Japan as an Immigration State: Reforming Japan’s Labor Immigration Policy and Combating the Anti-Immigration Sentiment

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ABSTRACT

In the age of migration, in order to remain competitive in the global marketplace, states are faced with the need to supplement their domestic labor resources with imported manpower. This whole exchange needs to be regulated accordingly regarding both admission and integration into a new country. Out of the advanced industrial states of the world, Japan is relatively new to the immigration game and its immigration policy is perceived as strict against importing labor from abroad. Recently, however, Japan has been showing promising signs of a shift towards a more open labor market for migrants through various reforms. This paper presents the evolution of the Japanese immigration policy, specifically regarding migrant workers, since it first acquired its status as an “Immigration State”, while it also addresses the public opinion surrounding the matter, which does not seem welcoming of the new additions in the Japanese society.

Keywords: Acceptance, Immigrant Workers, Japan, Labor Shortage, Status of Residence, Xenophobia.

I. INTRODUCTION

Historically, Japan is a homogenous and closed-off nation with strict policies and immobile values that have shaped its culture and legislation for centuries. This general immobilism and the absence of a coherent long-term strategy are evident in the Japanese immigration policy. Looking at the way Japanese society operates; it makes sense for immigration policies to be blocked by its ideational and institutional fragmentation. By taking a closer look though, one can notice a huge gap between the official immigration policy, as it is regulated and implemented by the government, and what actually happens in the immigration field (Chiavacci, 2020).

Migration control has been a matter of great interest for many countries in the latest decades, due to global competition and globalization spreading rapidly. Lately, though, the traditional destination countries, such as the US under the Trump Administration in 2017, seem to turn away from such border openings and towards a tighter gate migration policy. This means that new rules and guidelines are set by the traditional receiving countries to protect the interests of their national workers. In contrast, the reforms performed in Japan during the last few years showcase its willingness to widen its immigration gates (Oishi, 2020).

Since the mid-1980s, Japan has become a new immigration country (Chiavacci, 2020) with a constantly rising flow of foreign migrant workers (Yamanaka, 1993). This coincides with the decrease in Japan’s population. With Japan being the third-largest economy in the world (Global PEO Services, 2022) housing globally top-tier industries and companies, it is no surprise that the shrinking of the population poses a severe threat to its performance in the global market. To be more specific, Japan’s main problem right now is the rapid pace at which the population is declining and aging.

Labor is an important factor in Japan and the working age range is between 15 to 64 years old. However, the percentage of people over the age of 65 has almost doubled in the last 25 years, jumping from 14.6% in 1995 to 28.9% in 2022, according to the Statistics Bureau of Japan. The Bureau also states that Japan is facing a severely low birth rate (1.33% in 2020), high death rate (11.1% in 2020) and that the total population has dropped by about 1.7 million during the 2010-2018 period. Studies by the Population Division of the UN Department of Economic and Social Affairs show an estimated 34% drop in Japan’s population by the end of the century. The COVID-19 pandemic further aggravated this decline, with data from the Japan Research Institute revealing a drop in births in 2021 by almost 50,000 since the previous year (Nakamura, 2021; Zhang & McCormac, 2022).
The birth rate decline estimates are based on the tumble in the number of marriages during the pandemic, giving Japan the title of the “most aged society in the world” (Zandt, 2022).

How things have developed has caused Japan to experience a lack of workforce that impacts both productivity and the production process, which by default affects the country’s main field of interest, “the economy” (Madani & Herningtyas, 2021). To further explain, Japan’s shortage of productive human resources had the unemployment percentage at 2.6% in July 2022, later dropping to a 2.5% in August of the same year, according to CEIC, which would be a dream many countries wish to achieve. Still, in this case, it only emphasizes the severity of the labor shortage. The reality of the situation is that businesses are closing left and right and the economic impacts are apparent. Japan’s aging problem, and the labor shortage that follows, make clear the fact that the smaller the population, the higher the number of vacant work positions that must be filled to meet the requirements of an industrial state in today’s competitive global marketplace (Madani & Herningtyas, 2021). Therefore, as the economy developed at such a fast pace, Japan has been looking to supplement its labor shortages by using foreign workers since the 1980s.

This paper’s aim is to present Japan’s Immigration Policy and its evolution throughout the years, while also suggesting that the country could find a solution to its labor shortage problem by promoting immigration and by opening up its borders. More specifically, the first chapter of the paper presents the legal frame of the Japanese Labor Migration Policy. It introduces some important reforms that are currently in force and explains how immigrant admission and integration work in Japan, by listing the visas and the rights foreign nationals are entitled to. The second chapter provides a view of what really happens when this immigration policy is implemented and the problems that occur. All this is in regard to the previous statement that there is a gap between the official and the real migration policy. The third part of this paper deals with the matter of public opinion and addresses the xenophobia of the Japanese population as another obstacle in its path to acquiring an open-gate immigration policy. In the last section of the paper, there will be the conclusions of the writer's research and some suggestions for bettering the situation.

II. THE IMMIGRANT WORKER STATUS OF RESIDENCE

Japan has actually made some decent progress in reforming its immigration policy and promoting international exchange, as well as ensuring its safe implementation, since the mid-1980s. According to the Cabinet decision of July 2018, it falls under the Ministry of Justice’s (MOJ) jurisdiction to plan, draft and coordinate the improvement of the environment surrounding the acceptance of foreign nationals in Japan, as well as promoting the development of a harmonious society of coexistence.

A key role in this development is played by the Immigration Services Agency of Japan (ISA), a department of the MOJ, which deals with deciding who gets permission to enter and stay in the country and who does not. They manage migration by examining immigrants thoroughly, so the law and order of the country are maintained. They are in charge of ensuring migrant compatibility before entry and also of maintaining the safety and protecting the interests of the Japanese nationals since one of the biggest fears against immigration is criminal activity and breaches of law and security.

