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Closed Doors, Open Doors, Doors Wide Shut? Migration Politics in Japan

Gabriele Vogt

Abstract

Is labour migration a solution to Japan's shrinking workforce? The basic numbers tell us yes. The question, however, gets complex when we take into account political and societal factors influencing the current debate around this question. This paper addresses the facts and figures of labour migration to Japan as well as the recent discourse on the issue. A case study on the Japan-Philippines Economic Partnership Agreement (JPEPA) helps introducing the two main questions of this discourse. First, should labour migration to Japan be opened to the medium and lower skilled workforce? Second, should labour migrants be offered a perspective for a long-term settlement? I argue that none of the main actors involved in this discourse currently is in a position to predominantly shape both Japan's migration policy and migration reality. Instead what can be observed is a striking disparity between policy and reality, which may very well be the result of Japan's reviving political conservatism. (Manuscript received May 11, 2007; accepted for publication August 8, 2007)

Keywords: Demographic change, labour migration, care-giving sector, Japan-Philippines Economic Partnership Agreement

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Studie

Offene Türen oder verschlossene? Zuwanderungspolitik in Japan

Gabriele Vogt

Abstract

Ist Arbeitsmigration eine Lösung für den Rückgang der japanischen Erwerbsbevölkerung? Ja, sagen die reinen Zahlen. Berücksichtigt man politische und soziale Faktoren, die die gegenwärtige Debatte um diese Frage beeinflussen, verkomplizieren diese die Antwort. Der vorliegende Aufsatz stellt die Zahlen und Fakten zum Thema Arbeitsmigration vor und bietet darüber hinaus eine Einführung in den aktuellen Diskurs zum Thema. Anhand einer Fallstudie zum Japan-Philippines Economic Partnership Agreement (JPEPA) werden die beiden zentralen Fragestellungen des Diskurses beleuchtet: Erstens, soll Arbeitsmigration nach Japan auch mittel- bzw. weniger qualifizierten Arbeitskräften ermöglicht werden? Zweitens, soll ausländischen Arbeitnehmern die Perspektive eines Langzeitaufenthaltes in Japan eröffnet werden? Als Ergebnis der Studie hat sich herausgestellt, dass keiner der Hauptakteure des gegenwärtigen Diskurses um diese beiden zentralen Fragestellungen derzeit in der Lage ist, politische Richtlinien und die politische Realität gleichermaßen zu beeinflussen. Vielmehr ist eine große Diskrepanz zwischen Richtlinien und Realität augenfällig. Der Ursprung dieser Diskrepanz mag in der aktuellen Renaissance eines politischen Konservatismus in Japan zu suchen sein. (Manuskript eingereicht am 11. Mai 2007; zur Veröffentlichung angenommen am 8. August 2007)

Keywords: Demografischer Wandel, Arbeitsmigration, Pflegesektor, Japan-Philippines Economic Partnership Agreement

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1 Introduction

Globalization has brought along an increase in border-crossing movements. These movements include the movement of goods and capital in trade and investment as well as the movement of ideas, such as in cultural exchange. It is the movement of people, however, which – in a post-9/11-world – has drawn the most attention. In many industrialized nations of the West, the terrorist attacks of September 11, 2001 triggered a revision of immigration policies. Increased control over the (relatively) free movement of people, which characterized the years after the end of the Cold War, is one of the political directives of the hour. Host countries tend to view the border-crossing movement of foreign nationals, whether for leisure or business, for a limited time or for the purpose of settlement, as a domestic security issue. On the other hand, many of these industrialized nations, who tend to receive the most immigrants, are in the midst of demographic changes themselves. Their populations are aging and shrinking. The same holds true for their workforce. Against this background, the United Nations Population Division (UNPD) published a report in 2000 on how much replacement migration, in particular labour migration, eight industrial nations and two world regions would need in order to, for example, keep the ratio of working to non-working population at roughly the level it was at the turn of the millennium. These numbers suggest there may soon be large-scale labour migration to the nations and regions in question. The industrialized nations' need for labour migration, however, conflicts with their reluctance to open their doors to potential migrants.

This article will address the issues of demographic change and labour migration, focusing on the example of Japan.¹ Japan is among the fastest aging societies in the world. The UNPD reports astronomic numbers for suggested labour migration to Japan. It is safe to say that if other demographic factors, such as retirement age or fertility rate remain unchanged, Japan will need large-scale labour migration in order to keep its workforce at a level that ensures the functionality of the state.² The nation's political elites, however, are hesitant about

¹ An earlier draft of this article was presented at the 2007 Annual Meeting of the Association for Asian Studies in Boston and in the East Asia Program's lecture series at Cornell University. The author wishes to extend her gratitude to the audiences on both occasions as well as to Glenda Roberts, Joshua Roth, and Keizo Yamawaki for most helpful comments.

² "The functionality of the state" here mainly refers to the state's social services and its economic power. This thought will be introduced in more detail in section two of this article. It shall not go

taking steps towards opening Japan's doors to such migrants. In fact, Japan has been following the same route other industrialized nations, for example the US, have before: Foreigners visiting Japan or coming to live in Japan are subject to comprehensive screening, and visa regulations and the work permit system are currently under revision. In other words, the ongoing debate on this issue suggests that these revisions will lead toward stricter immigration policies, not an open-door policy to labour migrants. This paper aims at shedding light on how Japan addresses the current challenges of immigration. Immigration seems to be economically required, and yet it is currently not backed by a political, let alone a social consensus. Which direction will Japan's immigration policy choose in this time of demographic change? Who are the actors involved in this decision making process, and how do they impact each other? What conclusions for the future development of Japan's political structure can we draw from their interaction? To help answer these questions, this paper places special focus on one immigration flow central to the ongoing debate in Japan: the care worker migration from the Philippines. Before focusing on this case study, however, I will give an overview of the facts and figures involved in the current political and public discourse on labour migration to Japan. This discourse is closely connected to Japan's demographic change, especially to the looming crisis of a shrinking workforce.

