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**IS THE IMMIGRATION OF KOREAN SEX WORKERS TO THE  
UNITED STATES SEX TRAFFICKING OR MIGRANT SMUGGLING?<sup>1</sup>**

Chang-Ryung Han<sup>2</sup>  
CNAPS Visiting Fellow, Korea, Autumn 2010  
Director, Korea Customs Service  
Technical Officer, Research and Strategies Unit, World Customs Organization

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THE BROOKINGS INSTITUTION  
1775 Massachusetts Avenue, NW  
Washington D.C. 20036-2188  
Tel: (202)797-6000 Fax: (202)797-2485  
<http://www.brookings.edu>

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## I. Introduction

### 1. Background

The United States is one of the most popular destinations for immigrants throughout the world, and a number of illegal immigrants now live in the United States under various conditions. Indeed, according to the U.S. immigration authority, as of 2009, approximately seven million illegal immigrants are estimated to live in the United States, representing approximately 2.3 percent of the U.S. population (Hoefer, Rytina, & Baker, 2010). Partly as a result of the country's popularity among prospective immigrants, Americans are increasingly concerned about the economic and social problems that accompany illegal immigration (Smith & Edmonston, 1998), especially since the late 1980s, following the disruption of the communist system in eastern European countries (Jandl, 2007) and the acceleration of the processes of globalization (Law, 1997). Further, the media, non-governmental organizations (NGOs), and law enforcement agencies are concerned about real and potential exploitation of immigrants, the involvement of organized crime groups in illegal immigration, and inhumane immigration processes (Bales, 2005; Hughes, 2000; Raymond et al., 2002; Richard, 1999; Schneider et al., 2004). These organizations tend to pay more attention to illegal immigration in which women are involved, using the term *sex trafficking* (Jahic & Finckenauer, 2005; Weitzer, 2007). Sex trafficking is a significant problem and is described as "the most common form of modern-day slavery" (Walker-Rodriguez & Hill, 2011). Recently a vast body of journalistic literature has been written, much of which sensationalizes the phenomenon; this literature has allowed even ordinary people to discover what sex trafficking is and how grotesque the process is, regardless of whether their knowledge is based on reliable data (Bales & Soodalter, 2009; DeStefano, 2007; Kara, 2009).

However, there is little decent scholarly work (Zhang et al., 2007) on sex trafficking *to the United States*. As with journalistic literature, the available studies on sex trafficking concentrate on several anecdotal and extreme cases of sex trafficking, rather than shedding light on the diverse nature and realities of sex trafficking (Bales, 2005; Hughes, 2000; Raymond et al., 2001). Many studies have been criticized for their unreliable data. In addition, though newspaper articles, government reports, and ethnographic observations have claimed that various ethnic groups are involved in sex trafficking, there is very little scholarly work that examines sex trafficking among certain ethnic groups (Zhang et al., 2007). The biased and scant scholarly work regarding sex trafficking in the United States, even if it is unintentional, appears to have hampered the ability of American society and policymakers to comprehend sex trafficking. Therefore, to understand the spectrum of sex trafficking, it is essential to conduct more empirical research studies based on unbiased data, covering diverse ethnic groups. In this respect, this study attempts to deal with the supposed sex trafficking of Korean women, which has not been thoroughly addressed, despite the fact that law enforcement authorities have registered concerns about it.

### 2. Definition of Sex Trafficking

Not all illegal immigration cases in which young women are involved can be defined as sex trafficking. Some forms of illegal immigration are characterized as sex trafficking only when the victimization of female migrants takes place during the process of the immigration. Therefore, to

understand sex trafficking thoroughly, several forms of illegal immigration that can be transformed at any time into sex trafficking should be delineated. The illegal transnational movements of people have varying dimensions and can be explained by various concepts according to how they are carried out. In addressing various facets of illegal migration, four concepts frequently appear in scholarly articles and experts' reports: illegal migration, irregular migration, migrant smuggling, and human trafficking. These four concepts were used interchangeably by the media and even among scholars until the United Nations (UN) defined human trafficking and human smuggling in 2000.

The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons defines human trafficking as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (UN Office on Drugs and Crime, 2009: 1-2). According to the Protocol Against the Smuggling of Migrants by Land, Sea and Air, smuggling of migrants is defined as “the procurement, to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (UNODC, 2010:1-2).

Focusing on the distinction between migrant smuggling and human trafficking, the United Nations Office on Drugs and Crime (UNODC, 2010) presents three basic differences between the two concepts: the source of profit, victimization, and the illegality of migration. First, the two concepts differ in terms of how profit is obtained. Whereas human smugglers obtain their profits in return for providing illegal entry into or stay in a destination country, human traffickers generate their profits by exploitation of what they do not provide. Second, the two concepts also differ in terms of the occurrence of victimization. Whereas human trafficking necessarily involves the victimization of migrants, migrant smuggling does not. Migrant smuggling is based on consent between smugglers and prospective migrants about providing illegal entry services and the payment of smuggling fees. In contrast, human trafficking involves infliction on migrants' interests against migrants' free will or consent between smugglers and migrants through deception, coercion, or violence. Third, the two concepts are derived from illegal migration, but unlike migrant smuggling (which focuses on the illegal movement between two countries), human trafficking does not necessarily require transnationality. The requirements for human trafficking are satisfied if the victimization of migrants takes place through deception, coercion, or violence by smugglers or employers regardless of the legality of migration.

However, some researchers argue that the distinction between migrant smuggling and human trafficking is notional without considering the actualities of illegal migration. They emphasize that the distinction can be determined after the end of the relationship between migrants and the other players engaged in migration (Aronowitz, 2001).

Considering the ambiguous distinction in practice, Wyler and Siskin (2010) rephrase the two technical definitions by emphasizing how differently the two concepts are treated by the government: “people who have been trafficked should be considered victims and are entitled to government protection and a broad range of social service, whereas people who have been smuggled as willing participants in a criminal activity who should be returned to their country of origin” (Wyler & Siskin, 2010: 41). Wyler and Siskin's explanation suggests how actors involved

in an illegal migration process should identify themselves when they are caught by law enforcement agencies. Immigrants caught by the police should claim that they are the victims of human trafficking and should provide evidence regarding deception and exploitation to draw the protection of the government. In contrast, smugglers should claim that they did not deceive or exploit immigrants and simply aid their immigration so that their immigration operation can be defined as migrant smuggling.

Unlike the concepts of migrant smuggling and human trafficking, the notion of irregular migration, which was coined to replace the term illegal migration, has not been universally accepted. According to Koser (2005), the reason why the term irregular migration should be preferred is that irregular migrants are not criminals, even though they do not have legitimate documents, and that the term *illegality* should be used to signify criminality.

The distinction between the three concepts can be arranged in the form of Table 1 below. All phenomena regarding migration can be described with three aspects: illegality, assistance by a third party, and engagement in commercial sex. Transnational movements that do not involve illegality are nothing; they are categorized as legal migration. If a foreigner illegally crosses a border or overstays in a country, his or her activity is simply irregular migration. However, if a foreigner illegally crosses a border with help from a third party without victimization, this type of migration is called migrant smuggling. A distinctive element between irregular migration and migrant smuggling is whether migrants use smuggling services provided by smugglers. The victimization in a migration process differentiates migrant smuggling from human trafficking. If the victimization occurred without engagement in commercial sex during migration with help from a third party, the activity is non-sex human trafficking. However, engagement in commercial sex work complicates the immigration situation. Let us suppose that there are two illegal immigration cases involving victimization. The victimization of one case was caused by a deception or exploitation in the middle of migration, but the female immigrant was voluntarily involved in commercial sex. Her activity is called sex trafficking. However, suppose the victimization of the other came from involuntary engagement in commercial sex work. Her activity is also called sex trafficking. Though the causes of their victimization are different, their situations are both referred to as sex trafficking. How should migration be characterized if a female immigrant illegally crosses a border or overstays and is voluntarily involved in commercial sex work? While a number of migrant cases in which women are involved belong to this category in practice, no concept has yet been developed. Rather, cases under this category tend to be placed into another conceptual group. Law enforcement authorities attempt to discover evidence of exploitation from these types of cases to make sex trafficking indictments. Feminist scholars argue that regardless of voluntariness, engagement in commercial sex work itself does automatically involve the exploitation of women, and all forms of migration involving commercial sex work should be categorized as sex trafficking.

**Table 1: Sub-concepts of illegal immigration**

		Migration			
		Legal	Illegal		
			No Service	Smuggling Service	
				No Victimization	Victimization
Commercial Sex	No	Migration	Irregular Migration	Migrant Smuggling	Non-sex Human Trafficking
	Voluntary	Prostitution	Prostitution	?	Sex Trafficking
	Involuntary	Sex Trafficking	Sex Trafficking	Sex Trafficking	Sex Trafficking

*Chang-Ryung Han, 2012.*

### 3. Korean Entertainment Culture and Korean Sex Workers in the United States

The emergence of Korean sex workers in American society has been influenced by two factors: the importation of the Korean entertainment culture in immigrant communities and the movement of Korean sex workers into the United States. In other words, the rise of Korean sex workers in the United States is not representative of mainstream American society but rather of Korean enclaves in the United States where Korean culture still dominates its constituents' lifestyles, and as the Korean entertainment culture has grown, so has the supply of Korean sex workers.

The Korean entertainment culture is a product of the combination of liquor, commercial sex, and certain aspects of Asian cultures, such as patriarchy and Confucianism. The entertainment culture, which is strongly intertwined with the sex industry, is deeply rooted in Korean society (Cheng, 2000; Specht, 2010). The Korean Statistics Agency illustrates the magnitude by which commercial sex work is embedded into the entertainment culture. The agency states that the number of businesses which may be considered part of the entertainment industry in Korea was approximately 46,000 in 2009, which means (given Korea's population of 48 million) that there is one entertainment establishment per 100 people. Most entertainment businesses are concentrated in four or five metropolitan areas. According to a survey conducted by the Korea Institute of Criminology, the sex industry in Korea accounted for 5.4 percent of Korea's 2001 gross domestic product (GDP), surpassing the shares of GDP of the agricultural and fishing industries (KIC, 2002).

