15	Jan	n.a.	Who got offered for involving in 'fraudulent marriage.'	Jan. 19, 2015
16	Peter	White-Canadian	Canadian sponsor, marriage broker	Jan. 22, 2015
17	Smith	White-Canadian	Canadian sponsor	Feb. 8, 2015
18	Ahmed	Moroccan	Canadian sponsor	Feb. 16, 2015
19	Jeong	Korean	Spousal immigrant	Feb. 20, 2015
20	Suyeon	Korean	Spousal immigrant	Feb. 21, 2015
21	Julia	Austria	Spousal immigrant	Mar. 4, 2015
22-1	Lu	Taiwanese	Spousal immigrant	Mar. 4, 2015
22-2	Sam	Canadian	Spousal immigrant	Mar. 4, 2015
23	John	Canadian	CIC workers' union	April 15, 2015

24	Alborz	n.a.	Former visa officer	April 2, 2015
25	Tara	n.a.	Lawyer	March 2, 2015
26	Tim	n.a.	Lawyer	March 29, 2015
27	Feng	n.a.	Lawyer	March 10, 2015
28	Margar et	n.a	Former visa officer	April 9, 2015
29	Jane	n.a.	Former visa officer	April 29, 2015

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