2 Demographic Change and Labour Migration to Japan

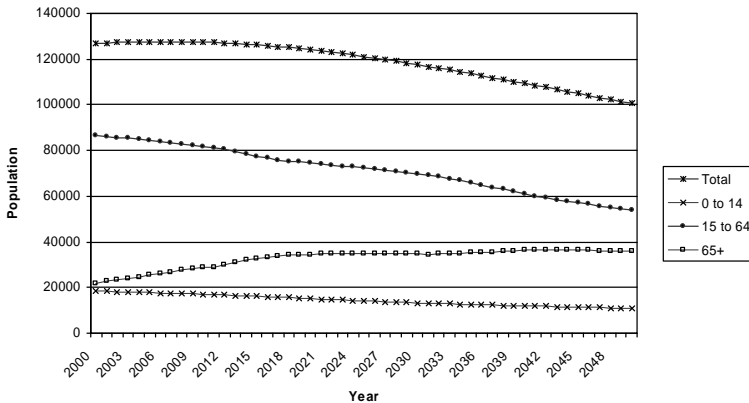
Japan's population is aging and shrinking. There is a vast amount of data available on this development.³ I will not provide an in-depth analysis of the general data on Japan's demographic change here, since the most important point for my argument – Japan's demographic need for labour migration – is the decline of Japan's workforce in particular. For further details on the statistical development of Japan's population in general, one may refer to the information provided by the National Institute of Population and Social Security Research,

unnoticed, however, that scholars such as sociologist Chikako Usui argue that once Japan decided on a "state policy shift from a Fordist to a Post-Fordist economy" (Usui 2006:53) replacement migration will not be necessary at all to secure economic productivity.

³ The data presented in this section introduce the most recent developments in the field of labour migration to Japan. For an overview that takes into account migration moves of the post-war period in general and during the bubble economy in particular, readers might find it useful to refer to Komai (1995) or Shimada (1994).

located in Tokyo’s Chiyoda ward. In Figure 1, I include one graph, based on data provided by this research institute, which shows the projected development of the Japanese population divided into age brackets. It forecasts a decline of those 14 years old and under; there is an even sharper decline predicted for those aged 15 to 64. Only those 65 years and older will increase in number. A nation’s workforce is usually defined by the 15 to 64 age bracket; those who are 14 and younger as well as those 65 and older count as the nonworking population. The graph in Figure 1 predicts that in the near future, the working and nonworking populations in Japan will almost equal each other at some 40 to 50 million each. This development would lead to the breakdown of the nation’s social services, its economic power, and global competitiveness in general.

Figure 1 Projected future population and proportion by age group, 2000-2050: Medium variant



Source: Data drawn from IPSS (2006:12).

The United Nations Population Division (UNPD) study entitled *Replacement Migration: Is it a Solution to Declining and Ageing Populations?* (UNPD 2000) attested that Japan would need large-scale labour migration in order to keep its population at the level of 1995, the forecasted peak (scenario A); to keep its workforce on the 1995 level (scenario B); and to keep the ratio of working to nonworking population constant (scenario C). The last scenario, the requirements for stabilizing the ratio of working to nonworking population, is the most crucial one for Japan’s economic strength. It is, however, also the scenario that requires

the highest numbers of labour migration to Japan, i.e. 553 million immigrants by 2050, which comes to about ten million immigrants per year. By 2050 the Japanese population would have grown to 818 million people, with 87% of them being post-1995 immigrants and their descendants. The numerical results for these three scenarios are shown in Table 1.

Table 1 Labour migration to Japan by 2050: shown in three scenarios

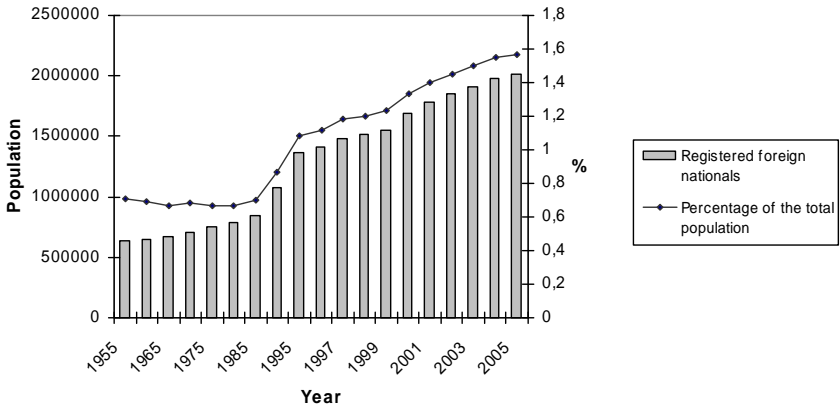
	Scenario A	Scenario B	Scenario C
Total number of immigrants	17 million	33.5 million	553 million
Number of immigrants necessary per year	381,000	609,000	10 million
Total population in 2050	127 million	150.7 million	818 million
Percentage of immigrants in total population in 2050	17.7%	30%	87%

Source: Data by UNPD (2000).

While the above cited numbers released by the United Nations Population Division and the National Institute of Population and Social Security Research may provide valuable insights into how Japan's population structure will evolve with or without labour migration, one has to keep in mind that these numbers are merely projections of future developments that assume other relevant demographic criteria remain unchanged. That is, the numbers are hypothetical in character. In the following paragraphs of this section, I will introduce the facts and figures that describe the current reality of how many foreigners live and work in Japan, what their countries of origin are, and in which sectors they found employment. Figure 2 shows how the numbers of foreign residents⁴ in Japan have evolved since the post-war years; Figure 3 breaks down the latest available numbers on foreign residents' nationalities, provided by the Ministry of Justice (MOJ) in 2006.

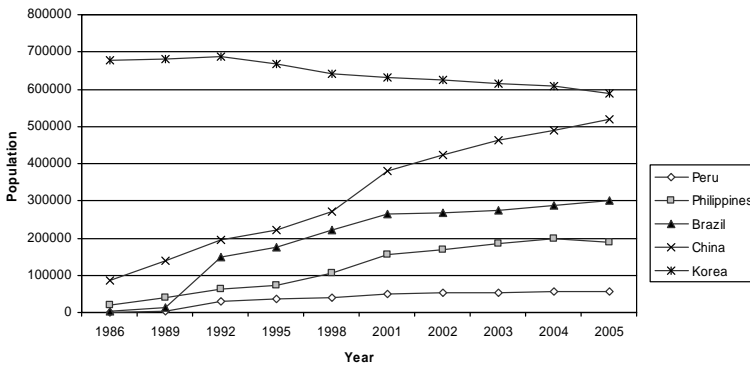
⁴ Residency of foreigners in Japan is tracked by the records of foreigners' registration with the ward or city / town / village office of residence. According to the Law of registration of foreigners (Jap.: *gaikokujin tōroku-hō*, in brief: *gaitō-hō*), any foreigner planning to stay in Japan more than 90 days is required to register with his local authorities within 60 days of arrival in Japan. Exempt from this regulation are holders of diplomatic and official visas as well as members of the US military and their dependents.