Working conditions of female workers across the diverse spectrum of entertainment businesses can be understood as having a hierarchical structure. At the high end are hostess bars. These establishments emerged in the 1980s, emulating expensive Japanese hostess clubs catering to corporate clients. The basic setup is a series of private rooms equipped with karaoke machines or live karaoke bands, where a group of men (two to five) is entertained by an equal number of

hostesses. They drink whiskey and beer, eat low quality-but-overpriced food, and sing and dance with the hostesses. Hostesses also sometimes provide commercial sex at motels or hotels, but this requires additional payment. Occupying the middle strata are massage parlors and teahouses. Massage parlors are preferred by women who do not want to drink alcohol and men who do not want to spend a large amount of money, as they would at hostess bars. Some massage parlors provide only massages by licensed practitioners, but at many others, sex workers provide massages using both their hands and their naked bodies. Teahouses are widespread in both urban and rural areas. The customers may order coffee or tea by phone, usually from a hotel room. Orders are delivered by young women, who are supposed to deliver the ordered refreshments and remove empty coffee cups or teacups, but they are also asked to provide commercial sex. At the bottom of the hierarchy are street prostitutes who solicit from behind large glass panes in red-light districts, and provide cheap and quick sex (Cheng, 2000).

As Korean immigrants to the United States have increased in number and Korean communities have grown (Choy, 1979; Noland, 2003), aspects of this entertainment have been imported. Korean immigrants in the United States have displayed a high level of ethnic attachment, which refers to the extent to which ethnic group members maintain their native cultural traditions and socially interact with co-ethnic members (Min, 2004). Mainstream American society and other ethnic economies in the United States do not provide the same services that some Korean immigrants may want, and some who know how to organize and run such entertainment businesses have perceived a market opportunity and have established hostess bars, karaoke bars, and massage parlors that emulated entertainment businesses in Korea.

For the Korean entertainment businesses to prosper in an enclave economy, Korean entertainment business owners required a continuous supply of new immigrants to sustain their businesses. The laborers that can meet the demand of the Korean enclave are all provided by Korea. It should be noted that Korean sex workers emerged in American society in the second wave of Korean immigration to the United States during the 1950s and 1960s, long before the importation of Korean entertainment culture. After the Korean War, many American servicemen married Korean women, some of whom were sex workers who had worked near U.S. military bases in Korea and later moved to the United States with their husbands (Yuh, 2002). However, it has been found that most Korean sex workers divorced their American husbands and went back into prostitution in the United States (Moon, 1997). Their migration to the United States is different from what this study targets in the sense that their migration was legitimate, and they did not initially intend to engage in commercial sex work in the United States.

The resurgence of Korean sex workers in the United States in the 1990s and early 2000s resulted largely from the liberalization of overseas travel by the Korean government. In the mid-1980s, the Korean government changed the focus of its economic policies from protectionism to liberalization, liberalizing imports, foreign investment and overseas travel. In particular, the Korean government gained confidence from its successful hosting of the Olympic Games in 1988 and an increase in the amount of foreign exchange reserve holdings. Consequently, the government decided to completely liberalize overseas travel in January 1989 (Jung, 2008). In addition, the globalization drive of the Korean government in 1995 led elderly people in rural areas, as well as youths in urban areas, to travel to other countries. Within that policy environment, many Korean sex workers were smuggled to the United States due to stories about

lucrative overseas work from their customers or pioneering sex workers.

The increase in numbers of Korean sex workers has not been a national issue in both the United States and Korea for very long, though the problem is well known to local communities of urban areas, such as Los Angeles and New York. The U.S. government has warned of the prevalence of Korean sex trafficking through the State Department's "Trafficking In Persons" reports since 2001. However, news about the sex trafficking of Korean women did not draw major media attention until 2005. In that year, Operation Gilded Cage (conducted by several federal law enforcement agencies) revealed Korean sex workers to the nation (Marshall, 2005). On June 30, 2005, the FBI and other law enforcement agencies raided approximately 50 Korean brothels and massage parlors in Los Angeles and San Francisco. They arrested 45 smugglers and business owners who were later charged with sex trafficking, money laundering and harboring illegal aliens. Authorities also found and detained 150 sex workers (Marshall, 2005; U.S. DOS, 2005; Van Derbeken & Kim, 2005). The operation drew attention to the trafficking of Korean sex workers in both the United States and Korea, and a perception of Korean sex workers as sex slaves was solidified (Lengel, 2005; Vasquez, 2006).

**Table 2: Continued presence and certification for trafficked victims**

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
<b>Total of Continued presence</b>	158	112	122	225	299
<b>Countries of Highest Number of Victims</b>	Korea Peru Honduras	Mexico El Salvador South Korea	Mexico El Salvador China	Mexico Philippines South Korea	Thailand, Philippines, Haiti, and Mexico
<b>Total of Certification of trafficked victim</b>	230	234	303	317	380
<b>Top countries of origin</b>	Korea (23.5%) Thailand (11.7%) Peru (10.0%) Mexico (9.6%)	El Salvador (28%) Mexico (20%) North Korea (7%) Honduras (7%) China (4%)	Thailand (16%) Mexico (14%) Guatemala (8.2%) Philippines (7.6%) China (6.9%)	Mexico (23%) Thailand (20%) Philippines (16%) Korea (4%) China (3%)	Thailand (26%) Mexico (13%) Philippines (11%) Haiti (6%) India (6%) Guatemala (5%) Dominican Republic (3%)

Source: OAG 2006, 2007, 2008, 2009, 2010.

After the incident, many public officials in the United States and Korea became curious about how many Korean sex workers are active in the United States. However, it is difficult even to estimate the number of Korean sex workers who enter and are active in the United States because there is no instrument to screen sex workers from ordinary people. The estimation can be made through statistics regarding human trafficking. To combat such trafficking, many U.S. agencies are involved and work together in accordance with the Trafficking Victims Protection

Act. Two authorities produce statistics that help figure out the number of the victims of trafficking in the middle of providing services for trafficking victims. The Department of Health and Human Services generates the statistics of Certifications and Letters of Eligibility, which refer to the number of certified trafficking victims who are eligible to “receive certain federally funded or –administered benefits and services, such as cash assistance, medical care, food stamps, and housing” (OAG, 2007: 3). The Department of Homeland Security provides trafficking victims with a right to temporarily stay as parolees in the United States during the investigation of trafficking cases, which is called “Continued Presence” (OAG, 2006: 10). The two sources of information explain only *trafficked victims* who were captured by the U.S. government and were “willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons” (OAG, 2006: 4). Even if the statistics include labor trafficking and sex trafficking, the information is recognized as a viable reference to consult when assessing the situation of human trafficking and the anti-trafficking performance of the U.S. government. Table 2, based on the two datasets, suggests that Korean women are more likely to become victims of human trafficking than other ethnic immigrant groups. The table also indicates that the number of Korean victims who were captured and promised to cooperate with the U.S. government in the investigation of trafficking cases is influenced by the activities of U.S. law enforcement agencies.

#### **4. Policies Affecting Migration of Korean Sex Workers**

Despite Operation Gilded Cage, many Korean immigrants point out a noticeable increase in the number of Korean women working at entertainment establishments in the United States after 2005, though no specific numbers are available (Kim, 2008). They claim that a disproportionate increase in the number of Korean women who appear to be sex workers, compared to an increase in the number of Korean visitors in the United States, is attributed to or consistent with the introduction of two policies in Korea and the United States. Many public officials and figures in Korean media agree with the claim that Korea’s Anti-Prostitution Act of 2004 and the entrance of Korea into the U.S. Visa Waiver Program (VWP) in 2008 provided sex workers with both greater incentive and greater ease to migrate to the United States (Kim, 2004; Shin, 2010).

A Prostitution Prevention Act was first enacted in Korea in 1961. However, the Act of 1961 criminalized women involved as sex workers and lacked measures to protect the victims of domestic sex trafficking. In addition, the Act of 1961 was not thoroughly implemented in the patriarchal Korean society. Although women’s rights in Korean society have dramatically improved since the 1990s, several fires occurred at small brothels and hostess bars in 2000 through 2002, killing many sex workers who were sleeping there. Thus, a number of feminist activists and congresswomen asked the government to enact a more powerful law to prevent prostitution, punish pimps and sex buyers, and protect the victims of sex trafficking. Assisted by feminist groups, the newly established (in 2001) Ministry of Gender Equality enacted the Special Anti-Prostitution Act in 2004 to address the problems of domestic sex trafficking.<sup>3</sup>

The Special Anti-Prostitution Act of 2004 increased the length of sentences and the amount

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<sup>3</sup> The official English name of the Act is the Act on the Prevention of Sexual Trafficking and Protection of Victims thereof, but this is not usually used in the media or by the public.



of fines imposed on those found guilty of crimes under the Act. The Act exempted from punishment prostitutes who were forced into the business by others, and empowered local governments to confiscate the property and proceeds of pimps and brokers (OUSGA, 2005; Leidholdt & Seo, 2004). Before the 2004 Act, the Korean government had been reluctant to crack down on the prostitution industry. Instead, the government placed emphasis on preventing the expansion of brothels from red light districts to other districts, and when sex buyers were caught, they were investigated *without detention*. However, after the enactment of the new law, the Korean police aggressively cracked down on collective brothels, investigated sex buyers *in custody*, and checked the identification of potential sex buyers strolling around brothels to reduce the demand for the sex trade (Kim, 2006). Consequently, a number of sex workers lost their source of income (Leidholdt & Seo, 2004) and transitioned to other types of entertainment businesses, such as karaoke bars (Chung, 2004). The Korean government also expanded its crackdowns on other entertainment businesses that were likely to provide prostitution services, and therefore the livelihoods of other female employees working in the entertainment industry were also threatened.

**Table 3: Change in the magnitude of the sex trade in Korea**

	Establishments (activity)		Sex workers		Sex buyers		Transactions	
	2002	2007	2002	2007	2002	2007	2002	2007
Vocational	2,938	1,443	9,092	3,644	2,100	251	18,318	2,068
Occasional	57,938	44,804	241,114	14,7392	10,732	5,010	16,496	76,855
(Mobile <sup>4</sup> )	(19,224)	(36,337)	79,012	11,8671	4,052	4,134	57,879	62,019
<b>Total</b>	<b>60,876</b>	<b>46,247</b>	<b>329,218</b>	<b>269,707</b>	<b>16,884</b>	<b>9,395</b>	<b>241,163</b>	<b>140,942</b>

Source: Lee, 2009.

Due to the efforts of the Korean government, the revenue of the entertainment industry contracted suddenly and dramatically (Lee, 2004). According to a newspaper article citing statistics released by the Korea Police Agency (Kim, 2004), as of August 2004, there were 35 collective brothel districts in Korea, where approximately 1,600 brothels employed approximately 5,500 prostitutes. After a month of intensive raids on prostitution around collective brothel districts, the number of brothels was reduced to fewer than 1,100 (~30 percent), and the number of prostitutes fell to 2,700 (~50 percent). However, in line with the displacement argument, it is believed that many Korean sex workers decided to be smuggled to other countries (e.g., the United States, Canada, Australia, and Japan) for their businesses (Kim, 2005). The Special Anti-Prostitution Act, which was designed to prevent domestic sex trafficking, appears to have resulted in an increase in transnational migrant smuggling/human trafficking outbound from Korea.