The information that follows is mostly part of the “2021 Immigration Control and Residency Management Report” created by the ISA, which shall provide the current legal frame of the Japanese immigration and residency policy, as well as a bit of the historical background that led to today’s developments.

That being said, the “Immigration Control” was first published in 1959 and it was renamed the “Immigration Control and Residency Management” in 2019, after the 2018 “Amendment of the Immigration Control Act and Other Related Laws” which approved of the Ministry’s duty to also manage the ‘residence of foreign nationals’. The report has been published annually since 2004, listing all the trends in the immigration control administration. This way, the Ministry reports on ISA operations, reforms and policy changes, the current situation regarding immigration and residency, programme implementation, support and security measures for both the Japanese and the foreign population, measures for dealing with xenophobia, and so on.

The fact that the report now needs to be annually published proves the shift in Japan’s take on immigration since it is so contrasting to its stance in the 1980s. Back then, the foreign population entering Japan consisted only of “oldcomers”, meaning Japanese nationals who migrated during the colonial era and were then returning to their motherland along with their descendants. To state this in a regulatory manner, a 1989 Diet Reform created a special category of “long-term in consideration of special circumstances” residence status for the returning emigrants and their descendants up to the third generation, which led to a sudden and rapid influx of the Japanese returnees, also known as “Nikkeijin”. Two years after that, the immigration policy was placing this specific category as the number one among

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the unskilled worker visas and was allowing its holders of all skill levels to legally be occupied for three years maximum (Yamanaka, 1993).

Today, however, any foreign national who wishes to migrate to Japan is able to, as long as they own a visa with a residency status designated by the Immigration Control Act. Therefore, amongst other things in the report, there is a list of the status of residence visas as of April 2021 stating the authorized activities of the holder and the permitted duration of stay in the country (usually an average of 5 years maximum). As for the 1989 “long-term” visa, it is still an option that applies to “refugees for third-country resettlement” and “Nikkeijin” up to the fourth generation and is valid for 5 years total.

Among all the possible residence statuses provided by the Japanese Immigration Control Act, the ones that seem more significant and contribute to this research are namely the “Highly-Skilled Professional”, the “Specified Skilled Worker”, the “Technical Intern Training”, the “Student” and the “Entertainer” visas.

A. The “Highly-Skilled Professional” Visa

Referencing McKinsey’s “War for Talent”, today’s advanced economies are looking to recruit “the best and the brightest”. This means that, in the immigration admission process, an important factor to consider is the skill level of migrants. One can easily notice that states tend to make the immigration and admission policies addressed to highly-skilled immigrants more appealing and desirable than those referring to low-skilled work (Kalicki, 2019). Japan is doing exactly that. Hence, it has been historically unsuccessful in recruiting talents.

To be more specific, Japan’s labor migration policy throughout the years has been perceived as strict and selective. According to Liu-Farrer’s 2020 paper on Japanese Immigration, the prioritization of highly-educated and highly-skilled professionals can be detected in texts such as the 1988 Employment Policy Basic Plan, where they are described as resources fit to “revitalize and internationalize” the country and, therefore, “as many as possible should be accepted”.

This prioritization started being regulated around 1990 when the revision of the Immigration Control and Refugee Recognition Act (ICRRA) designed employment visa categories for highly skilled migrants - before the creation of the highly-skilled professional visa category itself - such as “engineer”, “investor/business manager”, “intra-company transferee”, “specialist in humanitarian and international services” and “professor” (Liu-Farrer, 2020).

Today, in the Immigration Control and Residency Management Report, it is stated under the List of Statuses of Residence as of April 2021, that the “Engineer/ Specialist in Humanities/ International Services” visa allows its holders to remain and be active in the country while providing services related to their field of knowledge for a period ranging between 3 months to 5 years, depending on the contract they signed with their employer in Japan. The same time frame is given to those who own an “Intra-company Transferee” visa.

The report also covers the “Business Manager” residence status, under which a foreign national is able to engage in international trade operations or attend and manage some other type of business in Japan for -again- a period of 3 months to 5 years. As for the “Professor” status holders, they, along with those under an “Artist”, “Religious Activities” and “Journalist” status, are allowed to stay and conduct research or teach at universities for the same period of time.

Back to tracking the development of Japan’s immigration policy when it comes to highly-skilled persons, in the early ‘00s, there was an effort to improve the country’s IT sector by specifically accepting more IT migrant workers to enter by 2005.

In 2012, in the spirit of the “war for talent”, the Japanese Ministry of Justice came up with a point-based system to define the “highly-skilled talents” by testing their “academic background”, “professional career” and “annual salary”, and granted the higher scorers with more privileges. These privileges were provided under a new visa name, the “Highly-Skilled Professional (i)”, to the talents that would assist Japan’s further economic growth. In the years that followed, revisions took place regarding the point-based system and the “Highly-Skilled Professional (ii)” category was created through an amendment to the Immigration Control Act in 2014, which was granted to the highly-skilled professionals who were up until then under a “Designated Activities” residence status. More specifically, this status is granted to those that, three or more years after obtaining the “Highly-Skilled Professional (i)” status, meet the Ministry’s criteria and suit Japan’s development interests. As for the period of stay set by the Ministry, an immigrant is permitted to remain in Japan for 5 years with the “Highly-Skilled Professional (i)” residence status, while the time shifts to ‘unlimited’ after the acquisition of the “Highly-Skilled Professional (ii)” status.

Japan’s goal is to keep on increasing the number of recognized highly-skilled talents still to this day. This is evident in the 2016 “Japan Revitalization Strategy”, which reduced the residence period required to qualify for permanent residence as a highly-skilled foreign worker and created the “Japanese Green
Card for Highly-Skilled Foreign Professionals”. The same thing is proven by the 2020 “Follow-up on the Growth Strategy” that set a goal to reach 40,000 successfully recognized cases by the end of 2022.