Figure 2 Changes in the number of registered foreign nationals and its percentage of the total population in Japan



Source: Data by MOJ (2006b).

Figure 3 Changes in the number of registered foreign nationals by major nationality (place of birth)



Source: Data by MOJ (2006b).

Over the past decades, we observe a steady increase in numbers of foreign residents living in Japan. In 2005, the number was just over 2 million people, which comprises less than 1.6% of the overall population of Japan. There are also

an estimated 193,745 undocumented foreigners in Japan as of January 1, 2006.⁵ We see that the largest group of foreign residents in Japan is Koreans, followed by Chinese, Brazilians and Filipinos. (The largest group of undocumented foreigners in Japan is also Koreans, followed by Chinese, Filipinos and Thai.) Most Koreans included in the data of registered foreigners in Japan are in fact *zainichi kankokujin*, i.e. Koreans who came to live in Japan before the end of the Second World War, and their descendants. In the literature on migration to Japan these immigrants are called “old-comers”, as opposed to “new-comers”, who have migrated to Japan from the 1970s onwards. The second largest group is Chinese: The overwhelming majority of visa-holders in the categories college student (Jap.: *ryūgaku*), pre-college student (Jap.: *shūgaku*), and trainee (Jap.: *kenshū*) come from China. The third largest group is Brazilians, who are overwhelmingly *nikkeijin*, i.e. people of Japanese descent who follow a path of return migration to their ancestral homeland.⁶

Japan’s Ministry of Health, Labour and Welfare (MHLW) releases data on foreign workers in Japan on a regular basis; the most recent publication dates back to June 1, 2005. The data on the numbers by region and sector of foreign workers in Japan is gained through the so-called Reporting System for Employment of Foreigners (Jap.: *gaikokujin koyō jōkyō hōkoku*). Data gained through this system, however, remains incomplete as it is not mandatory for companies to report their foreign workers’ employment situation to the MHLW. For example, for the 2005 report, the MHLW asked 155,009 companies to share their information regarding this matter but only 94,143 of them replied to the request. A total of 28,017 of the surveyed companies reported that they employed one or more foreigner/s in direct employment and/or through intermediating agencies (MHLW 2005:1). 25,106 companies directly employ foreigners, a total number of 198,380 persons. Most of the foreign workers (43.2%) come from East Asia (China, excluding Hong Kong, and Korea), 30.4% from Central and South America (Brazil, Peru, Bolivia, Argentine, Colombia, Paraguay, Mexico, and Chile),⁷ and 14% from Southeast Asia (Philippines, Thailand, Vietnam,

⁵ The Ministry of Justice draws this data by calculating the number of people who entered and left Japan, based on their respective visa status and granted period of stay.

⁶ The concept of *nikkeijin* does not imply any specific citizenship; many *nikkeijin* currently residing in Japan, however, came to Japan from Brazil or Peru.

⁷ 89.6% of Japan’s foreign workers from Central and South America are *nikkeijin*.

Indonesia, Malaysia, Myanmar, Cambodia, Laos, Singapore, and Brunei). The majority of companies directly employing foreigners are located in the Tokyo prefecture (5,097), followed by Aichi (1,792) Kanagawa (1,550) and Osaka (1,459). A sector by sector division shows that 54.4% of them are employed in the manufacturing sector, 12.1% in the service sector, and 8.4% in education and teaching, 8.1% in small businesses, 8.0% in restaurants and hotels, 2.4% in transport companies. Companies employing foreigners through intermediary firms amount to 5,889; 90.8% of them are in the manufacturing sector. They employ a total of 144,891 workers. Most of these employees (29,729 persons) live and work in Aichi prefecture, followed by Shizuoka prefecture (22,850 persons). No explicit data on the countries of origin of those employed through sub-contractors is given. Table 2 presents the essence of this data.

Table 2 Direct and mediated employment of foreign workers in Japan

	Direct Employment	Employment through intermediary
Number of companies	25,106	5,889
Number of foreign workers	198,380	144,891
Countries of origin of foreign workers	East Asia Central/South America Southeast Asia	(n/a)*
Most popular sector/s	manufacturing; service; etc.	manufacturing (almost exclusively)
Most popular region/s	Tokyo, Aichi	Aichi, Shizuoka

*Note: *Although no data is available with regard to the countries of origin of foreign workers in employment through intermediary, qualitative research results, for example by Takeyuki Tsuda (2003) of the Center for Comparative Immigration Studies at the University of California at San Diego, indicate that most of them are nikkeijin from Central and South America. They work in the car manufacturing plants in Japan's Tōkaidō and Northern Kantō regions, which generally employ foreigners through mediating firms. Initial contacts between the prospective employee and employer are often made through a mediator at offices abroad, such as in São Paulo.*

Source: Data by MHLW (2005).

There is a striking disparity between the number of foreign *residents* in Japan – about two million persons (2,011,555 persons) at the end of 2005, according to the MOJ – and foreign *workers* in Japan – a total of 343,271 persons in

2005, according to MHLW. Does this mean that only 17.93% of foreigners in Japan were part of the labour force? Data provided by the National Institute of Population and Social Security Research (2006:108) for 2006 show a different picture: The institute counts 1,157,354 persons in Japan's foreign population who are 15 years of age and over. 726,577 of them are in the labour force; 337,094 of them are not. According to this data 46.39% of foreign residents age 15 and over in Japan are in the labour force; the remaining 53.61% of foreign residents in Japan may a) not fall within the designated age bracket, b) live in Japan as dependents, i.e. as the family member of a Japanese national or a foreign visa holder, or c) are holders of a visa category that excludes being granted a work permit. This roughly 50:50 ratio of working to non-working foreign population in Japan is vastly different from the data the MOJ and the MHLW provide, which counts a 17.93% working population vs. an 82.07% non-working population. Given the non-mandatory character of the reporting system for employment of foreigners, the MHLW data are incomplete; nevertheless the disparity between the 50:50 and the 20:80 ratios seem quite large. Although no quantitative data on this is available, one could argue that it is the *zainichi kankokujin* who are generally not reported by companies as foreign workers. Foreign residents in Japan who are holders of visas that do not impose any limits in terms of permission to work (permanent resident; long-term resident; spouse/child of Japanese national or permanent resident) often fail to be reported as foreign workers. This holds true even more once the persons blend in ethnically and culturally. This might explain why many *nikkeijin* coming to Japan for example from Brazil, are reported nevertheless, even though they usually hold a long-term resident visa.