<sup>4</sup> Sex workers who do not have fixed workplaces but wander from place to place could not be calculated in terms of the number of establishments but were measured by the activities in which they are involved.

A second major factor in the perceived increase of Korean sex workers in the United States after 2005 is the entry of Korea into the VWP. The VWP is an exception to a general principle of the U.S. immigration policy to screen out unqualified aliens and secure the U.S. borders. The VWP allows nationals from certain countries to enter the United States as temporary visitors without obtaining a visa, whereas temporary visitors from non-VWP countries must obtain a visa before coming to the United States (Carafano & Weitz, 2005; Siskin, 2004). The effort for Korea to join the VWP was initiated in 2004 by the U.S. and Korean governments to enhance the relationship between the two countries (Carafano & Weitz, 2005) and prevent Korean tourists from going to China instead of coming to the United States (Hwang, 2005).

The VWP is generally supported by the United States travel and tourism industry and the business community. The travel and tourism industry views the program as a tool to facilitate and encourage foreign visitors to come to the United States for business and pleasure, which results in increased economic growth generated by foreign tourism and commerce for the United States. The U.S. Department of State argues that by waiving the visa requirement for high volume/low risk countries, consular workloads are significantly reduced, allowing for streamlined operations, cost savings, and the concentration of resources on greater-risk nations in the visa process (Siskin, 2004). In contrast, the program has increased the workload of immigration inspectors at ports of entry by shifting background checks from overseas consular posts to onshore ports of entry. It is believed that the relaxed documentary requirements of the VWP increase immigration fraud and decrease border security (Siskin, 2004). Despite these handicaps, which are exacerbated by an increase in the number of VWP member countries, the U.S. government announced that the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and South Korea became member countries of the program in October 2008.

Thus, since November 2008, Koreans have been traveling to the United States without obtaining visas. The VWP reduces the barriers to immigration for Korean sex workers, who before 2008 had difficulties receiving legitimate U.S. visas and may have resorted to smugglers to come to the United States. Now Korean sex workers who may want to come to the United States to avoid the results of Korea's Special Anti-Prostitution Act can enter the United States legitimately without paying a smuggling fee. Many Korean media outlets and commentators expressed concerns that some Koreans may take advantage of the VWP with ill purposes (Kim, 2008).

Though the Special Anti-Prostitution Act and Korea's entry into the VWP have been implemented with good intentions, they may have greatly contributed to an increase in the number of Korean sex workers in the United States as push-and-pull factors. That is, as the Anti-Prostitution Act has pushed sex workers out of Korea, the VWP has pulled them into the United States.

## II. Data and Analytical Framework

### 1. Netnography

#### *(1) Data*

Korean sex workers who are willing to come to the United States to work in the entertainment industry are the target population of this study. The entertainment industry encompasses more than just the sex industry in the sense that the entertainment industry includes karaoke bars and hostess bars, which do not usually involve prostitution, as well as brothels and massage parlors.

The subjects of this study are elusive in the sense that they are prospective illegal immigrants, as well as sex workers. Consequently, it is difficult both to estimate the size of this population (Chin, 1999; Clawson et al., 2006; Omelaniuk, 2005; Laczko & Gramegna, 2003) and to interview them (Brennan, 2005; Tyldum & Brunovskis, 2005). Therefore, this study uses an unconventional approach to address the supposed trafficking of Korean sex workers. This study examines virtual communities on the Internet for the following reasons:

- i) Korean and American societies have well developed Internet infrastructures and a large number of Internet users (OECD, 2007), representing fertile soil for diverse Internet communities, including criminal conspiracy communities;
- ii) Internet communities usually provide anonymity to their users, therefore allowing or encouraging the sharing of information or ideas which would not otherwise be revealed; and
- iii) Many sex workers are likely to use the Internet in their free time (Chin, personal communication, March 2008).

For this study, Korean Internet search engines helped the author locate a number of websites and Internet communities concerning overseas employment. Most of the websites and communities appear to conduct legitimate business, and a considerable number of these websites and Internet communities suspected of doing illegal business became quiet to avoid crackdowns by the police after Operation Gilded Cage in the United States in 2005. This study selected a website that was still operational during the research period, and has many users. The website requires visitors to register their real names and Korean national registration numbers to prevent the access of minors. Registration precludes a user from having multiple access IDs, though users can use fictitious names on the website.

The website includes an advertisement section and several discussion forums. The site advertises various entertainment jobs, such as hostess bars and massage parlors, in Korea, Australia, Canada, Europe, Hong Kong, Japan, Southeast Asia and the United States and many discussion forums cover these topics. This study investigated three discussion forums that specialize in overseas work, titled “overseas experience talk,” “Q&A about working overseas,” and “friends to work with.” The “overseas experience talk” forum mainly contains accounts of the overseas experiences of sex workers who are working or have worked in a certain country. On the “Q&A about working overseas” section, job seekers post questions about ways of obtaining visas, overseas living and working conditions, and the probability of being deceived or

exploited by smugglers or business owners. Here, other sex workers, smugglers, and business owners also answer and comment on the questions posted. The “friends to work with” forum includes postings from people who are literally looking for friends to move and work with. From December 2005 to October 2010, the search engine embedded in the website retrieved 620 postings from the forums using the keyword “America” in Korean.

## (2) Methods

To examine social interactions concerning the transnational movement of sex workers which occur in the discussion forums of the website, this study adopts *netnography* as the research methodology to avoid the loss of the richness of information contained in each posting. Netnography refers to “ethnography on the Internet which is a new qualitative research methodology that adapts ethnographic techniques to study the cultures and communities that are emerging through computer-mediated communications” (Kozinets, 2002: 62). In an unobtrusive manner, this study observed social interactions in the form of postings (e.g., descriptions, questions, comments, and advertisements), which have been accumulated and are updated daily by prospective illegal immigrants, experienced immigrants, smugglers, and business owners.

## 2. Coleman’s Model of Trust

This study draws upon the sociologist James Coleman’s (1990) trust model to explain why prospective immigrants trust smugglers or business owners under uncertain conditions. Coleman’s model of trust is based on three assumptions. First, the potential trustor is a rational actor. The potential trustor knows how much may be lost, how much may be gained, and the chance of winning when he decides to place trust. Second, the potential trustor is risk-neutral. In other words, he is not a risk-averse person who does not place trust (though trust is likely to involve more gain than loss) nor is he a risk-seeking person who does place trust when trust is likely to draw more loss than gain. Finally, the potential trustor and the trustee seek their own interests.

These assumptions about the potential trustor and the trustee lead to the trust expression as follows:  $PG = (1-P)L$ , or  $P/(1-P) = L/G$ .

This expression states that if the potential trustor thinks that he is more likely to gain by placing trust ( $PG > (1-P)L$ , or  $P/(1-P) > L/G$ ), then he places trust. However, if he thinks that he is likely to lose by placing trust ( $PG < (1-P)L$ , or  $P/(1-P) < L/G$ ), then he will not place trust. The expression demonstrates two types of irrational situations of placement of trust:

- i) In many cases where potential loss (L) is greater than potential gain (G), if potential trustors perceive the chance of succeeding (P) as being greater than the chance of failing (1-P), then potential trustors will place trust in potential trustees (e.g., buying drugs and child pornography or taking bribes); and
- ii) Though the chance of succeeding is low, if extraordinary gain is possible, potential trustors will nonetheless place trust in potential trustees (e.g., gambling).

### III. Results

#### 1. Analysis

##### *(1) Immigrants, Smugglers, and Business owners*

According to previous empirical studies, several kinds of actors are involved in the illegal immigration process: immigrants, smugglers, transporters, public officers, debt collectors, smugglers (often known as snakeheads), or entertainment business owners (Brunovskis & Tylum, 2004; Chin, 2001; Zhang & Chin, 2002). However, every illegal transaction does not necessarily involve all these actors. The people involved in an illegal immigration process varies according to the social environment surrounding prospective immigrants and the circumstances they face (Chin, 1999). According to the website analyzed for this study, when prospective immigrants make decisions concerning immigration and employment in a destination country, they interact with at least three kinds of actors both virtually and in person: experienced immigrants, smugglers, and entertainment business owners. Their basic characteristics are as follows.

As prospective immigrants, Korean sex workers tend to call themselves “*soonhee* (or *sunhi*)”<sup>5</sup> or “*agasee*.”<sup>6</sup> These monikers are similar to the common term “Natasha” used for Russian sex workers. Most of them do not discuss their social background on the discussion forums of the website observed for this study; however, it is possible to figure out some aspects of their background from recruitment advertisements posted on the website. Smugglers or entertainment business owners are usually looking for women in their 20s or early 30s, and assume that prospective immigrants have been or are involved in the entertainment industry in Korea. Many Korean sex workers active on the website have experience working in other countries, including Canada, Japan, and Australia.

Smugglers have various roles in an illegal immigration process. Their basic role is literally to broker transactions between prospective immigrants and business owners. Most brokers have strong connections with business owners. Some brokers work as managers of certain entertainment businesses, while others work as freelancers without belonging to specific shops but maintain networks with several business owners. Brokers post advertisements on behalf of business owners and leave their contact information on the website. Brokers counsel sex workers about illegal immigration in order to draw prospective immigrants into an illegal immigration process. Their brokering service does much more than just counseling prospect immigrants and mediating between prospective immigrants and business owners (Koser, 2008). They engage in obtaining visas and renting apartments in the United States as well.

Meanwhile, some entertainment business owners work as smugglers in order to directly recruit sex workers for their businesses. On the website monitored for this study, they post working conditions at their businesses and leave their contact information under postings of

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<sup>5</sup> In Korea, the name “Soonhee” was frequently adopted in the 1960s-70s and gives the impression of naivety and purity. Nowadays, this name is rarely used for ordinary young women.

<sup>6</sup> “Agasee” is a common word referring to a young woman, but is also used by entertainment business workers to refer to themselves.

prospective immigrants. Some owners commute regularly between Korea and the United States to interview prospective immigrants and bring them into the United States. Many entertainment businesses are concentrated in metropolitan areas where Korean enclaves are well established, such as Los Angeles, San Francisco, New York City, Chicago, Atlanta, and Hawaii. Business owners operating in Guam also try to hire many Korean sex workers because Korean sex workers did not need U.S. visas to stay in Guam for a duration of 15 days (45 days as of November of 2009) even before the VWP was applied to Korea.