B. The “Specified Skilled Worker” Visa

Castles and Miller (2009) believe that Japan has now completed its “migration transition”. To further explain that statement, Japan has experienced rapid development and the pace of its industrialization led to different periods of high rates of emigration, wage increase, and human resources demand (Vogt & Achenbach, 2012). Due to that, it now faces a severe labor shortage problem that definitely cannot be treated with how selective the admission of foreign talent has been. Japan’s role has shifted from a sender to a receiver of migration and just receiving highly skilled professionals is neither realistic nor profitable for the country anymore.

At the same time, the definition of who is considered to be “skilled” has changed and broadened over the years, leading to a definition where the possession of a degree is not necessary to qualify someone for some specific sectors. This is exactly what the “Specified-Skilled Worker” visa expresses.

This particular type of visa category was established after the Partial Amendment of the Immigration Control and Refugee Recognition Act and the Act for Establishment of the Ministry of Justice that took place in December 2018 (Immigration Control and Residency Management, 2021) and is considered one of the most prominent transitions in the history of Japanese labor migration policy (Liu-Farrer, 2020; Oishi, 2021). Resulting of the lack of skilled labor in the country, for the first time in post-war history, Japan developed a system accepting manual labor from abroad (Liu-Farrer, 2020) in the form of work-ready immigrants who held a certain level of knowledge and expertise in certain industrial fields where securing human resources was a challenge (Immigration Control and Residency Management, 2021). As the labor shortage situation worsened and Japan’s productivity level was affected, the Japanese government was left with no other choice but to officially open up its labor market and supplement the worker shortage in the “specified industrial field” with a ‘new category of migrants’ (Cabinet Decision, June 2018).

According to the Immigration Control Report, since April 2019, the newly opened doors are creating opportunities for immigrant workers that are considered to have some type of expertise - irrelevant to the level of certification of their education- in 14 industrial sectors, and gather them all under a new status of residence, the “Specified Skilled Worker”. Those 14 previously considered ‘unskilled’ or ‘semi-skilled’ fields, that were approved by the Ministerial Conference on Acceptance and Coexistence of Foreign Human Resources as ‘specified industrial fields’ in 2018, include nursing, building cleaning, agriculture, fishing industry, food and drink manufacturing, food and beverage service, material casting, industrial machinery manufacturing, electricity and electronics, construction, shipbuilding, car maintenance, aviation, and lodging (Real Estate Japan Blog, 2018).

In order to acquire the “Specified Skilled Worker” visa, one has to go through a series of quality tests and exams in Japan and abroad, and have a level of proficiency in the Japanese language, while family members are not allowed to accompany them. After the acquisition, they are permitted to remain in the country for up to 5 years but need to renew their visa annually, according to the Ministry of Foreign Affairs. It should also be noted that there is a sub-division for this status. The “Specified Skilled Worker (i)” visa requires only a certain level of knowledge or expertise in a specified industrial field, while the “Specified Skilled Worker (ii)” one requires proficient skills and is, obviously, obtained later on through another skill test, as an extension of stay for the foreign nationals (Immigration Control and Residency Management, 2021). To be more specific, once a “Specified Skilled Worker (i)” visa holder completes a maximum of 5 years of stay in Japan, they take a test related to their area of expertise to determine if they are allowed to stay and work in Japan indefinitely. By owning the “Specified Skilled Worker (ii)” status of residence, they are now allowed to welcome their family into the country and eventually become qualified for permanent residency (Liu-Farrer, 2020).

At the same time, the Immigration Control Report states that policy revisions keep on happening in order to smooth out the operation of the system. For example, the scope of the persons eligible to partake in the exams for the “Specified Skilled Worker” residence status was extended to “any person with a status of residence” in the 2019 Comprehensive Measures for Acceptance and Coexistence of Foreign Nationals Revision.

C. The “Technical Intern Training” Visa

While on the topic of low-skilled labor, according to Yamanaka (1993), the second category of unskilled migrant labor in Japan used to be “foreign trainees” that started getting permission to enter the country in hopes of a future better than the one their home country was offering them.

The “Technical Intern Training Programme” (TITP) was established in 1993 and constitutes a visa category designed to enable workers from developing countries to enter Japan under the pretext of skill and technology transfer through on-the-job training (Liu-Farrer, 2020). This is a “win-win” situation for
both parties since foreign nationals, that are facing difficulties with their employment in their home county, have the opportunity to acquire a certain level of proficiency in skills that one of the greatest industrial countries has to offer and that shall result in the ‘human resource development’ of their region of origin upon their return (Immigration Control and Residency Management, 2021; Zhang & McCornac, 2022). Simultaneously, Japan’s economy will benefit from the new working hands available.

In November 2017, new reforms by the Ministry of Justice and the Ministry of Health, Labor and Welfare entered into force in the form of a program expansion and enforcement. Since then, the TITP visa includes a total of three possible stages, each of which extends the duration of the training period. The amendment came under the name “2016 Technical Intern Training Act” and modified the status of residence of the TITP visa holders, as well as expanded the profession categories within the program.

To be more specific, according to the 2021 Immigration Control and Residency Management Report, the “Technical Intern Training (i)” status of residence allows foreign nationals to stay in Japan for up to a year, during which they are supposed to “attend lectures and engage in work pertaining to skills, technology and knowledge based on the technical intern training plan”. After that, they can apply for a “Technical Intern Training (ii)” visa, which is required for “engaging in work that requires skills, technology and knowledge already acquired through “Technical Intern Training (i)” in order to attain a greater proficiency in these skills”. The way this works is the applicants go through a public evaluation and, if successful, they are allowed to remain in Japan for 2 more years. Similarly, the third stage of the program, the “Technical Intern Training (iii)” visa, refers to those who have completed the second stage and aim to master their skills even more, during the course of another 2 years. As a result, the companies and organizations able to recruit and accept trainees with said status need to have excellent supervision and implementation skills regarding the program.