Table 3.a Visa categories, work permission, and numbers of registered foreign nationals in Japan in 2005

Work Permission	Visa Category	Registered foreign nationals (2005)
Without Limitation	Permanent Residents (Jap.: <i>eijūsha</i>)	349,804
	Special Permanent Residents (Jap.: <i>tokubetsu eijūsha</i>)	451,909
	Spouse or Child of Japanese National (Jap.: <i>nihonjin no haigūsha</i>)	259,656
	Spouse or Child of Permanent Resident (Jap.: <i>eijūsha no haigūsha</i>)	11,066
	Long-term Resident (Jap.: <i>eijūsha</i>)	265,639

Table 3.b Visa categories, work permission, and numbers of registered foreign nationals in Japan in 2005

Designated Activities	Diplomatic visa (Jap.: gaikō)*	–
	Official visa (Jap.: kōyō)	–
	Professor (Jap.: kyōju)	8,406
	Artist (Jap.: geijutsu)	448
	Religious activities (Jap.: shūkyō)	4,588
	Journalist (Jap.: hōdō)	280
	Investor/Business manager (Jap.: tōshi/keiei)	6,743
	Legal/Accounting services (Jap.: hōritsu/kaikei gyōmu)	126
	Medical Services (Jap.: iryō)	146
	Researcher (Jap.: kenkyū)	2,494
	Instructor (Jap.: kyōiku)	9,449
	Engineer (Jap.: gijutsu)	29,044
	Specialist in Humanities/International Services (Jap.: jinbun chishiki, kokusai gyōmu)	55,276
	Intracompany Transferee (Jap.: kigyōnai tenkin)	11,977
	Entertainer (Jap.: kōgyō)	36,376
	Skilled Labour (Jap.: ginō)	15,112
	Designated Activities (Jap.: tokutei katsudō)	87,324
None	Cultural Activities (Jap.: bunka katsudō)	2,949
	Temporary Visitor (Jap.: tanki taizai)	68,747
	College Student (Jap.: ryūgaku)	129,568
	Precollege Student (Jap.: shūgaku)	28,147
	Trainee (Jap.: kenshū)	54,107
	Dependent (Jap.: kazoku taizai)	86,055

Note: *On the status of holders of diplomatic visa (Jap.: gaikō) and official visa (Jap.: kōyō) please refer to footnote 1. For 2005, the MOJ counted 15,353 foreign nationals in Japan “without acquiring status of residence”. Adding the number of 30 persons under the status of “refugee” (in MOJ’s data named separately from the category “long-term residents”) and 20,736 persons in the category of “others” the number of foreign nationals residing in Japan in 2005 amounts to a total of 2,011,555 persons (MOJ 2006b).

Source: Data on work permission and visa categories by §2 II and §19 Immigration Control and Refugee Recognition Act. Data on numbers of foreign registered nationals in Japan in 2005 by MOJ (2006b)

Table 3 shows data provided by the MOJ that supports this argument. It shows the 2005 distribution of foreigners in Japan according to their visa status. The largest group by far, about one third of the overall number, resides in Japan as permanent residents (Jap.: *eijūsha*) or special permanent residents (Jap.: *tokubetsu eijūsha*), the so-called old-comers mainly from Korea and their descendants. The second-largest group is long-term residents (Jap.: *teijūsha*), i.e. *nikkeijin*, and (the small number of) refugees in Japan. The next largest group is spouse or child of Japanese nationals (Jap.: *nihonjin no haigūsha*).

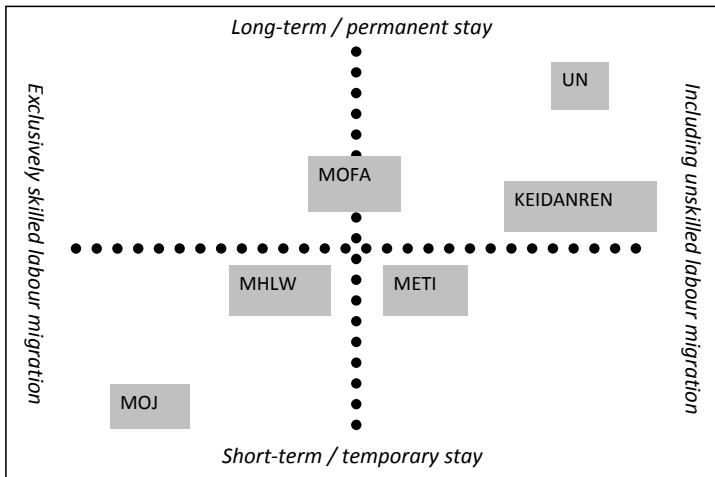
Table 3 also provides another overview of Japan's visa categories and their respective implications for being granted work permission. Japan's Immigration Control and Refugee Recognition Act distinguishes twenty-seven categories of residency for foreigners in Japan. Among these, as just mentioned, four groups are allowed unlimited permission to work; a further sixteen groups are granted permission to work within certain limitations that must be regulated before immigration; and one group (designated activities, Jap.: *tokutei katsudō*) is eligible for permission to work, but is not granted so initially. Six groups are not eligible for work permission at all. The sixteen groups holding limited permission to work include professions that require high or medium qualifications. One of the central points currently in discussion on reforms to Japan's immigration guidelines is the question of whether or not to open the work permit system to unskilled labour. The differing positions on this issue, held by Japan's political and economical elites as well as international organizations, in this case the United Nations, will be addressed in the following section. As will the question of duration of stay granted to labour migrants in Japan. Finally, I will address the question of who of these actors is capable of bringing about policy change in the field of migration and integration in Japan.

3 Mapping the Discourse

Outlined above are the facts and figures underlying the current political and public discourse on labour migration to Japan, in particular on the question of how Japan's current migration policy could be altered in order to function as counter measure to the nation's demographic change while at the same time preventing dump wages and cultural clashes within the domestic labour market and society respectively. In the following I will map the discourse on one particular labour migration flow to Japan: the care worker migration from the Philippines.