## *(2) Driving Forces and Potential Gain*

The question of why prospective immigrants leave their countries for destination countries has been a focal question in studies on illegal immigration. Many studies have presented several push/pull factors that influence illegal immigration (Aronowitz, 2001; Chin, 1999; Massey et al., 1993). These factors work differently according to the circumstances in which prospective immigrants find themselves. Nonetheless, many studies argue that the foremost cause of illegal immigration is economic conditions in countries of origin, or the economic gap between an origin country and a destination country (Omelaniuk, 2005). The economic motive of illegal immigrants raises the issue of voluntariness of immigration (Brown, 2000; Tyldum et al., 2005): whether prospective immigrants “voluntarily” leave their countries, or whether they are sold or forced by their parents or husbands for their economic interests (Omelaniuk, 2005).

According to the data analyzed in this study, like most other illegal immigrants, Korean sex workers mostly consider immigration to other countries for purposes of monetary gain. They are especially interested in making a lot of money quickly, after which they intend to quit the sex industry permanently and move on to other things. A comment on the observed website by an entertainment business owner indicates what Korean sex workers want from immigration to the United States.

...we all work in other countries to get out of this filthy business, don't we?  
We all should get better....Please be smart and live tight (Business Owner,  
December 2005).

However, even though it is a powerful factor for Korean sex workers, monetary gain alone does not explain a recent sudden increase<sup>7</sup> in the movement of Korean sex workers to the United States. Many sex workers, smugglers, and entertainment business owners point out to rigorous implementation of the Anti-Prostitution Act as an important push factor in terms of this rise in immigration. An advertisement by a smuggling broker illustrates the relationship between the Anti-Prostitution Act and illegal immigration of Korean sex workers.

Advertisement: Hello!! Fall has come already. Only a couple of months left on the calendar. We believe that you had a hard time during last year when Anti-Prostitution Act was enforced and the overall business situation was pretty bad. This year the business situation remains bad. Thus, we believe that a lot of you try to go abroad. Countries you can go to are Japan, Australia, and Guam. However, I would like to recommend the U.S., where

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<sup>7</sup> Newspaper articles regarding Korean sex slaves or Korean sex trafficking over the past 20 years are concentrated on the period after 2004.

you can earn more money than in other countries and, as females, your human rights will be protected very well...(Smuggling Broker, October 2005).

Most Korean sex workers who consider overseas work regard the United States as the most desirable destination country. The rigorous border control of the U.S. government before 2009 had made many Korean sex workers hesitant to take the risk of being smuggled to the United States and instead set their sights on other countries that Koreans can travel to without hassles in getting visas, such as Japan, Australia, and Canada. However, the situation of immigration to the United States was totally changed in 2009 by Korea's entry into the VWP. The reaction to this new policy was reflected online:

Finally, no-visa!!!. There have been rumors that no-visa travel is possible or it is not likely. Just now I heard news that no-visa to America will be in effect in two weeks. How long I have waited for the moment. I am gonna change my passport to e-passport. Minji [the poster's friends' name], wait for a while (Sex worker, October, 2008).

A worker posted a question on the website, seeking advice on how best to travel to the United States and Canada:

After entering America without visa, staying up to 90 days and moving to Canada where staying for 6 months without visa. Is it possible to do that? Is it complicated to move from America to Canada or it is just simple to go with an airplane ticket? I would like to do this way: departure from Korea – staying in America for 3 months – staying in Canada for 6 months – arrival in Korea. Of course, without visa. For your information, I have never been overseas (Sex worker, October, 2008).

Comment 1: If it had been possible, I would have travelled all around world.

Comment 2: Then, do I have to do it this way: departure from Korea – staying in America for 3 months – arrival in Korea and departure – Staying in Canada for 6 months – arrival in Korea. Airplane fares are too expensive.

Comment 3: It is possible. I came here Toronto in the same way. Call me, x-xxx-xxx-xxxx.

How much money does it take to entice Korean sex workers to immigrate to other countries? This question draws attention from sex workers themselves, as well as researchers, because most Korean sex workers are not under the poverty level and they can earn US\$3,000 to US\$5,000 a month in Korea. The question can be answered by examining the online advertisements by smugglers and entertainment business owners. Their postings enumerate working conditions and possible incomes in the United States in order to attract the attention of prospective immigrants and gain credibility from them. According to the postings, there are four types of jobs: working in (1) “room-salons”<sup>8</sup> or hostess bars, (2) outcalls or escort businesses, (3)

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<sup>8</sup> There is no appropriate term to describe Korean “room-salon” in English; but a hostess bar is similar to “room-salon” in that both businesses sell liquor, and there are hostesses to please patrons. A Korean “room-salon” is an

in-calls or brothels, and (4) massage parlors. Several postings on the website analyzed in this study provide summarized-but-detailed information about working conditions in the United States as follows, because a number of Korea sex workers visiting the website keep asking their possible income and working conditions according to the work types.

In “hostess bars,” hostesses often work from 8:00 p.m. to 2:00 a.m. Each day hostesses who attend bars are paid US\$50-80 from employers, and they tend to serve two or three groups of patrons each day. Hostesses drink liquor and sing songs for (or with) patrons, and each hostess receives US\$50-100 as a “personal” tip as well as US\$100-150 from each group of patrons through a service charge. Principally, hostesses are not involved in prostitution. Sex workers who want to work in hostess bars usually do not want to be involved in “*yee-cha*” or “after,” which literally means “the second round” but implies prostitution.

Advertisement: This shop [a hostess bar] guarantees to treat as princesses (1) those who..., (13) those who want to earn \$10,000 without *yee-cha* and (14) those who are disgusted with piano [being caressed by patrons] and show [semi-nude dancing]...(Business owner, October 2007).

Question: I hear that saloons in America do not ask their *agasees* to engage in *yee-cha*. Is it right? (Sex Worker, March 2007).

Comment: Saloons in America usually are not allowed to do that.

However, employers sometimes broker prostitution between hostesses and patrons with the agreement of hostesses. Hostesses are paid an additional US\$100-200 from the patron. Most patrons are Koreans because hostess bars are located in the ethnic enclaves (i.e., Koreatowns) of several cities. Many Americans are not willing to pay several hundred dollars to drink liquor with hostesses.

“Outcall” work refers to a practice in which sex workers visit hotels or houses where patrons stay or live. Patrons call the managers of these women to arrange for services. The women usually work from 5:00 p.m. to 5:00 a.m., and commonly serve five to ten customers a day. They get US\$200 an hour from a patron, 50 percent of which is taken by their managers. All extra tips from patrons belong to the sex workers. If a patron travels somewhere (e.g., Las Vegas or Atlantic City) with a sex worker, then she can earn US\$1,000-2,000 per a day. Patrons of outcall services are usually Korean. Outcall service ads are in free Korean newspapers around Koreatowns.

In “in-call” businesses, patrons visit brothels. Employees (sex workers) work from 12:00 p.m. to 10:00 p.m. The amount of money sex workers can earn varies according to the service quality. Sex workers who work in labor intensive brothels called “*sip-eel-jip*” usually work for 10 days in a row. Sex workers working here earn US\$80 per patron without providing extra service, and serve as many patrons as they can a day. These types of brothels are preferred by those who need a lot of money (about US\$10,000) in a short period of time. In some service quality-oriented brothels, sex workers can provide more services for patrons and can earn more

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expensive bar consisting of several closed-rooms equipped with Karaoke, and aims at targeting rich patrons who can spend several hundred dollars at once. Sex workers frequently call “Room-salons” just “Rooms.”



extra tips commensurate with the degree of their service. A series of postings on the website observed for this study explain some of the basics:

...I briefly explain in-call, outcall, and *sip-eel-jip*. In in-calls, patrons pay \$250 per hour. From the payment, sex workers get \$150 and owners get \$100. There are those who are confident in appearance and good at service earn \$700-1000 per hour...(Experienced migrant, April 2008).

Comment 1: The income is smaller than I expected, even though in America. Well, I know that the income is determined by extra tips. Is it possible to earn \$40,000 [a month] in massage parlors?

Comment 2: It is impossible to get \$40,000 in massage parlors in America. It is in-calls in which someone can earn the most money, if she has good appearance and is very good at service.

In “massage parlors,” employees work from 10:00 a.m. to 10:00 p.m. Patrons pay US\$40-65 for entrance or basic massage. If patrons expect or ask for erotic service from masseuses, they pay additional US\$100-200. Patrons of massage parlors are not only Koreans but also often of other ethnicities.

Some sex workers work “Internet-*jip*” which refers to a massage parlor or a brothel that introduces Internet technology allowing patrons to leave ranking and comments on sex workers.

According to several experienced immigrants and smugglers who left postings on the website, given that women work 5 or 6 days a week, a masseuse may have the highest income. In-call workers and masseuses earn US\$20,000-30,000 a month, while outcall workers earn US\$15,000-20,000 a month, and a hostess working in hostess bars earns US\$8,000-10,000 a month. It is difficult to know exactly which type of work is most preferred by sex workers. Experienced immigrants say the decision of type of work is influenced by the age, financial situation, and the entertainment business experiences of immigrants. In general, working in hostess bars is most preferred by young sex workers while older prospective immigrants are more likely to seek and be hired in massage parlors rather than hostess bars. The less financially comfortable sex workers are, the more they seek and are hired in massage parlors or out-call services than in hostess bars.

There is another reason why many Korean sex workers prefer working in the United States. Regardless of the type of work, sex workers’ income is less influenced by their age and appearance<sup>9</sup> than in Korea. The reason does not appear to be that patrons in the United States do not care about sex workers’ age and appearance, but that Asian sex workers look younger than they actually are from Americans’ viewpoint. Entertainment jobs in the United States are less competitive than those in Korea where the supply of sex workers is greater than the demand for them. The questions and comments below show some of the sex workers’ concern about age and appearance.

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<sup>9</sup> The importance of appearance varies according to the type of work. However, generally, white and bright skin, cute face, full bosom, and slender body shape are preferred. Especially, body shape is measured in terms of how small “size” of clothes they wear; 55 size (M) is preferred, 66 size (L) is acceptable, and 77 size (XL) is unwelcome.

Question: My current age is early 30s; but other people say that I look mid 20s. Is there a job for me in America? (Prospective Migrant, March 2006)

Comment: I am now working in a massage parlor. Actually, I am a little chubby. But, they like me and think that I am cute. They seem to have a different viewpoint from Korean men.