D. The “Student” Visa

As stated previously, Japan’s history is filled with memories of successful border-guarding against ‘unwanted intruders’, meaning it had a very tight gate migration policy. However, nowadays, after opening up its borders a bit, it is facing a new dilemma. Once again, this is a reference to the definition of “skills” and the way that the sole recruitment of highly skilled labor is insufficient for Japan at this stage. Due to that, a loophole was found between granting access to ‘unwanted and unfit’ migrants and to fixing the labor shortage in low-skilled sectors. The Japanese government has identified “students” as the bridge between highly and low-skilled labor since due to their status they are lowly paid and at the same time have the chance to climb up higher in the skill scale after their graduation (Vogt & Achenbach, 2012). This is why Japan is promoting its education sector abroad and is encouraging people from around the world to study at a Japanese university (Yamanaka, 1993).

The “International Student” status is granting entry to those who wish to pursue education (Liu-Farrer, 2020) and permits activities at universities, technical schools, junior and senior high schools, elementary, vocational and miscellaneous schools, or an equivalent educational institution in terms of facilities and organization in Japan. These students are allowed to remain in the country for 4 years at most, according to the 2021 Immigration Control and Residency Management.

Since the 1980s, Japan has admitted people who migrate for educational purposes - preferably those enrolled in Japanese language and culture schools, according to Yamanaka (1993) - to promote its culture and at the same time use them as a channel to attract laborers to the service and manufacturing sectors. Students with this residency status are entitled to a part-time job that occupies them for 4 hours per day (Liu-Farrer, 2020).

To be more specific, in 1983, Japan’s then Prime Minister, Yasuhiro Nakasone, proposed an increase in the international student recruitment by the end of the century. According to him, this proposal’s aim was not the labor shortage but the ‘internationalization’ of the country, since the students would return to their homeland after graduation. In 2008, however, there was a change in the targeted audience of this recruitment and the purpose of the program became the promotion of student employment by Japanese companies (Zhang & McCornac, 2022).

E. The “Entertainer” Visa

According to Weiner (2003), before the mid-1980s, Japan’s immigrant population entering for work-related reasons was overwhelmingly comprised of women. In fact, there is a long history of Asian women entering Japan and working as “female entertainers”, especially from the late 1970s and after. Basically, these women were prostitutes or even just foreigners occupying spots that Japanese women viewed as unattractive or taboo, such as singers, dancers and bar hostesses at the lower societal rungs and the red-light districts (Yamanaka, 1993). Under the new immigration law of the 1980s, these entertainers were admitted into the country as professionals. Still, these professions were closely affiliated with the underworld and the yakuza, so no serious concern was shown in regulating and protecting the rights of these women as professional workers (Chiavacci, 2020).
The situation did not really change, at least not until the number of Asian males migrating to Japan searching for a job started picking up, and Japan started actually considering labor migration and the foreign worker situation as a serious problem (Yamanaka, 1993).

Today, as an official status of residence, the “Entertainer” is considered a working visa meant to be given to actors, musicians, models, professional athletes, and more, who come to Japan. The Immigration Control and Residency Management of 2021 states that the holder of an “Entertainer” visa may engage in activities such as theatrical and musical performances, sports, or any other activity related to the “entertainment industry” for a period of 15 days to 3 years tops. Today, it is a numerically important category for foreign nationals working in Japan and, indeed, there are businesses in this sector that are affiliated with prostitution, but it would be wrong to assume that all immigrant entertainers are sex workers (Chiavacci, 2020). Besides that, the regulations referring to the employers of such visa holders have been reformed and are now very strict, with the total number of foreign nationals obtaining the “Entertainer” visa having significantly dropped since 1996 when the first regulations by the Tokyo Immigration Office entered into force (Sakanaka, 2005).

III. IMPLEMENTATION OF THE POLICIES

A. The Gap Between What It Seems and What It Really Is

In that sense, one of the issues of the Japanese Immigration Policy seems to be the “Tatemae (建前) - Honne (本音)” etiquette. This refers to a certain communication style Japanese people use in their everyday life. “Tatemae” is the most common way of acting while in public and it is described as when someone does not express their true feelings or thoughts, thinking of how they would affect the other person. This is based on the Japanese values of respect and ensuring a harmonious flow of communication. It is basically a facade, a situation of concealing your true intentions or thoughts. On the other end, there is “Honne” which means showing one’s true self and describes how usually people behave in their private life with their close friends and family (Ortlieb, 2021).

This can be easily applied to explain the Japanese government’s stance on immigration and imported labor. There is a “Tatemae” type of behavior identified in the altruism shown in aiding foreign migrants, a façade of internationalization and goodwill, while the true intention, the “Honne”, seems to be the benefit of the domestic commercial sector and the country’s economic growth (Zhang & McCornac, 2022).

The “Tatemae-Honne” issue connects with the gap between the official and the real immigration policy. As explained in the “Highly-Skilled Professional Visa” part of this paper, Japan’s official approach to labor immigration is very fixed on only recruiting highly-skilled foreign talents. However, in reality, around 80% of Japan’s foreign nationals do not fit that description and are occupied in lower-skilled fields through “side-door” policies (Chiavacci, 2020). Good examples of these “side-door” policies are the “Long-Term” residence visa for the “Nikkeijin”, the “Specified-Skilled Professional” residence status, the “Technical Intern Training Program”, as well as the visas for foreign students.

To further explain how these visas serve as “side-door” admission mechanisms, the returning Japanese emigrants and their descendants (“Nikkeijin”) were allowed to re-enter the country as “long-term” residents with little to no restrictions regarding their economic activities and were occupied mostly in the manufacturing sector where there was a great number of low-end job vacant spots. This can be interpreted as Japan trying to recruit low-skilled workers to sort its labor shortage with the least “threatening to its culture” migrant population and turning their status of residence into a de facto worker program (Chiavacci, 2020).