The discourse on labour migration to Japan currently evolves around the following two questions: Firstly, should labour migration to Japan be opened to unskilled labour or remain restricted to the highly/medium-qualified labour? Secondly, should labour migrants be allowed to stay in Japan permanently or should the length of their stay be restricted? The actors involved in debating these questions are four of Japan's government agencies, namely the Ministry of Justice (MOJ), the Ministry of Health, Labour and Welfare (MHLW), the Ministry of Economy, Trade and Industry (METI), and the Ministry of Foreign Affairs (MOFA), as well as the Japan Business Federation (Nippon Keidanren), international organizations such as the United Nations (UN), and civil society organizations (CSOs) in Japan and elsewhere, mainly in the immigrants' origin countries. I argue that the positions taken by MOJ, MHLW, METI, MOFA, Keidanren, and the UN, the main actors in this discourse, can be mapped as shown in Figure 4.

Figure 4 Labour migration to Japan: Mapping the current discourse



Source: Design by author.

The mapping of actors in Figure 4 does not follow a specific quantitative methodological approach; it is but a mere projection of results of a qualitative content analysis that studies the actors' positions on a) who should be granted

permission to work in Japan (*x axis*) and b) for how long labour migrants should be allowed to stay in Japan (*y axis*). CSOs are not included in this map for two reasons: Firstly, it is extremely difficult to decide where to include CSOs – their main concerns lie elsewhere, with the living and working environment of migrants in Japan and with processes of integration into the host society. They do not necessarily take a position on whether labour migration to Japan should be expanded or not. Secondly, it is the process of how CSOs engage in lobbying the mapped actors that I think is a highly interesting question, though yet a different research project – one that is to be conducted separately from this article.⁸

I will explain the positions of the actors mapped in Figure 4 by illustrating their various opinions and activities evolving around the recent Japan-Philippines Economic Partnership Agreement (JPEPA) (MOFA 2006a). The JPEPA was signed by Jun'ichirō Koizumi, then Prime Minister of Japan, and Gloria Macapagal-Arroyo, President of the Republic of the Philippines, in Helsinki / Finland on September 9, 2006. In an earlier joint press statement released on November 29, 2004, in which both sides confirmed that so-called agreements in principle had been reached, the two heads of governments announced that the JPEPA was “to contribute to make the most of the complementary relations between Japan and the Philippines” (MOFA 2004a). It will do so by “strengthen[ing] [. . .] the existing bilateral economic relations” between the two countries, in particular by “promote[ing] a freer trans-border flow of goods, persons, services and capital between Japan and the Philippines” (MOFA 2004a). The cross-border movement of persons is elaborated on in JPEPA Chapter 9 “Movement of Natural Persons”. JPEPA Article 110/1/f notes “natural persons [. . .] who engage in supplying services as nurses or certified care workers” as a specific target group for whom cross-border movements for the purpose of working abroad will have to be made possible (MOFA 2006b:921). The JPEPA distinguishes between nurses and certified care workers: Nurses (Jap.: *kangoshi*) are understood to have work experience as a nurse in the Philippines; care workers (Jap.: *kaigo fukushi-shi*) are graduates from a four-year university holding a relevant certification. The main distinction that the JPEPA notes with regard to this difference in status is the length of period of stay, which will initially be approved for three years for nurses and for four years for certified caregivers. Both apply only after the

⁸ For a close-up study on CSOs in the field of migrant support in Japan, for example refer to Vogt/Lersch, (forthcoming).

candidates will have passed examinations in (a) their qualification of working as nurses / caregivers and (b) their Japanese language proficiency. Persons in either group may apply for an extension of the initially granted period of stay for up to three times. A graph explaining this two-track model on how nurses and certified care workers respectively may obtain a work permit in Japan was released by MOFA in a Japan-Philippine Joint Press Statement on the JPEPA in November 2004 (MOFA 2004b).

The JPEPA has meanwhile been ratified by Japan; not yet, however, by the Philippines. The JPEPA's ratification by the Philippines is expected no earlier than January 2008: Given the relatively small number of potential labour migrants on the one hand and the contentiously debated arrangements on the export of agricultural products on the other hand, JPEPA is considered neither an overly pushing nor popular issue among many leading politicians in the Philippines.⁹ JPEPA might lead to labour migration flows of up to 400 Filipino nurses and 600 certified care workers to Japan per year (Nemenzo 2006). For a country of 7.3 million labour migrants, whose officially recorded remittances average some five percent of the Philippine's GNP (O'Neil 2004), an additional avenue of one thousand labour migrants per year cannot be considered a groundbreaking economic or political opportunity. Despite the enactment of a non-tariff system, JPEPA's exporting structure of agricultural products to Japan also draws some harsh critique, as it is expected to benefit more the large multinational corporations than the local farmers and fishermen in the Philippines. The *Philippines Today* in an opinion piece even called for renaming the JPEPA to JPEEA, Japan-Philippine Economic Exploitation Agreement (Nemenzo 2006).

As for the Japanese side, in the following I will offer a more in-depth analysis of points of critique on the JPEPA's section on "movement of natural persons", the section dealing explicitly with potential labour migration to Japan: The JPEPA was pushed forward by the MOFA and the METI. The MOFA does acknowledge a need for labour migration in order to compensate for the shrinking national workforce resulting from ongoing demographic changes in Japan. The JPEPA

⁹ Moreover it is not even very popular among Filipino care workers who would rather opt for migration to an English-speaking country where they could start working in their profession right away, rather than to occupy themselves with studying an additional foreign language such as Japanese, as some of them noted for example during an interview with NHK in March 2007 (NHK 2007/03/11).

opens an opportunity for persons of certain professional qualifications and of certain citizenships to come to Japan and work in the country for some limited time. Via EPAs (Economic Partnership Agreements) in general, the MOFA encourages labour migration to Japan, including the medium and/or lower skilled workforce, without going through the lengthy process of instituting legal reforms. Besides the JPEPA, negotiations on an EPA with Thailand began in September 2005. When it comes to the “movement of natural persons” to Japan both these EPAs mainly address the care-giving sector, a business sector that in the near future will be strongly affected by demographic change in Japan. Not only will the number of job vacancies in these professions rise even higher than they are today, but the same will hold true for the number of patients who need to be taken care of. In other words, the expanding requirements of this job market will have to be met from outside the shrinking pool of Japanese workers. The METI’s position on the JPEPA is close to that of the MOFA; the METI, however, foremost acknowledges the demands articulated by the business sector, that is the hospitals, nursery homes, and other care-giving institutions in need for qualified personnel. Ever since in fiscal 2004 the ratio of job openings to job applicants in the care-giving sector rose to 2.03,¹⁰ the METI explicitly argued for a prompt and pragmatic response to this sector’s labour shortage (Burgschweiger 2006:45). METI leans towards accepting lower skilled workers as well and also for shorter periods of time; this means METI is prepared to accept labour migrants of lower professional qualification and to also accept a quicker turnover of foreign workers for the sake of prompt responses to economic needs. MHLW on the contrary placed the focus of its concerns on the working conditions of Japanese as well as foreign nurses and caregivers. Initially in opposition to the JPEPA, MHLW eventually agreed on the bilateral treaty as it became clear that “Japan is now in the state of chronic nurse shortages in terms of both quality and quantity” as the Japanese Nursing Association puts it in a statement on the employment status of nursing professionals in Japan (Japanese Nursing Association 2007). The MHLW, influenced by this and other labour associations, also advocates for improving the general working conditions in the care-giving sector, in order, for example, to ensure that some of the 320,000 Japanese qualified caregivers who are currently not working in this sector would find incentives to return to the jobs they were