Question: I am 35 years old. Is there an overseas job for me? I am not likely to work in a Room [hostess bar]. For me, in-call or massage, which does not involve liquor, would be better. I am just plain. I may feel small in America. How about Canada or Germany? (Prospective Migrant, January, 2008)

Comment 1: This is Los Angeles. We [a smuggling broker] don't care about age. If you are really interested in working overseas, call: xxx-xxxx-xxx-xxxx.

Comment 2: A lucrative job in Canada is doing massage. Rather, America seems to have broader options, such as massage and outcall. They don't care about "size [body shape]" and age.

Interestingly, in addition to obtaining a lot of money during a short period of time, many sex workers reveal their desire to study English in the United States. This may be because many sex workers generally do not have good educational backgrounds and may want to utilize the opportunity of working in the United States to make up for their lack of education. Smugglers lure Korean sex workers with luxurious lives in the United States (e.g., playing golf, going shopping in world-class departments, and enjoying high cultural lives). The posting below by a business owner shows how they draw the attention of prospective immigrants.

...I think that your life is crammed and it is difficult to live in Korea, isn't it? Are you living hard and getting a lot of stress from your work? Why don't you enjoy your life in America, working pleasantly, studying, and playing golf? (Business Owner, December 2006).

However, many Korean sex workers do not seem to have an interest in settling down in the United States; rather, they seem to want to return to the "conventional" society of Korea after earning a lot of money.

Even those workers considered less attractive and older in Korea can earn considerably more money in the United States. At the same time, they can learn English and enjoy a comparatively luxurious life, even if it is temporary. These are all temptations which lead many Korean sex workers to "voluntarily" immigrate to the United States.

### *(3) Immigration Barriers and Potential Loss*

An illegal immigration process involves various barriers and risks. Most prospective illegal immigrants are concerned about migrating to unfamiliar places (Chin, 1999). Before departing from the origin countries, prospective immigrants face such hurdles as obtaining passports and

visas. In the process of immigrating to destination countries, immigrants worry about the risk of being exploited or deceived by smugglers (Brunovskis & Tyldum, 2004; Bales, 2005). After arriving in destination countries, they must then live with the fear of being exploited or deceived by employers, and of being detected by law enforcement agencies (Brunovskis & Tyldum, 2004). Immigrants invest a great deal of their resources, such as money, time, and labor, to cope with the barriers and risk in an illegal immigration process. All of the invested resources are perceived as potential losses if they cannot be recouped following immigration. Potential losses are realized: (1) when smugglers break trust and illegal immigrants fail to arrive in the destination country; and (2) when illegal immigrants fail to earn the amount of money they planned to earn, because of exploitation by employers, crackdowns by law enforcement agencies, burglary, drugs, and gambling. Thus, if prospective immigrants perceive that potential loss in the United States is huge, then they are not willing to immigrate to the United States. Many NGOs, the media, and law enforcement agencies emphasize the potential loss involved in the illegal immigration process. These organizations argue that illegal immigrants, especially female immigrants, are frequently victimized in this process by smugglers or sex business owners.

According to the data, many Korean sex workers who are prospective immigrants have almost the same concerns as other illegal immigrants. Before leaving Korea, sex workers' main concern is how to enter the United States. The conventional wisdom among sex workers is that there are three ways of entering the United States: taking advantage of the VWP, getting a visa, or choosing detour routes. The method chosen varies according to the individual situations of immigrants.

First, Korean sex workers can utilize the VWP. Since October 2008, many sex workers are believed to have come to the United States without visas. However, this program has a handicap for sex workers, which is that they can stay in the United States for only for 90 days. Furthermore, immigrants coming through the VWP cannot change their visa status once they arrive. Before the entry into the VWP, many sex workers lived long periods in the United States by changing their visa status. Nonetheless, sex workers who had been eager to immigrate to the United States were high in spirits on the news of the entry of Korea into the VWP. Soon after the news, a few experienced sex workers asked prospective immigrants to exercise vigilance in utilizing the VWP.

Hey, *sunhi* sisters! No-visa is not always nor necessarily good for us. If you overstayed in America including Guam, it is impossible to use no-visa. I am now in LA. The business situation is pretty bad. ... And, immigration interviews are very rigorous. After no-visa, it is obvious that immigration interviews are getting more rigorous. That is because the territory of America is so huge; compared to our country, it is more than 100 times. So, it is very difficult to find out runaways. That is why immigration interviews are strict (Sex worker, November, 2008).

Comment 1: I came here, NYC, because the business in LA was so bad. But, here I wasted two days a week. Wherever we go, the situation appears the same.

Comment 2: It is thought that no-visa is better. Actually, it is not. Even someone with a visa has been rejected frequently; after no-visa, how will it go?

Many experienced sex workers showed some doubt about the benefits of the VWP. Most of their worries are attributed to their concerns about competition with new faces from Korea under the economic recession lasted since the mid 2008.

A second way for Korean sex workers to enter the United States, through obtaining a valid visa, is not frequently used since the entry into the VWP. However, as the comments above imply, sex workers can benefit from the visas more than visa-free travel. Thus, sex workers who already have visas will continue to use them to enter the United States. Some sex workers who want to stay longer than the VWP period of 90 days choose to arrange visas through smugglers or business owners. Sex workers and business owners typically believe that working for 90 days is not enough to make a profit beyond the break-even point. That is because the period of 90 days is not long enough to compensate for airplane fares between Korea and the United States, or to earn as much money as sex workers expected. From business owners' perspective, an early departure of popular sex workers means the loss of an expected profit.

There are two kinds of visas that sex workers can use for immigration to the United States: visitor visas and student visas. Before the VWP, most sex workers applied for visitor visas<sup>10</sup> and a few sex workers are known to still apply for them in order to stay longer than 90 days, usually for six months. In order to obtain a visitor visa, applicants submit financial documents to the U.S. embassy in Seoul (e.g., bank books, income tax certificates, certificate of employment/business registration, or transcripts in the case of students) to ensure that they have strong ties to Korea and are not likely to settle down in the United States. As experienced immigrants advise, most sex workers want to obtain visas based on legitimate documents and do not want to be arrested by the police on the charge of document forgery. Some sex workers who have enough savings in their bank accounts easily obtain a visitor visa. Others borrow money from friends or lenders to give the impression that their bank accounts appear larger than they actually are. As a last resort, sex workers can apply to visa brokers who provide forged tax and employment documents. A posting on the website monitored for this study by a sex worker who obtained a U.S. visa briefly shows how illegitimate documents are made for U.S. visas.

...income tax certificate and certificate of employment were made by pretending that I have been working under the younger brother of a business owner in America....(Experienced Migrant, September 2007).

Visa brokers charge about US\$4,000–5,000 for their services. If sex workers contact visa brokers through entertainment business owners, then the visa brokerage fee goes up to US\$8,000. The payment is the black market price for the visa brokerage service, which is not regarded as deception from the illegal migrant's viewpoint. To potential immigrants, deception by visa brokers is that brokers request advance payment or "good faith" money from prospective immigrants and run away with the money without providing the documents. Another example of perceived deception would be that prospective immigrants' visa applications based on forged documents are rejected by the U.S. embassy. For some sex workers who are pressured for money,

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<sup>10</sup> Few sex workers prefer student visas, because they need to obtain admission documents from U.S. educational institutions (e.g., an admissions letter and an I-20) and pay tuition for them, even though some of them hope to study English in the United States.

some entertainment business owners operating in the United States sponsor sex workers to immigrate. Sponsorship involves visas and airplane fares through “*seon-bul*” or “*myking*”<sup>11</sup> loans. This practice is riskier as it forces debt upon them immediately after having arrived in the United States.

A third way that Korean sex workers may enter the United States is via detour routes through Canada or Mexico, neither of which requires Koreans to have visas to visit for short periods nor records overstaying, arrests, or deportation in the United States, although this method is believed to be barely used after Korea’s entry into the VWP. Using the detour route is called “jumping” or “*dam-chigi*”<sup>12</sup> among Korean immigrants and brokers, a reference to the idea of “jumping” over the barrier of the immigration process. The posting below shows a prospective migrant looking for a smuggling broker to help her jump to the United States.

Question: In 2003 my friend and I applied for visas through a broker, but we were all rejected. We were taken to a prosecutor’s office and were detained [in Korea]. I was released in 3-4 days through a lawyer who cost me \$15,000. But, my friend was detained for a month and was fined \$10,000. Right after that, my friend jumped to America via Canada...She now asks me to come there. I hear that it is difficult to jump to America. Is there any reliable broker who can take me to America? (Prospective Migrant, November 2006).

Whenever prospective immigrants ask about jumping to the United States, more experienced immigrants discourage them from entering the United States via a third country without having legitimate visas, warning that many immigrants have been caught, detained and deported in this way. A sex worker who successfully jumped to the United States via Canada tells what she felt and heard about jumping to the United States.

...those who are planning to jump should be determined. I was very lucky and came to America 10 days after arriving in Canada. I heard that there were many people who were waiting for more than three months. And, since many people were caught in the process of jumping last year, there have been very few operating for jumping....(Sex Worker, April 2007).

Question: Nowadays why is it so difficult to enter America? It is not easy either to do jump or to obtain a visa. Jumping is more expensive than [getting] a visa. Is there any good broker?

Comment 1: Never do jump. There are some sisters who think of jumping as easy because jumping does not leave a record. I never recommend jumping. Rather, come to America through getting a visa and change your visa status later. This way is much better for the future. Jumping is the last way you can use, when your visa application is rejected and there is no option left. When you enter through jumping, you don’t leave anything to change. ... You will someday regret your choice if you enter through jumping and earn a lot of

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<sup>11</sup> “*Seon-bul*” and “*myking* (sometimes, *mykang*)” mean a loan from an entertainment business owner for their sex workers. Unlike “*seon-bul*”, “*myking*” originates from the Japanese language.

<sup>12</sup> “*Dam-chigi*” is Korean slang referring to jumping over a wall. In the field of illegal immigration, the term, “*dam-chigi*,” is less frequently used than “jump.”

money. Someone who jumped in never can change her status, even if she gets married to an American citizen. If I were you, I would look for a good broker and choose a way of getting a visa rather risk my life to jumping.

Comment 2: Thanks for your concerns. But, I had lived more than 7 years in America. Because I cannot get a visa, I am looking for jumping.

Comment 3: I heard brokers who help jumping with light aircrafts. Is it likely for anyone to use it?

Comment 4: I heard a method with light aircrafts. But, I don't know how to contact such brokers. If you have contact information, would you let me know it?