In continuation to that, the “Specified-Skilled Worker” program was highlighted by the previous Prime Minister, Abe, and the Upper-house Member, Wada Masamune, as a case of “just borrowing foreign workers within a fixed period” and not as a development in the immigration policy, since that would mean a possible shift of the migrant residence status to ‘permanent’ in the long run (Menju, 2017). By considering this policy as temporary labor admission, the Japanese government proves that it does comprehend how severe the demographic crisis of the country is and how it poses a grave threat to both its economy and its social life. Nonetheless, it has yet to understand and acknowledge that these foreign workers deserve a decent life as much as any Japanese citizen (Liu-Farrer, 2020).

Moving onwards, the most criticized out of all the “side-door” programs is the “Technical Intern Training”. This, in consideration of the fact that, instead of providing the foreign trainees with skills that could benefit the development of their home country upon their return, the program has strayed from its original purpose and is being treated by the organizations and companies that play the role of the employer as a way to recruit low-wage workforce (Immigration Control and Residency Management, 2021). Since the early 1990s, the program became instituted by private companies (Yamanaka, 1993), who thought of it as a loophole to solving their employment problems. As a result, the immigrants who participate in the program are being taken advantage of and, instead of an educational training period,
they serve as cheap labor. They are working in poor conditions, overtime, receiving extremely low wages, and there is no mechanism in the program to ensure their protection or at least some kind of support (Chiavacci, 2020; Madani & Herningtyas, 2021).

However, even that does not seem to be enough to deal with the Japanese labor shortage, so they needed to find yet another form of disguised cheap labor. This time, the solution was given by the “International Student” visa holders, since the living expenses along with their tuition fees cannot be covered without at least a part-time job. As explained in the relevant part of the first chapter, foreigners that study in any type of Japanese school or educational institution, have the right to a part-time job that occupies them “officially” for 28 hours per week (Immigration Control and Residency Management, 2021; Menju, 2017). Since the students need to attend their educational activities and since most of them come from developing countries around Japan, they are only capable of taking up some type of low-skilled job.

Usually, foreign students work in the service and construction fields. Even though in the case of English speakers, college students are able to earn an honest amount by teaching English, most Asian-originated students do not have that chance and are willing to work jobs under bad conditions, earning a lot less (Yamanaka, 1993). Simultaneously, despite the regulation setting specific guidelines regarding their work time, the reality of the situation has them working overtime either way (Zhang & McCornac, 2022).

In other words, this is yet another case of “Tatemae-Honne”, where the facade is the promotion of the internationalization of the higher education sector in Japan and the guarantee of a decent way of living, while the true intention is none other than the utilization of immigrant students to treat the labor shortage (Zhang & McCornac, 2022).

B. The Case of the Missing Illegal Workers

The lack of bold reforms to handle the constantly increasing currents of inflow is in no way stopping immigrants from entering Japan. As advanced as Japan might be in other fields, the absence of a proper labor immigration policy creates a big risk of illegal not only entrance but also employment within the borders. The already established programs, like the Technical Intern Training and the Specified-Skilled Worker, are not enough to compensate for the rapid population aging problem and the shortage of manpower. Sadly, the vacancy is covered by the illegal network of migrant workers.

The national discussion regarding illegal foreign labor began somewhere around the end of the 1980s when this category was placed as the last sub-division in the unskilled foreign labor list. According to Gunter Wallraff (as cited in Yamanaka, 1993), these people were hired in heavily criticized fields with questionable legality and were considered the “lowest of the lowest” in the labor market. As for proper regulation, the December 1989 Diet Amendment, among other things, established a penalty of three years of imprisonment or a two million yen fine for those who hired illegal foreign laborers.

In the 2021 Immigration Control and Residency Management Report, it is stated that the number of immigrants whose stay exceeds the authorized timeframe and, as a result, remain in the country illegally, decreased for the first time in seven years. Based on that, there is an interesting phenomenon that takes place in Japan.

According to Gunawan and Iskandar’s article (2022), in Japan’s recent history, there have been quite a few cases of immigrant workers going missing, in the sense that they entered the country legally to work, only to disappear later on. The phenomenon is known as “evaporation (jouhatsu, 蒸発)” and it is not reserved just for the disappearance of migrant workers but any person that vanishes in Japan. What really happens is many workers are running away from their workplace in hopes of acquiring a higher salary. This is also a way for foreign workers in the low-skilled labor sectors to get away from situations where their rights are being violated by their employers or even a strategy to extend their stay in Japan.

An admirable amount of missing person cases is traced back to the Technical Intern Training Program. To put it nicely, the most probable reason for their disappearance is the activities of their internship being different from what they expected. More pragmatically, these foreign workers are facing bad working conditions, little freedom, debt, violations of contract on behalf of the companies that employ them, low wages and extreme hours. So, it is preferable for them to pursue an illegal, yet higher, salary, rather than keep on getting mistreated, unable to ever rise positions, or return to their home country where things were not any better to begin with.

C. The Case of Human Trafficking

While on the topic of illegal migrant labor, human trafficking and sex work have not been a field of interest and action for the international community until recently, and Japan is no exception. Even though powerful international actors and organizations, like the US, the UK, the UN and the ILO, have implemented new laws and measures to combat human trafficking, and even though Japan’s Immigrant Advocacy Groups (IAGs) have channeled all their power and influence into condemning the entertain
visa due to its close affiliation with forced sex work and human trafficking. Japan has been pretty immobile in reforming and imposing legislation regarding the matter. On top of that, whenever there was an effort by the ministries and agencies to seriously converse on the topic of human trafficking, because of the different opinions expressed, there ended up being no progress and no new measures implemented (Chiavacci, 2020).

Parenthetically, Chiavacci explains that the IAGs are groups that attempt to promote the further development of a solid immigration policy for Japan through advocacy. They are quite influential, but not to the point of actually partaking in or impacting the decision-making process. That is why they utilize a way of indirect lobbying by providing useful information to international actors and organizations and conveying their ideas to them since they undoubtedly have more influence on the Japanese government.