¹⁰ In fiscal 2004 the average ratio of job openings to job applicants in Japan for all sectors combined was around 1.00 with slight differences throughout the seasons (SBRTI 2007).

trained for (Burgschweiger 2006:46). The MHLW also argued for imposing strict regulations on the foreign workers to be allowed to practice in Japan: The requirement of Japanese language proficiency as well as the (even if renewable) time-restricted visas and work permits for the labour migrants are said to be a result of the MHLW negotiation efforts within the Japanese government.

The MOJ is situated in the quadrant marked by “exclusively skilled labour migration” and “short-term / temporary stay”. Drawing on an interview with then Senior Vice-Minister of Japan, Tarō Kōno (2006/02/20, Interview), who headed the MOJ’s in-house advisory commission on immigration policy,¹¹ as well as on the final report this commission published in September 2006 (MOJ 2006c), I argue that the MOJ aims to protect Japan’s restrictive immigration guidelines. In particular three points support the validity of this argument. First, the MOJ rejects reforming its most contentious immigration guideline: excluding non-skilled workers from labour migration to Japan. According to the MOJ, vacancies in Japan’s job market that will arise in the wake of the nation’s demographic change are to be filled by more effectively recruiting female workers into the workforce, and by recruiting youths, especially the group of people “not in employment, education, or training” (NEET). Secondly, the MOJ toyed with the idea of revising the relatively generous immigration guidelines for *nikkeijin*, who mainly hold long-term resident (Jap.: *teijūsha*) visas and thus are granted work permission without limitation (Table 3). In order to ensure “cultural compatibility” between the hosting society and the immigrants, the MOJ hopes to implement a language test for migrants to Japan.¹² Since this would also include *nikkeijin*, this reform must be interpreted as restrictive for *nikkeijin* immigrants, for whom having a Japanese ancestor is right now the only requirement for obtaining a long-term resident visa. This policy aims at closing what so far has been a loophole allowing labour migration of “unskilled workers” (Jap.: *tanjun rōdō*) to Japan. Thirdly, MOJ announced it would push for stricter implementation of punishment for persons who overstay their visa

¹¹ The then Minister of Justice, Seiken Sugiura, called for this commission to be formed shortly after the MHLW had issued the latest numbers on Japan’s demographic development in December 2005.

¹² This suggestion was first made public during a press conference held by Tarō Kōno on May 30, 2006, which announced the upcoming release of the commission’s first report (*Asahi Shinbun* 2006/05/31:2). It was confirmed in the commission’s final report on 26 September 2006 (MOJ 2006c).

and their employers. Of special concern are exchange students (visa categories of *ryūgaku* and *shūgaku*) from China, who – according to the MOJ – overstay their student visas in large numbers and find work as undocumented labour. Already in place at the time of this announcement was a campaign launched by the MOJ in 2004, the Campaign against illegal work by foreigners (Jap.: *fuho shūrō gaikokujin taisaku kyanpēn*) (MOJ 2006a). Via this ongoing campaign the MOJ calls for assistance from the general public and from employers in combating illegal foreign work in Japan.¹³ To sum up MOJ's position on forms of labour migration to Japan, which by other government agencies are seen as alternatives to the current framework given by the MOJ-supervised Bureau of Immigration, there is a clear rejection of these new forms of migration regulation. This goes as far as to completely avoiding even to mention the JPEPA. Asked about his opinion on the proposed treaty during the 2006 interview, Kōno said this was nothing of concern to the MOJ. The MOJ, as Kōno stressed, aimed to avoid single-sector and nation-specific immigration guidelines; rather it strives for a comprehensive approach to creating a “harmonious match” of migration population and host population in Japan.

The position of the United Nations (UN) on labour migration to Japan is represented here by the views of two UN bodies: the United Nations Population Division (UNPD), and the United Nations High Commissioner of Human Rights (UNHCHR). The UNPD report has been briefly introduced in section two of this paper. In its essence it states that Japan – assuming that the current demographic development continues without change – will need labour migrants in large numbers, that is Japan will need to include so-called unskilled labourers in the groups of migrants to whom doors will be opened. It is, however, also obvious that the numbers in question are way too large to gain political or societal consensus in today's Japan. While the UNPD (2000) presents empirical proof of how much labour migration Japan would need to meet certain goals, the UNHCHR (2006) focuses on qualitative research to describe the living environment of foreigners and national minorities in Japan. UNHCHR special rapporteur Doudou Diène, who visited Japan in summer 2005, published his research results in January 2006 in a final report titled *Racism, Racial Discrimination, Xenophobia, and all Forms of Discrimination* (UNHCHR 2006). The report concludes that there is racism,

¹³ The MOJ also provides a website offering an opportunity to the general public to anonymously report any potentially suspicious activities of foreigners in Japan (MOJ 2004).

(racial) discrimination and xenophobia in Japan. It calls upon the Japanese government to acknowledge its existence and to show the political will to combat it. Also, a national anti-discrimination law should be passed and implemented and a commission for equality and human rights established. Finally, it asks the Japanese government to revise its policies regarding the writing and teaching of history. The UNHCHR report describes today's Japan as a country unfavourable to national minorities and foreigners: If Japan is to accept border-crossing labour migration, it needs to change its attitude towards foreigners. Arguing for the protection of human rights, Japan is called upon to create a living environment that will welcome foreigners as settlers, that is, as part of the general society, and not only as a short-term workforce. Neither of the two UN bodies, however, explicitly takes issue when it comes to the JPEPA.