Even though being smuggled into the United States is more dangerous than staying in Canada, some sex workers take risks to enter the United States, especially when the U.S. dollar *was* more valuable<sup>13</sup> than the Canadian dollar until late 2007. Additionally, there are usually more customers in the United States than in Canada.

When immigrants and brokers take an indirect detour path to the U.S. via a third country, most immigrants tend to choose Vancouver, Canada, as a transit point. Vancouver has well-established Korean communities, including safe houses. Immigrants can easily transit from Vancouver through Washington state to Los Angeles and its large Korean community. Los Angeles is also the location of the largest Korean entertainment industry in the United States. On the website monitored for this study, a broker advised an eastern route, from Toronto to the east coast of the United States, for those who are desperate to enter the United States via Canada but want to avoid the western route. A sex worker working in Canada provides a tip for prospective immigrants on avoiding attention from Canadian immigration officers.

...Entrance at Vancouver is too strict. If you make a mistake, you will be bounced...If it is possible, it is recommended to come to Toronto. And, it would be helpful to use Air Canada or Japanese airlines rather than Korean Air (Sex Worker working in Canada, February 2007).

A southern route, via Mexico, is seldom mentioned by sex workers and smugglers. Compared to Canada, Mexico does not have well-developed Korean smuggling networks.

After arriving in the United States, immigrant sex workers have immediate concerns about jobs and housing, despite the feeling of accomplishment that they finally arrived in the destination country. However, before coming to the United States many sex workers contact business owners directly or indirectly via colleagues or brokers and decide where and what kind of work they should do. Most already have specific ideas about their jobs when they arrive in the United States. Some sex workers may have a different kind of concern from workplace or housing: loans from business owners. Sponsorship of employers for immigration is not free money, but is debt. Such an arrangement may even be considered indentured servitude.

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<sup>13</sup> The currency exchange rate of US dollar (USD) to Canadian dollar (CAD) was USD 1: CAD 1.37 as of May 2004. During the research period, except the fourth quarter of 2007, USD was usually stronger than CAD.

Immigrant sex workers borrowing money from entertainment business owners have to work under their control until the sex workers pay off all smuggling fees and debt. Some business owners who have loaned their employees money keep their employees' passports in order to prevent "*tang-chigi*" or "*jam-soo*,"<sup>14</sup> which refers to sex workers running away without clearing their debts. Thus, NGOs, the media, and law enforcement authorities perceive that business owners control or suppress sex workers and exploit them through setting up high interest rates on the loans (Tyldum et al, 2005). Three postings below show the concern of sex workers about loan and debt. However, most immigrant sex workers are not suppressed much by the smuggling fees or debts *per se*.

Question: A TV program that I watched before showed that an *agasee* working overseas was deprived of her passport [by a business owner] and was detained. If I draw a loan when I immigrate to America, am I also deprived of my passport and freedom [to move around]? I have some debt, and I don't have experience working overseas. I don't know what I have to do...(Prospective Migrant, April 2008).

Comment 1: Detention and deprivation of a passport. It cannot happen and it should not happen. It would be better to go abroad without debt.

Comment 2: In reality, shops in America do not give as much loan as those in Korea do. We cannot imagine taking out passports and detention in America. I don't know [the situation] elsewhere.

Question: Some broker says that *myking* is available without interest. Is it possible in America? (Prospective Migrant, April 2008).

Comment 1: Really? I have never heard about that in America. There is no money business without interest.

Comment 2: It differs by shops. Some shops have interest. Some thriving shops do not have interest. Most of all, you need to call and negotiate it [interest] with business owners.

Comment 3: It differs by each shop, and there are shops which do not ask interest. But, the amount of *myking* [in America] is much smaller than that in Korea.

Comment 4: I have drawn \$15,000 without interest in LA.

I have been here for three months. The overall business situation in LA is pretty bad. So far, I sent \$9,000 to Korea after clearing off the *myking* of \$10,000 and paying for my living here (Sex Worker, May 2007).

Some sex workers make efforts to coax rich and generous patrons into clearing their debts. After paying their debt, immigrants can change their work sites and work as freelancers.

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<sup>14</sup> "*Jam-soo*" literally means submerge or hide under water in Korean; but many juveniles and sex workers use "*jam-soo*" to mean cutting connection and suddenly disappearing.

The types of money-distribution systems between business owners and their employees, or sex workers, can be also perceived as a way of exploitation. Business owners who adopt a daily money distribution system usually do not get into trouble with their employees. However, according to experienced immigrants, some owners do not give wages to their employees on a daily basis under the guise of helping to manage money for sex workers. Actually, this practice is designed by business owners to exploit their employees. In addition, the issue of *who* should receive money from patrons in brothels and massage parlors also influences the perception of exploitation. Sex workers believe that if employers directly receive money from patrons, sex workers are vulnerable to employers' deception because sex workers are not likely to know how much money patrons paid for their service.

Despite a difference in perspectives on some issues between sex workers and business owners, they agree that they need to cooperate with each other in earning money rather than developing mutual suspicion and exploitation. The following dialogue between a business owner and sex workers below, which took place on the website monitored for this study, shows that the trouble between business owners and sex workers is not always blamed on the business owners.

...Like the *agasee* who wrote below [in another posting], if there are *agasees* who suffered loss, I would like to apologize on behalf of other business owners....However, why do you work overseas? In order to earn money, right? Why do we [business owners] run shops overseas? In order to earn money....Of course, it would be best that business owners and *agasees* establish mutual trust, harmoniously work together, and earn money fairly....I cannot deny that there are some bad business owners; but many owners are not, as there are *agasees* who work hard without forgetting their original goal. But some *agasees* don't behave well and make trouble with other *agasees* and patrons...(Business Owner, December 2007).

Comment 1: I can understand your situation. That happens, if there is no mutual concession and understanding.

Comment 2: As an *agasee*, I also agree with you.

Comment 3: *Agasees* who work hard without making trouble can earn a lot of money. Some *agasees* who do not work hard always make mistakes and trouble with other *agasees* and employers.

It appears that for immigrant sex workers the greatest risk factor is not exploitation by employers, but crackdowns by law enforcement authorities. Sex workers are always concerned about crackdowns and pay attention to rumors and reports of crackdowns in other cities. Some business owners advertise that their businesses are safe in the sense that they do not urge their employees to engage in prostitution, or they run their businesses based on closed-memberships. Some business owners claim—and some sex workers believe—that crackdowns by the authorities are concentrated on massage parlors and brothels.

Advertisement: ...This is a professional escort service covering the state of NJ and NYC. This business is based on closed-membership, so you don't



have to worry about crackdowns...(Business Owner).

Sex workers have concerns about crackdowns not only because they fear being arrested and deported by the authorities; they also worry that they cannot work because of the crackdowns. Those sex workers who have debt are much more affected by the slowdown of the business during periods in which there are increased fears of raids. Nonetheless, most of them tend to regard the crackdowns as an exogenous factor.

...it is heard that America, Japan, and Canada will crack down on Korean prostitution. When caught in the middle of full-scale raids, the amount of fine is much higher, and detention is longer. Take care of yourself (Sex Worker, December 2006).

Comment: Crackdowns always happen. That is nothing new.

Question: I am now thinking about an outcall. Are crackdowns severe [in America]? (Prospective Migrant, December 2006).

Comment: That is all dependent on our luck. Someone has never been caught for several years. Someone got caught a week after starting her job.

...America is now in the middle of full-scale crackdowns...As someone says, the amount of the fine is so great. But, it is very shameful. So, I am going to be dormant for a while...It would be better to play with computer games rather than be kicked off to Korea after being humiliated (Sex Worker, April 2007).

If what NGOs and the media argue is true and sex workers are detained against their will and exploited, why are they scared to get help from law enforcement agencies? A posting by a prospective migrant provides an implication about the questions raised by NGOs, the media and law enforcement agencies.

Question: I have a question for just in case. If I am caught [by the police], do I have to divulge what the police want? Or would it better for me to make a lie, taking into account a business owner? I hear that I can settle down in America, if I say everything the police want to hear. Is it right? (Prospective Migrant, April 2008).

Comment 1: It is very rare to be caught by the police. But, if you are caught and you claim that you did it [prostitution] on your own [without arrangement by business owners], then you will get fined and you will be released. If you say everything to the police, then you will not be hired by other owners...

Comment 2: If you are admitted as a spy from the police, you will get a U visa, a social number, and a working permit. But, you should not be involved in illegal activities over 3-4 years and will be under surveillance during that period. Do you think that you will be happy to get a green card after turning over other *agasees* and business owners to the police for your own personal

interest, as long as business owners are not really bad? I am sorry. I don't mean that you are [now] a spy...

According to the dialogue between prospective and experienced immigrants, the sex workers who ended up with being detected and protected by the police and NGOs are likely to be outliers not reflective of the realities of sex workers' immigration and lives and to be different from most ordinary sex workers. That is because the sex workers who law enforcement agencies or NGOs have contacted and captured are likely to have worked under extremely brutal business owners, or were put into extreme situations where they had to say what law enforcement agencies or NGOs wanted to hear.

In addition, many sex workers have concerns about burglary. Some sex workers posted on the website that their apartments were burglarized while working in hostess bars or massage parlors. The fact that sex workers often keep large amounts of cash at home is well known to people working around the entertainment industry. Even when sex workers are victimized by burglars, they may not report their victimization because of the language barrier and fear that their illegal work may be detected by the police.

Many experienced immigrants advise newcomers to avoid the temptation of drugs and gambling, so that they do not squander the money they plan to earn. However, some sex workers argue that it is very difficult to keep away from drugs and gambling because during their off-time there is little to do. Workers usually live together in an apartment and when one cohabitant suggests participating in drug use and gambling, others are often drawn in. On the website, sex workers cautiously introduced anecdotes that some of their colleagues and friends waste a lot of money in "ho-bars (or host bars)," where Korean male sex workers are located. Called "*seon-soo*,"<sup>15</sup> these Korean male sex workers perform a job similar to that in hostess bars, but with female patrons. After becoming associated with male sex workers, female sex workers tend to buy luxurious clothes and watches for them and even give allowances to them. It is the male workers' job, after all, to encourage this behavior in their clients.

If sex workers fail to cope with these temptations, their earnings will not accumulate rapidly and they may not be able to repay their debts if they have any. Thus, they cannot escape from the sex industry, and their conditions may worsen (e.g., move from hostess bars to massage parlors). That is why they keep working in the sex industry like sex-slaves.