This is exactly how the change in Japan’s viewpoint on the importance of human trafficking came to be, through foreign pressure instigated by the IAGs. There was actually an important incident that showcases exactly that. In 2004, the US Department of State (DOS) wanted to include Japan in the Tier 3 watch list of its annual report, which ranked countries by their efforts to curb human trafficking. In this context, Tier 3 is given to countries that do not fulfill even the basic requirements and have shown no effort in combating human trafficking (DOS, 2001-2019).

However, at the time, Japan’s main pillar of foreign policy was claimed to be the promotion of human rights and security since it was attempting to become a permanent member of the UN Security Council. Its placement in the Tier 3 category would obstruct this goal, so the government practically begged to be ‘upgraded’ and made promises to soon introduce and implement new policies against human trafficking, as well as issue more strict regulations regarding its “entertainer” visas (Yomiuri Shinbun, 2004). In the end, Japan was included in the Tier 2 watch list of the 2004 DOS Report, which suggested that as a country it was making considerable efforts to combat human trafficking even though it still did not fulfill the minimal requirements set by the US. This whole series of events was a huge embarrassment for Japan and led to it quickly becoming active and organized in curbing the human trafficking issue (Asahi Shinbun, 2004).

D. The 2020 Olympic Games

The excitement on Japan’s behalf about hosting the 2020 Olympic and Paralympic Games was evident. However, it was accompanied by an immediate need to deal with the severe labor shortage, among other issues and challenges. Especially with the preparation ahead of the Olympics, the vacant employment spots kept on increasing while the workforce kept on decreasing. The country needed more than ever to find workers in the construction field, in order to successfully carry out this Project without “losing face” in the international community.

As Liu-Farrer’s 2020 paper on the Tokyo Olympics explains, the solution once again was given by the usual Japanese technique of importing temporary labor, with the intention of the immigrant workers returning to their home country by the end of the Games. So, keeping in mind that this ‘borrowing of foreign laborers’ is already being pragmatized in the “Technical Intern Training Program”, the Japanese government issued “Time-Limited Emergency Measures in the fields of Construction and Shipbuilding due to the 2020 Tokyo Olympics and Paralympics” in 2014 as a temporary solution to the labor shortage. This essentially was an extension of the “Technical Intern Training” visa, which allowed foreign workers in the program to remain in Japan for another 2 years, or - if they had already returned to their home country after finishing their internship- to come back and work for an additional 2-3 years. Their new status of residence assigned by the government would be that of “Designated Activities” and it was supposed to be terminated along with the completion of the Olympic constructions in 2020 (Liu-Farrer, 2020), but, due to the Covid-19 pandemic, it was actually postponed until the end of March 2021 (Immigration Control and Residency Management, 2021).

It is no surprise that this hasty solution to the labor shortage did not exactly focus on creating a welcoming working and social environment for immigrant workers to fit in. The temporary foreign nationals ended up being extremely overworked due to the highly demanding project and the clock ticking backwards, resulting even in suicide cases attributed to exhaustion. On top of that, the language training provided to the program participants was nowhere near enough to help integrate them into the country since, not only they were not socially accepted, but most importantly because every health and safety procedure was not translated into English or any other language, according to BWIU 2018 investigations (as cited in Liu-Farrer, 2020).

E. Japanese Immigration Policy during the Pandemic

Besides postponing the termination of the temporary recruitment program for the Olympic constructions, the global COVID-19 pandemic affected Japan and its immigration policy in many ways. The country was already facing a severely low birth rate, and, with the global health crisis, the death rate also skyrocketed.
At the same time, according to Madani and Herningtyas (2021), the pandemic affected the labor sector by increasing the unemployment percentage, especially in the fields of accommodation and service (a 3% increase in September 2020). Additionally, the COVID-19 pandemic blocked the progress of the innovative “Specified-Skilled Worker” program, which aimed to assist with the labor shortage. The program entered into force in 2019 and three years later it still has not managed to bring the results Japan was expecting. Part of the reason why is the border closing that took place not allowing foreign immigrants or even emigrant returnees to enter the country due to the health risk. Concurrently, inside the country, reluctance was reported on the firms’ side to hire people, but it was not addressed since all the attention was on managing the health hazard (Zhang & McCornac, 2022).

IV. Xenophobia and Acceptance of Immigrants

The discussion about Japan’s immigration policy and its evolution, or lack of it, during the last three decades of becoming a popular immigration country, has yet another aspect to be considered. When examining developmental states, like Japan, it is pretty clear that even in the case of a labor shortage they prefer to cope by increasing investments in technology, wages and productivity rather than admitting foreign workers (Oishi, 2021). They tend to follow a state-centric approach to policymaking and build upon cultural homogeneity. Even in the case that the state itself wishes to open the borders and admit immigrants, public opinion usually does not favor such policies. This applies to almost every receiving country on the map, like the US, the UK and, of course, Japan (Green, 2017).

Sudden and large immigration currents are bound to provoke strong reactions from the receiving society. Therefore, it is understandable why Japan has such a hard time formulating a proper immigration policy and granting entry to migrant workers after its rapid industrialization in the 1980s. The country is known for its exclusionary ethnonationalist perspective (Liu-Farrer, 2020) and its strong and immobile value system, which is quite common in the Asian industrialized states that are mostly interested in their economic growth and the protection of their domestic marketplace, rather than admitting and integrating foreign nationals (Oishi, 2021). Because of that, Japan has a hard time envisioning itself as a multicultural and multi-ethnic nation, which leads to the currently existing taboo and xenophobic feeling.

Japan’s xenophobia has been proven by multiple studies which conclude that the majority of the population is strongly against increasing the number of foreign nationals in the country. Davison and Peng (2021), Chiba and Yamamoto in 2015, Hirata and Warschauer in 2014, Oishi in 2012, and Peng in 2016 are only some of the many studies that suggest that. In reality, even though there has clearly been an increase in inflow, the foreign population does not exceed 2% of the total, marking Japan as “the country with the smallest percentage of foreign population amongst the advanced industrial states” (Chung, 2010).