In terms of including unskilled workers into the labour migration flow to Japan, the Keidanren and the UN bodies hold positions relatively close to each other. For several years now, the Keidanren has been arguing for the internationalization of Japanese business and society. In 2003 it published a paper titled *Japan 2025: Envisioning a Vibrant, Attractive Nation in the Twenty-First Century* (Nippon Keidanren 2003b). This paper draws a picture of the Keidanren's visions on how Japan's economic policies, societal structures, and international relations could evolve in order to make Japan a powerful contestant in international competition:

Non-Japanese who come to live in this country will bring diverse viewpoints and talents. Japan must create an environment where foreigners can actively participate in economic and social activities. On an individual level this will require greater tolerance toward diversity; on the administrative level, the government must open Japan's doors to people from around the globe so that they can display their ability in this country. (Nippon Keidanren 2003b:7)

What at first glance reads like enthusiastic support for an open-door labour migration policy is modified in an amendment to the Keidanren's initial report. In that paper (2003a), the Keidanren argues explicitly for four measures that should be taken in order to help Japan regaining "socioeconomic vitality" through internationalization. These include creating an attractive living and working environment for the international community in Japan; preparing the farming and service sectors, the sectors which in the near future will be in need of foreign workers the most, for accepting and integrating this new workforce;

reforming the currently existing visa categories and expanding the system of EPAs; and creating a so-called “Office for Non-Japanese Worker Acceptance”, i.e. an administrative body in charge of all matters regarding the life and work of foreigners in Japan. The Keidanren, however, also stresses that it is not arguing for the unlimited acceptance of foreign workers into Japanese society; there need to be limits, which are to be set by the requirements of the market. Foreign workers coming to Japan under the EPA system or via different avenues will need to be granted a permission to stay and work in Japan for as long as it is favourable to Japan’s labour market. In a March 2007 statement the Keidanren specified these previously made general recommendations: EPAs should open an opportunity for labour migration to Japan not only for care workers but also for workers in sheet metal processing, welding and shipbuilding, areas with increasing labour shortage in Japanese companies (JT, 2007/03/21).

The JPEPA is one centerpiece of current migration policy reform in Japan. It serves as an excellent example to show how divided government agencies, business federations and international organizations are when it comes to shaping a new framework for labour migration to Japan. While the MOFA and the METI were actively engaged in realizing the JPEPA, the MHLW initially opposed it, but then agreed on it, and the MOJ is still in disagreement. The Keidanren supports it, but local caregiver associations oppose it fiercely and find their avenue into the policy making process through the MHLW. The UNPD supports it as long as human rights protection is granted (UNHCHR); many CSOs (not mapped in Figure 4 for reasons mentioned above) oppose the JPEPA as just another loophole of labour migration for unskilled workers to Japan under unstable working and living conditions.¹⁴

4 What Triggers Policy Change?

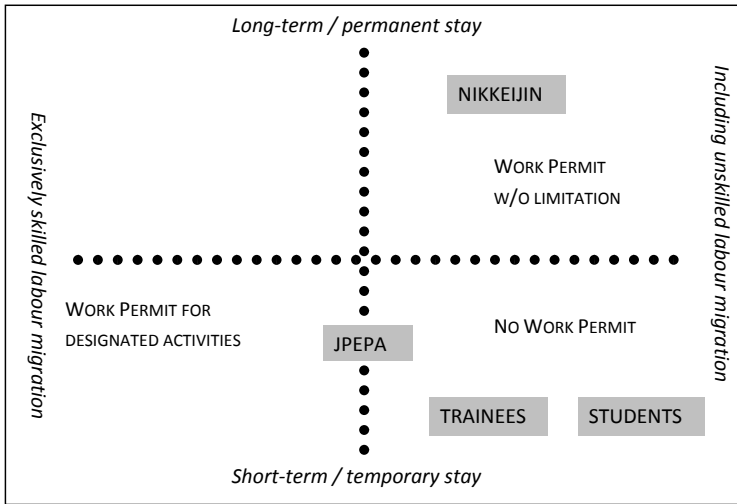
The previous paragraph is not only a preliminary resume of section three of this paper on mapping the current discourse on labour migration to Japan with a special focus on the recent JPEPA, but also is about what we might need to call

¹⁴ In April 2006, the then *Ijuren*-chairperson Manami Yano in an interview with the author classified a thorough revision of migrant workers’ rights and working conditions as a main issue of concern of current *Ijuren* activities (Yano 2006/04/10, Interview). *Ijuren* is Japan’s largest advocacy network for migrants in Japan (Vogt/Lersch, forthcoming). Shipper (2001, 2006:269–289) provides a general introduction on CSOs’ activism evolving around migrant support in Japan.

a “mess”, at least if the question of what triggers policy change is asked. With reference to Figure 4 we can conclude that the positions of three government agencies, MOFA, MHLW, and METI actually are rather close to each other. And yet these three government agencies also provide the whole range of policy options. The MOJ, the Keidanren and the UN hold somewhat more clearly distinguished positions: the MOJ is located on the far edge of the quadrant “short-term / temporary stay” and “exclusively skilled labour migration”; both the Keidanren and the UN – if for different argumentative reasons (pragmatic economic approach vs. humanitarian approach) – are situated in the exact opposite quadrant of “long-term / permanent stay” and “including unskilled labour migration”.

Asking the question of what triggers policy change in the field of migration policy in Japan, as a next step we need to map current policy outcomes in the quadrants of Figure 4. Nurses and care workers coming to Japan from the Philippines via the JPEPA will need to be placed in the quadrant of “short-term / temporary stay” and “including unskilled labour migration”, since their work permits and visas will be limited (albeit renewable) ones and their professional qualification cannot be classified as highly skilled. This point, however, is subject to some debate. During my interview with Tarō Kōno (2006), his personal secretary Hiroshi Saita mentioned that the MOJ is not openly opposing the policy formation of JPEPA migration structures as it considers care workers not to be unskilled workers *per se*. Saita went on to explain that a clear distinction between nurses and care workers was necessary. Since care workers were graduates of four-year universities they needed to be considered as skilled workers; the same does, however, not hold true for nurses, who, according to Kōno, fall into the category of unskilled labour. Figure 5 illustrates this mapping. Also mapped in Figure 5 are *nikkeijin*, trainees and students. Trainees and students reside in Japan under the visa categories of *kenshū* (trainee), *ryūgaku* (college student) and *shūgaku* (pre-college student) respectively. They do not hold work permits, but *de facto* many of them are members of the dumping wage sector of Japan’s business world. Mapping the reality, not the political guidelines, of migration policy, they need to be included as workers in the quadrant of “short-term / temporary stay” and “including unskilled labour migration”. Migration reality for *nikkeijin*, who can be understood – also according to Kōno – as low-wage labour migrants, are located in the quadrant of “long-term / permanent stay” and “including unskilled labour migration”. They may, however, soon switch

Figure 5 Labour migration to Japan: Mapping the current migration reality



Source: Design by author.

categories to “short-term / temporary stay” and “including unskilled labour migration”, as the MOJ in its final report of the Kōno commission suggests extending the compulsory language proficiency tests to *nikkeijin* in order to ensure efforts for integration into the hosting society on their side. This means that the *nikkeijin*’s unconditioned visa for long-term stay (Jap.: *teijūsha*) may be transformed into a (renewable?) temporary visa status.