#### *(4) Chance of Receiving Gain*

No matter how great the amount of money they can *theoretically* earn, not all sex workers working in the United States *actually* earn the amount of money they plan to earn. The question of how much money they can *actually* earn is an important issue for prospective immigrants, and this is reflected in Coleman's trust model as the chance of receiving gain. Compared with the potential gain and the potential loss of illegal immigration, it is difficult for prospective immigrants to know the chance of receiving gain. The probability of gain in an illegal

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<sup>15</sup> "*Seon-soo*" has two meanings in Korean: an athlete and a professional. The two meanings simultaneously explain the characteristics and the duty of Korean male sex workers very well. They should be (or are) talented in treating and pleasing women with their appearance, body shape, and manner.

immigration process is murkier than other trust situations. That is because the probability regarding illegal immigration is influenced not only by whether smugglers or employers will keep their word concerning immigration and working conditions, but also by whether circumstances around sex workers, which smugglers and employers cannot control, are going to favor them as they expected.

Each prospective migrant has her own perception of the probability of gain. The probability of gain involves not only establishing the perception of the probability but also raising (the perception of) the probability by smugglers and business owners and prospective immigrants. For estimating the probability of gain more clearly, prospective immigrants gather information from various sources (e.g., the media, the Internet, co-workers, patrons, and even smugglers). Their perception of the probability level is influenced by the quantity and quality of information they are able to gather. Two postings by prospective immigrants illustrate this point:

Question: Is it so difficult to enter America these days? I heard from my two friends who entered America that they were earning very good money. Last year, I consulted a broker. He said that *one or two out of ten applicants* were rejected [in the phase of obtaining visas]. At that time, I became reluctant to go to America, because of a lot of news about crackdowns. Other people say that *the probability of being caught is 50 percent*, and it depends on luck. But, I am anxious. Is there any way to raise the probability? My age is already 32, and I cannot postpone any more (Prospective Migrant, March 2007).

Question: ...These days it is said that *eight out of ten visa applications* are rejected. Can I get a visa? (Prospective Migrant, December 2006).

Many prospective immigrants share their knowledge and experiences with one another to help cope with the uncertainty. Some prospective immigrants directly contact experienced immigrants who leave contact information in the discussion forums. Prospective immigrants ask experienced immigrants to introduce them to reliable business owners in order to raise their probability of gain.

...no matter how thoroughly you gather information from the Internet...the reality is different. Don't trust the Internet, and ask your friends who are already working in America. And, brokers, please, don't post exaggerated advertisements; of course, some are right...If you don't have any connection in America, leave a message here for me and I will answer (Sex Worker, August 2006).

I am one of the people who have a good impression about the website. The catalyst that brought me here [work site] is that I contacted many people here [the website], shared information with them, and decided to come here [work site]...The reason I like the website is that I thought that what I cannot talk to my close friends about can be shared in the website...I like to share the information I have with other people and I am happy to hear that other people got jobs using my information and suggestions...(Sex Worker, March 2008).

Some prospective immigrants try to improve the probability of gain through their actions, not just through gathering information. That is, they look for co-immigrants on the website, believing that they can raise the probability of success or at least reduce the likelihood of being deceived and exploited.

I am thinking about entering America. This is my first trip to America. So, I am a little scared. Is there anyone to go with me? Send me an email (Sex Worker, January 2008).

I got a visa. I have a lot of things to think about, since this is my first overseas trip. I don't have any acquaintances there [LA]...Is there any good friend to go with me? I am in my mid-20s. Email me. xxx@xxxx.com. I don't want to be contacted by brokers or owners (Sex Worker, May 2006).

Comment: I am now in NY. My friend is coming to America next month and she will come alone. Call me, if you have any questions. x-xxx-xxx-xxxx.

Their concern about the probability of gain extends to earning more money, not just avoiding deception and exploitation. Some sex workers recognize that the entertainment industry in the United States is not as competitive as in Korea. Sex workers try to gain comparative advantage over other sex workers by beautifying themselves, getting cosmetic surgery or providing unprotected sexual services (*seng-kong*), in order to raise the probability of gain.

From now on, I am gonna prepare for leaving. I don't have good conditions [financially and physically]. I want to go abroad without *seon-bul* [loan]. I am in my mid-20s. My height is 157cm [5.15 feet]. I am not slender at all. I am gonna do diet to lose weight to 48 kg [105.8 pounds]...Now, I am thinking about getting [cosmetic] surgery on my nose...(Prospective Migrant, December 2006).

...I am working in the eastern region. Here a number of guys want a *seng-kong* as well. However, my business owner strongly discourages us from doing that. But, there was a girl who came from LA provided a *seng-kong* service in order to make a *ji-myoun*g [a boyfriend who clears off a sex worker's debt]...

Smugglers and business owners make efforts to raise the perception level of the probability of gain rather than the actual probability level. As some immigrant sex workers noted on the website observed for this study, smugglers and business owners tend to be silent about the probability of gain, while emphasizing sex workers' *possible* income. Brokers and business owners introduce the cases of legendary sex workers in order to beguile prospective immigrants. Some smugglers or business managers come from the United States to Korea and interview prospective immigrants in order to their own credibility with the sex workers, as well as to ascertain sex workers' appearance and attitude and to solve visa problems. Many smugglers and business owners prepare a safety remark in order to normalize the impact of uncertainty and protect themselves from sex workers' criticism that the reality is different from their expectation: "everything depends upon how hard you work."

## 2. Conclusion

This study began with two purposes. First, it attempted to shed light on the actualities of the smuggling of Korean sex workers to the United States, to answer the question of whether the movement of Korean sex workers is sex trafficking accompanying deception, coercion or exploitation of the workers in the process of immigration. Second, this study intended to analyze why Korean sex workers may take significant risks and choose to be smuggled into the United States under uncertainty and to lead the analysis to better immigration and border security policies. The data observed on one website frequented by such workers indicated significant patterns and helped answer these two questions.

Does the movement of Korean sex workers constitute sex trafficking? The answer is maybe not. It appears that the transnational movements of most Korean sex workers are not forced by a third party; many workers choose to go overseas. They may be likely to be deceived by smugglers in the middle of visa application. However, obtaining a visa through smugglers is an activity in illicit economy. Unexpected losses for willing buyers in a black market cannot be regarded as victimization; in addition, due to Korea's membership in the VWP, many Korean sex workers do not need to purchase counterfeiting service for visas. Most Korean sex workers directly travel to the United States via airplane and pass through U.S. immigration and customs checkpoints; violence or the threat of violence is rarely present during their trips. Debts, which are frequently pointed out as an important component of sex trafficking, are most often not used as a tool to exploit sex workers or to restrict their movement; sex workers can normally transfer to another business after paying off their debts with money loaned from the new workplace. Rather, for Korean sex workers, who cannot use formal finance systems for their loans, this practice of *myking* is a way of private finance. Most sex workers do not think of *myking* as exploitation. Korean sex workers do not live in detention. They work during short periods of time, and typically do not want to rent an apartment for a long-term. They prefer business owners who provide a sort of "dormitory" where they may live together with a couple of colleagues. Most workers define the relationship with business owners as symbiotic. Hence, it is inappropriate to label migration of Korean sex workers into the United States as sex trafficking.

How do Korean sex workers decide to make the move to the United States? According to the contents of the website and discussion forums analyzed for this study, before deciding, they gather information through several channels and even prepare safety measures, such as recruiting companions to go together to the United States. But why do prospective immigrants choose the United States for their destination country? Why do they prefer a certain type of work within this industry? Coleman's model of trust provides a lens into how the decision making process is undertaken. When prospective immigrants have several options, they examine the difference between the expected gain (and loss) of an option and those of others. Based on the comparison, they choose an option (e.g., working in a hostess bar in the United States), considering the probability of gain.

The potential gain (G) from working in the United States is much greater than the potential gain from working in Korea. This is especially true for sex workers in their late 20s and early 30s. They believe that they can earn a lot of money in the United States within a short period of time. Compared with other countries, the strict border control immigration policy of the

U.S. ironically has made Korean sex workers have a fantasy of working in the United States. That is because prospective immigrants hanker after the limited good (i.e., earning high incomes in the United States) that only a few sex workers who dexterously entered the United States have enjoyed, and which is combined with the analysis that the strict border control function as a barrier to entry into the market and the supply of sex workers does not meet the demand in Korean communities in the United States. Sex workers believe that they can learn English as a competitive skill and enjoy luxurious lives (e.g., playing golf) which would be otherwise difficult for them to do. Thus, even Korean sex workers working in other countries, such as Australia, Canada, and Japan, express their hope to someday work in the United States. Therefore, the perceived potential gain of illegal immigration and working in the United States is seen to be very high.

The potential loss (L) of illegal immigration and working in the United States is somewhat high in the sense that prospective immigrants are at the risk of being deceived by smugglers, exploited by employers, and arrested and deported by law enforcement agencies. Some experienced immigrants argue that it is true that potential losses in the United States are higher than those in Korea, because of their status outside the law in terms of immigration, employment, or both. However, the risk factors and threats in the United States are not new to Korean sex workers. Even legitimate immigrants who do not communicate fluently in English can be exposed to nearly the same kinds of deception and exploitation when conducting any kind of businesses. The issue of deception and exploitation should be examined not in terms of existence or presence but in terms of avoidance and management.

The probability of gain (P) in the United States is also perceived as quite high. Prospective immigrants are inclined to pay attention to success stories they hear about the United States, rather than to the failures. When prospective immigrants are somewhat desperate to earn money, they tend to disregard negative information. At the same time, smugglers and business owners tend to emphasize and exaggerate the probability of gain, and introduce anecdotes regarding legendary sex workers.

The probability of loss (1-P) is supposed to be automatically determined by the probability of gain according to Coleman's model. Prospective immigrants have developed some measures to lower the probability of loss and raise that of gain. Based on their savings in their bank accounts, they can obtain legitimate visas and do not need loans from entertainment business owners. This independence assists in avoiding threats of deception and exploitation by smugglers and entertainment business owners. Even though they use visa brokers' services, they can avoid deception through post-payment. Debt is not a great concern, because most of them can clear off their debt within a very short period of time.

Accordingly, drawing on Coleman's trust model (i.e.,  $P / (1-P) > L/G$ ) in analyzing Korean sex workers' decision-making for immigration to the United States, Korean sex workers tend to perceive that the possible gain (G) of working in the United States is very high; the possible loss (L) is high but manageable; the probability of gain (P) is high; and therefore they decide to place trust in the information they receive from smugglers and entertainment business owners. Therefore, it is the conclusion of this study that in most cases the immigration of Korean sex workers is voluntary: they have the means (website and other communications) to assess the

situation beforehand; they perceive the gains and risks; and they can avoid and manage risks and threats. Thus, illegal immigration of Korean sex workers should not be characterized as sex trafficking, defined as the smuggling of unknowing or unwilling women into the sex industry in the United States. At the very least, Korean sex workers in the United States are participants in, rather than victims of, sex trafficking.