Still, that small percentage has been the cause of political, economic and social tension for years (Yamanaka, 1993). One major mistake that causes this tension is the perception that every immigrant is one way, or another connected to some type of criminal activity. According to Chiavacci (2020), since the 1990s, when a series of crimes and scandals were uncovered and the culprits were found to be foreign, immigrants have been perceived by the people and portrayed by the media as potential criminals that threaten Japan’s peace and security and should be kept out.

A. Theoretical Approach to Xenophobia

The general anti-immigration sentiment of the Japanese public finds its origin in both ‘realistic group theory’ (Blake & Mouton, 1961; Campbell, 1965; Sherif et al., 1961) and ‘group threat theory’ (Blumer, 1958; Blalock, 1967). Both theories argue that native-born citizens consider immigrants to be an economic and cultural threat. This means that there is an approach regarding the interests of a population and another one regarding their sense of identity (Davison & Peng, 2021).

On one hand, the ‘interests’ argument suggests that the opposition to immigration is a result of the access to similar employment opportunities given to both native residents and a minority group of foreign “newcomers”. This creates a perception of a threatening situation where downward pressure is being put on domestic wages, immigrants are taking native jobs, and the social security system is being over-utilized. So, in the end, this is a threat to the material well-being of the native population of a country (Davison & Peng, 2021; Gree, 2017).

On the other hand, the ‘identity’ approach explains that the sudden presence of a large minority can be perceived by the majority as threatening to its social, cultural and ethnic identities. This is the case in countries that have a strong emotional connection to specific aspects and values of their culture, like religion, language, the way they dress and behave, customs, and so on. These features, which characterize the natives and bear great significance to them, are the reason for the xenophobia and lack of acceptance towards any other cultural presence in their territory (Davison & Peng, 2021; Green, 2017).
In either instance, the existence of a minority group poses a threat to the status quo and foreshadows some type of change. As the word itself states – “xenophobia” - the anti-immigration sentiment exists due to fear of the foreign, fear of the unknown (Green, 2017). Therefore, in a country with such a strong ethnocultural identity and such a history of homogeneity as Japan, the phenomenon of xenophobia does not come as a shock.

A survey by the Pew Research Center (as cited in Davison & Peng, 2021), conducted in 2018 in order to examine the Japanese views on immigration, found 58% of the participants in favor of maintaining current levels, 13% wanting a decrease, and 23% willing to accept even more migrants. After seeing these percentages, it makes sense why the Japanese government is hesitant and afraid to make a move on the matter, while the situation is much worse if one examines the difference in perception and opinion between the big cities and the rural areas (Menju, 2017), and between blue- and white-collar workers (Davison & Peng, 2021). In fact, according to Hamada (2013), Japanese people who reside in major manufacturing regions tend to have stronger nationalist beliefs and believe in the ethnic purity of the country, therefore they are not that keen on accepting migrants. On the other hand, people of a higher occupational status tend to be more accepting and supportive of foreigners.

In a Nagayoshi 2009 research, once again, the ‘economic interest’ and ‘cultural identity’ criteria show up since the paper suggests that the level of acceptance of a rate increase of foreign nationals in Japan is heavily affected by factors, such as occupation and ethnicity. In an interesting turn of events, however, the events of the last three decades suggest that the public backlash against immigration is less and less determined by the ‘economic threat’ approach, while the ‘cultural’ one seems more realistic (Green, 2017).

To be more specific, out of the top four countries of origin of migrants in Japan (Chinese, Korean, Brazilian and Filipino), there is an automatic negative perception of the large communities of Chinese and Brazilian immigrants that up the total of the foreign population in Japan and, along with that, the anti-immigration sentiment. Immigrants of Korean origin seem to be more welcomed, favorable even. Through the economic and cultural threat approach, one can reach the conclusion that the Japanese see Chinese migrants as a rival in an economic sense, while the Brazilians are the most different culturally, so they ‘threaten’ the Japanese national identity (Green, 2017).

At this point, it is well understood that the sudden appearance of an observably non-identical group of people is bound to create a feeling of concern in a nation that lacks cultural diversity and is built on homogeneity. Historically, migrant perception by the Japanese has never been positive and migrants have been mistreated, used as cheap labor, deprived of their rights as human beings and as employees. In the late 1980’s they were described as the “lowest of the low”, as “The Three K’s” (Kitanai, Kiken, Kitsui - Dirty, Dangerous, Difficult) (Yamanaka, 1993). By entering Japan, they are made to undergo cultural assimilation and renounce their allegiance to their home country, in order to gain a chance to ‘fit in’ the Japanese society and really become part of it (Chung, 2010). Truth is, the burden to do that is unbearable and the task is practically impossible.

Besides physical appearance, the inability to speak the Japanese language and behave in the Japanese way is the main reason why foreigners are treated differently (Madani & Herningtyas, 2022). The Japanese identity is something so difficult to acquire, that even kids born and raised in Japan, studying in Japanese schools are having trouble securing that title (Liu-Farrer, 2020). This proves how far behind the schools are when it comes to immigration. There is a fundamental integration problem that is assisted by today’s mono-cultural Japanese education system, which not only neglects and does not ease the experience for migrant students, but also beats them down, excludes them and affects them emotionally.

B. A Solution Towards Acceptance and Citizenship

Xenophobia and the negative public opinion regarding immigration, along with the requirements of the Japanese society that are extremely hard for any migrant to meet, have created a serious integration problem. As a result, foreign nationals in Japan are ignored when trying to express their opinions or defend their rights (Madani & Herningtyas, 2022). Japan trying to keep the migrant levels to a minimum by rarely allowing family reunification of migrants and the little to non-existent political voice of the foreign community in the country prove exactly that (Chung, 2010). Even though there are social welfare mechanisms created to assist foreign residents in matters such as housing, unemployment and health insurance, and more, that does not mean these migrants are accepted by the public as part of the society, neither on a social nor on a political level.