Bearing in mind the data presented in Table 3, it can be argued that the vast number of migrant labour in Japan can be mapped as belonging into the right-hand side of the mapping graph that is into the category of “including unskilled labour migration”. With the exception of the four named visa categories that grant a long-term stay in Japan to its holders (Table 3), much of the migration flows of labourers coming to Japan goes right into the sector of “short-term / temporary stay” of unskilled labour. The official policy guidelines, however, state as wanted labour migration to Japan those that fit into the quadrant of “short-term / temporary stay” and “exclusively skilled labour migration”. Currently, however, short-term highly skilled labour migration is rather small in numbers

(Table 3). Only the JPEPA to some degree – see the argumentation outlined above – proves this guideline as becoming a political reality.

Why does the political reality show the majority of labour migrants in Japan in a completely different setting than what political guidelines tell us they should be in? A number of potential reasons come to mind: international convergence of migration norms, effects of CSO lobbyism, or – presumably the strongest influence – implications of economic interests. Each of these reasons, however, fails to grasp the full picture. An international convergence of current migration norms might actually trigger a totally different policy outcome in that it would most likely strengthen the integration aspects in labour migration. European countries in particular came to rethink, for example, their concepts of citizenship. Germany, for decades a country that stated not to be a country of migration at all, now faces a large migration population in its midst and offers new ways of integration. This includes, for example, an option for dual citizenship under certain criteria.¹⁵ If the CSO lobbying had a significant effect on Japan's policy guidelines in the field of migration, policy outcomes most likely would look different as well. It might be predicted that human security issues would be of more central relevance to policy formation. Human security in migration means that migrants (in particular, for example, refugees) should be given a long-term perspective for settlement no matter what their professional qualifications are. Also, if the CSOs' hands-on engagement was conducted more efficiently, it might open up migrants' access to political and socio-economic systems, thus strengthening migrants' efforts for integration and a host society's level of hospitality.¹⁶ In terms of the four quadrants I used for mapping the current debate on migration in Japan, an increasing CSOs' influence means that the quadrant on "long-term / permanent stay" and "including unskilled labour migration" would most likely be strengthened. Finally, if economic interests had a significant impact on policy formation, the same quadrant would be strengthened: Bearing in mind the demographically induced shrinking of the workforce, it lies in the current as well as in the future economic interest to hold a pool of so-called

¹⁵ For the latest changes to Germany's immigration law, refer to the 15 July 1999 amendment of the *Zuwanderungsgesetz*, Article 5, §12. See Castles/Davidson (2000) on the theoretical concept of citizenship and migration.

¹⁶ Koff (2006) showed how integration and hospitality relate to each other for the case study of Italy.

transnational human resources readily available for taking over not only tasks for a skilled workforce, but also those for an unskilled workforce. Also from the perspective of a global labour market one might expect the push-pull-model, that is an economically induced process that pushes workers from areas with labour surplus and pulls them to areas facing labour shortage, to be effective.¹⁷

The policy outcome as we see it today may very well have been influenced to smaller or larger degrees by these factors of international convergence, CSO lobbyism, and economic interests. Neither of these processes, however, seems to be extraordinarily predominant. Nor can we conclude that the reality of current migration trends to Japan is a result of reducing those impacts to a common denominator, that is to finding the best possible compromise for the actors holding stakes in this policy formation process. Rather, what we can observe is an enormous gap between the current migration reality and the policy formation process behind the scenes. This gap was made possible by the double-faced character of Japan's migration policy. On the surface (Jap.: *omote*), Japan is likely to keep to a strict migration policy of only accepting skilled foreign workers for fixed periods of time; at the core (Jap.: *honne*) of this policy, however, there is a strategic ignorance towards migration flows of unskilled workers. Legal loopholes such as the trainee system provide wide avenues for migration flows and for the time being function well with the full knowledge of employing companies and supervising authorities. This disaccord of theory and practice evolving around the issue of labour migration to Japan reflects a general disconnectedness between political actors and policy outcomes in Japan. It thereby serves as yet another example for a shift in Japan's political system from a bureaucracy-driven system toward one that is dominated by individual leading politicians and their strong ideals of policy content.¹⁸

5 Conclusion

The connection between demographic change and replacement labour migration to Japan is not (yet) all that visible. This became clear in this case study on the JPEPA, which addresses care worker migration in particular and with that, the

¹⁷ Brettell/Hollifield (2000) provide an interdisciplinary introduction into the push-pull-model and other migration theories.

¹⁸ Talcott (forthcoming) provides an in-depth analysis of this shift and puts it against the background of Japan's demographic change.

issue of meeting a very concrete economic demand of an aging society. Does the “invisibility” of this connection come as a surprise? Economist Yasushi Iguchi (2001:44) characterizes the current debate on Japan’s demographic change and labour migration as one driven by *kikikan*, a feeling of crisis. And yet this feeling has not been translated into policy measures. One reason for this might be that the economic pressure of Japan’s demographic shift on the labour market simply is not yet strong enough. Closely connected with this argument is the assumption that economic needs will trigger appropriate policy responses in due course. So far, however, as shown in section four, the influence of the economic circles on the process of migration policy formation has not been extraordinarily strong. Another reason for the “invisibility” of the connection between demographic change and labour migration might be that the question whether or not replacement migration can be a “solution” to a shrinking workforce has already been decided. Does the lack of a real debate on this issue suggest that replacement migration simply is a taboo issue that Japan’s politicians are not (yet?) willing to take up? Is Japan indeed supposed to become a “beautiful country” [Jap.: *utsukushii kuni*] (Abe 2006), solely by drawing strength from within, even if “within” is shrinking fast? Against the background of this political climate of “beautifying” Japan in a time of “crisis”, rising numbers of labour migrants are a non-issue, even if demographic pressure tells us different. At this point, the door to Japan for labour migrants is pretty wide shut.

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