### 3. Policy Implications

How should governments deal with sex trafficking? Of course, as the United States Victims of Trafficking and Violence Protection Act of 2000 (U.S. DOS, 2000) indicates, the victims of trafficking should be protected but traffickers should be punished. However, this approach does not seem to address the essence of problems of transnational movement of women. In fact, the transnational movement of women involves many interests. The interests that the governments of destination countries should consider are not just the human rights of trafficked women but also the concerns about social order, public health, and labor supply in destination countries (Demleitner, 2001, Jandl, 2007; Kelly, 2002). The best solution to address the concerns about the transnational movement of women may be to enable women in origin countries voluntarily stay there, rather than choose to migrate. However, the problem is that the governments of origin countries do not have decent measures to preclude workers from planning to leave their home countries, or to convince them that the potential risks outweigh the potential gains. For instance, the Korean government can help sex workers who do not want to work in the industry anymore and provide assistance to help lead them to a normal life, but many sex workers are not satisfied with the extent to which the Korean government provides assistance. As a result, despite the government's effort to keep help these women to decide to stay in their home country, many Korean sex workers are willing to leave Korea to seek a better livelihood elsewhere – often in the United States.

NGOs and feminist scholars who emphasize the protection of the human rights of immigrant women suggest that the governments of destination countries should lift immigration regulations, arguing that strict border controls simply leads to displacement and a rise in smuggling fees, thus increase the likelihood that women are the victims of trafficking abuse. (Aronowitz, 2001; Friebe & Guriev, 2006). However, the governments of destination countries argue that their own interests, such as social order and public health, are threatened by migrant smuggling and consequently anti-immigration barriers are necessary to protect these interests. (Laczko, 2004; U.S. DOS, 2005).

According to the data analyzed for this study, the deterrent effect depends on how seriously prospective immigrants take the anti-immigration barriers, such as border controls and workplace crackdowns, and whether there are alternative destination countries. Before Korea's entry into the VWP in 2008, the strict visa-issue system discouraged or prevented many Korean sex workers from coming to the United States. In addition, decent incomes from alternative countries, such as Japan, Australia, and Canada, reduced the incentive for Korean sex workers to migrate to the United States. However, the participation of Korea in the VWP has changed the calculations in some sex workers' decisions. Now, they do not seem to feel as much fear as before in crossing U.S. borders; they do not need to use smuggling services, which may involve

deception or exploitation, nor turn to alternative countries. In this respect, the VWP has contributed to protection of the human rights of immigrant women. However, the deterrent effect on the movement of Korean sex workers into the United States that the strict visa-issue system wielded has largely disappeared.

How do the American and Korean governments screen out unqualified immigrants taking advantage of the VWP? This is a potentially serious issue for Korea: an increase in the number of unqualified immigrants, such as sex workers, may threaten Korea's status as a VWP participant. The Korean government may give its citizens warnings that an increase in the number immigrants who engage in commercial sex in the United States influences the reputation of Korea and the status in the VWP. Otherwise, the Korean government has few policy options to screen out sex workers before their departure to the United States; and also not much motivation—once in, only a few countries (e.g., Argentina and Uruguay) have been dropped from the VWP. On the other hand, the U.S. government can give impetus to the Korean government's efforts to manage their overseas travelers and Korean sex workers' decision-making by modifying the current VWP.

Ironically, the opinions of many Korean sex workers and entertainment business owners help provide a model for revising the VWP in a way that would help prevent them from migrating to the United States. Many sex workers and business owners think that working for 90 days (the duration of stay permitted by non-visa entry) is not enough to obtain their expected profit; which means 90 days seem to be around a break-even point to Korean sex workers. On the other hand, as indicated in Table 4, below, short-term visitors stayed in the United States an average of 22 days for a visit and visitors who used the VWP remained an average of two weeks per visit (Grieco, 2005). Most short-term visitors do not spend 90 days in the United States.

**Table 4: Length of Visit of Short-Term Visitors Who Departed During Fiscal Year 2003, by Class of Admission**

Category and class of admission	Mean	Median
Short-term visitors	22	7
Visitor visa for business (B-1)	15	6
Visa waiver (WB)	8	5
Visitor visa for pleasure (B-2)	48	13
Visa waiver (WT)	11	7

Source: Grieco, 2005

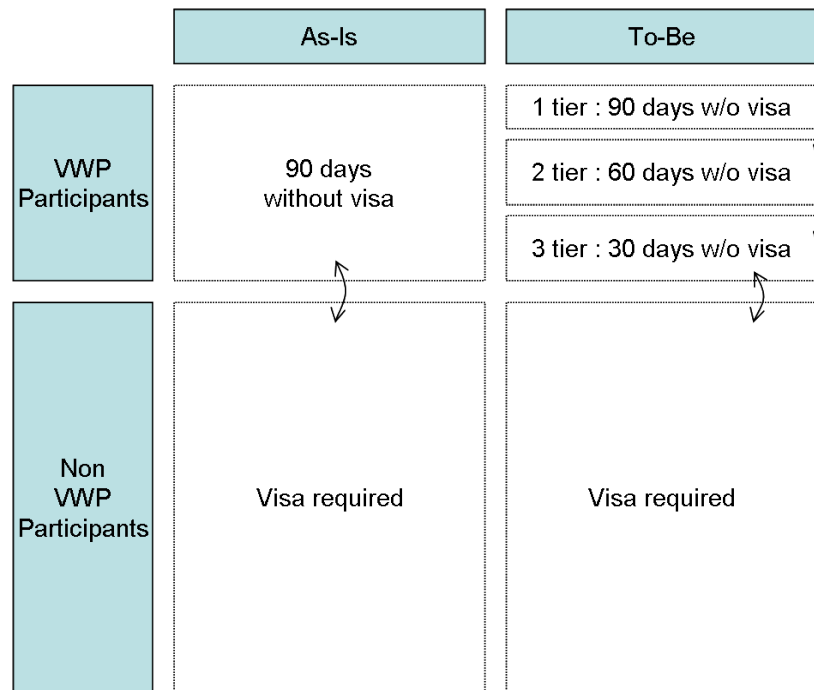
Hence the current VWP, which is a binary system delineating participants and non-participants, could be changed to a multi-level system featuring an incentive mechanism and considering actual periods that travelers use.<sup>16</sup> In other words, the VWP should be re-designed into a step-by-step graduated process leading eventually to 90-day stays for citizens from qualifying member countries. The decision of the category to which each country belongs should

<sup>16</sup> The average duration of visitors' stay in the United States is presented not to recommend to use the average duration in deciding the tier to which each country belongs but to show a possibility that the U.S. government can change the current VWP to a graduated system.



be made on the basis of the level of compliance of each country to U.S. immigration regulations. This would enable unqualified travelers, such as sex workers, to realize less profit in utilizing the VWP, and induce sending countries voluntarily make measures to control their unqualified travelers.

**Figure1: Proposed changes for the Visa Waiver Program**



*Chang-Ryung Han, 2010.*

For instance, when a country is permitted to enter the VWP, as a first step, the nationals of the country will be allowed to travel the U.S. up to 30 days without visas. If Korea had been given only 30 day-travel-without-visa benefit instead of the benefit of 90 days, Korean sex workers would not have been as eager to embrace the VWP. Staying shorter than 90 days has an effect to reduce the possible income of Korean sex workers in the United States and remove the motive of many Korean sex workers to migrate there. If the country increases its level of compliance with U.S. immigration regulations, then the nationals of the country will be allowed to travel for 60 days without visas. However, even if a country having the benefit of 90 days-travel-without visas does not make efforts to have their nationals to comply with the U.S. immigration regulations, the country should be moved down to a lower, second tier, wherein countries only have 60 day travel benefits. In other words, this new approach does not forcefully reduce the number of Korean sex workers seeking to migrate to the United States and operating there. This approach allows the United States to pressure VWP countries to control unqualified visitors and comply with the U.S. immigration regulations by providing an incentive of more time in America without a visa if certain standards are met. For instance, if Korea were to be placed in the third tier, the Korean government would obtain the second tier through such measures as intensive background checks in issuing passports and awareness programs and a

voluntary decrease of sex workers seeking to migrate the United States. However, the Korean government may need to prepare a comprehensive set of policies to address the entertainment culture and the lack of supply of legitimate jobs for women, in order to encourage sex workers to find legitimate jobs in Korea and keep the first tier status in the new VWP approach.

This approach, on the other hand, may lead desperate sex workers to resort to illegal services to be smuggled to the United States. Despite being allowed to stay during the short period of time without visas (e.g., 30 days), some sex workers enter the United States and would not leave the United States until the permitted length of stay. Introduction of a graduated VWP system may incur such displacement. Crime displacement advocates emphasize the ineffectiveness of policing, presuming that law enforcement authorities' efforts involve 100 percent displacement (Clarke & Eck, 2005). However, according to many empirical studies, "crime displacement is not total and is inconsequential if it does occur" (Guerette, 2009: 1). Occasionally, crime displacement even involves benign displacement (Guerette & Bowers, 2009). These accumulated findings in the field of policing have largely been overlooked in the domain of migrant smuggling and human trafficking. Likewise, the intended effect of a graduated VWP would not be completely displaced. A graduated VWP may rather lead to a diffusion effect that influences subjects or areas other than the targeted one. While illegal migration is a normal concern of destination countries, a graduated VWP can cause sending countries to have a heightened interest in illegal migration of their own nationals in order to improve their status in the new VWP approach. A graduated VWP can help contribute to reduction of illegal migration not only to the United States but also to other popular destination countries.

The data analyzed shows another possible option to deter the engagement of Korean sex workers in commercial sex in the United States; which is crackdowns by the police. Many Korean sex workers in Korea seem to hesitate to come to the United States, when they hear that law enforcement authorities implement full-scale raids. Even if the object is not to detect crime scenes regarding commercial sex, which needs a long period of preparation time to obtain solid intelligence or evidence, regular inspection by civil servants of massage parlors, karaoke bars, and hostess bars to check the immigration status of workers and housing code compliance, which is much easier to conduct with little resource than full-scale raids (Smith, 1998), crackdowns can help deter migrant smuggling of Korean sex workers.

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