The possibility of a migrant acquiring Japanese citizenship and political rights is strongly affected by public perception. This means that, according to Davison and Peng (2021), once again the personal characteristics of each immigrant (i.e., ethno-cultural attributes, economic status, knowledge of the Japanese language and culture, etc.) play a significant role in the state’s willingness to grant them citizenship.
This discussion expands to the disputes that have taken place throughout the years among the municipalities, regarding immigrant voting rights. Today, only 42 of the 1718 municipalities have legally granted foreign nationals in Japan the right to vote, according to Takao (2022).

With this in mind, it is understood that the foreigners that enter Japan are not the sole stakeholders in their settlement process. They can only do so much with what is given to them by the system they are entering, and that system is undeniably inadequate in welcoming and integrating them. As long as Japan sees foreign nationals as a threat, whether that be an economic or a cultural one, the institutional frameworks surrounding immigration are not going to be effective in creating a peaceful environment of acceptance and coexistence.

Green suggests that the main factor feeding the anti-immigration trend in Japan is the lack of contact and ties. In many of the papers cited in this research, ‘contact theory’ is proposed as a way to better the situation. According to Menju (2017), the taboo against accepting foreign nationals as a part of Japanese society is seemingly changing in recent years due to the labor shortage situation. As analyzed in this paper, in order to solve this problem, Japan has introduced policies on immigration and has slightly opened up its borders for foreigners that wish to enter the country for employment and tourism purposes. This has led to an increase in contact between Japanese nationals and foreigners and, slowly but surely, is affecting their perception of immigration in a positive way. Even if that contact is highly superficial, it contributes to the elimination of xenophobia in Japan, since it prepares the ground for a better understanding of minority groups and the recognition of their rights to a decent life, despite the cultural differences (Green, 2017).

This idea is now being backed up by the Ministry of Justice, which appears to be putting a bit more effort into forming and implementing comprehensive measures for the acceptance of migrants and their coexistence with Japanese natives, according to the Immigration Control and Residency Management Report (2021). To be more specific, MOJ established the “Ministerial Conference on Acceptance and Coexistence of Foreign Nationals” in 2018, whose aim is to study the level of acceptance government-wide and implement reforms and enhancements to promote a more welcoming environment for immigrants. At the same time, the Olympic Games contributed to the ‘increasing contact’ initiative and it is hoped that it can contribute to Japan’s efforts to redefine itself as a more inclusive and diverse nation, in contrast to its current mono-ethnic and mono-cultural identity (Liu-Farrer, 2020).

V. CONCLUSION

The inflow rate and the number of foreign residents might have transformed Japan into an immigration state, however, that is not entirely true. Japan has yet to become an immigration country in an ideational and institutional manner since it lacks a solid strategy and policy that are able to address and deal with the situation properly. Even though Japan seems to gradually become more flexible and interested in establishing an immigration policy, the truth is that internal fragmentation and generally negative public opinion are blocking its path to reforming and developing a long-term plan. The implementation of reforms is not an easy task, hence the gap between the country’s official policy and the reality of the situation. The “Tatemae-Honne” reference in this paper aims to bring to the surface masked interests behind each reforms and new policy’s ‘official’ purpose and draw attention to Japan’s strategy of using imported laborers to deal with its severe shortage of human resources, especially on the lower-skilled fields, in the name of altruism and global aid as a part of the international community.

Being one of today’s most significant industrial states, Japan has succumbed to international pressure and has proceeded to establish regulations targeting some problematic or dysfunctioning policies. It is taking steps towards comprehending how it has shifted to a receiving country after its rapid industrialization and the fact that it cannot just remain immobile, or else it will collapse. As a result, it is trying to expand and solidify its immigration policy, despite the ideational and institutional obstacles, since it now has a better understanding that not only it cannot avoid the inflows, but it can actually benefit from them.

Japan might have been able to evolve as a state without any external assistance, therefore creating a system that operated on a domestic market and national interest basis, but at the moment its severe demographic problem (low birth rate, high death rate) and its lack of workforce are posing a severe threat to its industrial status. This is why, for the last few decades, it has found a solution to that problem by implementing programs that allow temporary entry to foreign workers. However, it has been clearly stated by the Japanese authorities and it is evident in programs such as the TTIP and the SSW that this is not immigration. The programs are temporary and target very specific categories of foreign workers that are most needed in Japan due to the labor shortage.
Furthermore, even if imported labor as a fit solution to the labor shortage problem is motivating Japan to open up its borders and fully enter the age of migration and globalization, the exclusionary ethn-nationalist perspective of the public serves once again as an obstacle.

This is a matter of human rights since public opinion in Japan and its xenophobia led to migrants in the country being treated, not only in an unequal, but in an inhumane way. The Japanese national identity and the Japanese values hold great importance for the natives and make it hard to comprehend, let alone accept, anything different. Japan might be opening up due to industrialization but the people are mentally still living in a closed-off nation. That is why the rapid increase in immigration flows has caused a great shock and created a lot of tension among the Japanese population.

Whatever the reason behind the problem, xenophobia in Japan and the lack of acceptance towards foreign residents need to be addressed and actively dealt with. The ISA is promoting understanding and discussion regarding the perception of migrants as outsiders, as criminals, as lower forms of life, as well as their economic conditions and their difficulty integrating due to their cultural identity. The Immigration Control Report suggests that the matter of identity is crucial to the level of acceptance and that the mono-lingual and mono-cultural Japanese state is not leaving much space for diversity.

In conclusion, Japan is now well aware of the economic boost an open-border policy would bring. However, despite trying to reform accordingly, its efforts are being blocked by ideational and institutional fragmentation. In order to overcome these obstacles, it needs to remove its cultural restrictiveness and try to envision itself as an inclusive multicultural state in the era of globalization, while simultaneously it needs to escape the discussion loop over immigration and put more effort into implementation. On top of that, it should stop treating immigrant workers as masked cheap and temporary labor, but as part of the Japanese society, and grants them a well-regulated space where they feel protected and secure from exploitation.

CONFLICT OF INTEREST

Author declares that they do not have any conflict of interest.

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Reference


