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JAPANESE IMMIGRATION POLICY: EXAMINING ITS POLITICAL, INSTITUTIONAL, AND ECONOMIC BASIS

by

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This thesis seeks to answer the question: Why has Japan's immigration policy been restrictive? The research will explore the factors that influence Japan's immigration policy. Specifically, it will examine Japan's restrictive immigration strategy and the resulting immigration patterns. It seeks to answer why Japan's immigration policy has remained relatively restrictive (closed) despite external factors pressuring it to open up (i.e., the country's increased need for foreign labor due, in part, to a stagnating economy and a rapidly aging population). This thesis acknowledges that more recent developments in Japanese immigration policy seem to point to a new, more open policy direction, but contends that it remains too early to say whether this demonstrates a significant policy shift or is simply an anomaly.

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JAPANESE IMMIGRATION POLICY: EXAMINING ITS POLITICAL, INSTITUTIONAL, AND ECONOMIC BASIS

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LIST OF ACRONYMS AND ABBREVIATIONS

3K/3D	*Kitsui, Kitanai, Kiken* (Demanding, Dirty and Dangerous)
CAO	Cabinet Office, Government of Japan
EPA	Economic Partnership Agreement
GDP	Gross Domestic Product
GOJ	Government of Japan
ICCPR	International Covenant on Civil and Political Rights
JCCI	Japan Chamber of Commerce and Industry
LDP	Liberal Democratic Party
METI	Ministry of Economy, Trade, and Industry
MIC	Ministry of Internal Affairs and Communications
MITI	Ministry of International Trade and Industry
MOJ	Ministry of Justice
NPA	National Police Agency
OECD	The Organization for Economic Development and Development
TITP	Technical Intern Training Program
UNHCR	United Nations High Commissioner for Refugees

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I. INTRODUCTION

A. MAJOR RESEARCH QUESTION

This thesis seeks to answer the question: Why has Japan's immigration policy been restrictive? The resulting research explores the factors that influence Japan's immigration policy. Specifically, the thesis examines Japan's restrictive immigration strategy and the resulting immigration patterns. It seeks to answer why Japan's immigration policy has remained relatively restrictive (closed) despite external factors pressuring it to open up; or example, the country's increased need for foreign labor due, in part, to a stagnating economy and a rapidly aging population. This thesis acknowledges that more recent developments in Japanese immigration policy seem to point to a new, more open policy direction, but contends that it remains too early to say whether this demonstrates a significant policy shift or is simply an anomaly.

B. SIGNIFICANCE OF THE RESEARCH QUESTION

As its major political, economic, and military ally, the United States has significant interest in Japan, including in its economic prospects. Japan, previously the economic powerhouse in Asia, has been facing a prolonged economic stagnation. Japan's declining and aging population has exacerbated this economic situation, drastically reducing the available workforce within the economy. Japan's population had already started declining in 2015; it is projected that its population in 2050 will be reduced from 127 million to 100 million, a reduction of 23%.[1] With this decline, a power vacuum will result in a more economically powerful China. Already China flexes its significant economic power throughout the region; it is able to influence bilateral and multilateral economic agreements, and much of the East Asian countries' GDPs are dependent on China as a trade

[1] Roger Goodman, and S Harper, "Japan in the New Global Demography: Comparative Perspectives," *The Asia-Pacific Journal: Japan Focus* vol. 5, issue 7 (July 2007): 1, https://apjjf.org/-Roger-Goodman/2472/article.html.

partner.[2] This shift in the balance of powers in Asia continue to impact the United States' interests in the region.

Additionally, Japan's population decline and prescription for adaptive immigration policy is a common trend that many developed countries (including the United States, Canada, Australia, and many European countries) face today. It would be helpful to observe other countries' response to the immigration challenge and the resulting economic, political and cultural implications.

C. LITERATURE REVIEW

In order to answer what drives the development of Japan's immigration policy, it is necessary not only to examine the specific actors that set, influence, and change immigration policy, but also to understand the underlying theories that influence immigration policy discourse. This thesis conducts an overview of the different migration theories. Understanding the reasons why people immigrate to another country brings us close to understanding how policies are developed to shape this movement. The thesis also surveys the different migration policy theories. These theories help answer the question, "What drives state migration policies?" and should be directly applicable to the Japan case study. In later chapters, this thesis reviews Japan's Immigration history from the 1980s to present day. It also demonstrates the overall immigration patterns in the country, what the dominant policies were, and what drove the policy formation.

1. Migration Theories

What drives people to immigrate from one country to another? A number of these theories use economic rationales for initial migration. In the neoclassical economic theory, alternatively called the push-pull or "rational choice" theory, the initial movement results

[2] Robert S. Ross, "On the Fungibility of Economic Power: China's Economic Rise and the East Asian Security Order," *European Journal of International Relations* 25, no. 1 (March 1, 2019): 303, 318–9, https://doi.org/10.1177/1354066118757854.

from a "self-selection" of migrants to move to higher-income and wealthier regions.[3] According to this theory, a "natural equilibrium" in migration movement occurs when people are either "pushed" to leave their country due to low wages, low employment opportunities, or high inequality, or are "pulled" into a more attractive country that provides better economic and/or political prospects.[4]

O'Reilly noted shortcomings of a push-pull theory, as it ignores non-economic reasons for migration, including the role of states in policy formation, and erroneously assumes automatic migration from low-income to high-income areas (not true in many cases, including Japan's).[5] Related micro-level theories of the neoclassical theory sees an individual (as in the "rational actor model) or a group/family/community (as in the new economics of labor migration theory) as "rational actor[s] making the cost benefit analysis" to either stay in place or migrate, based on "maximizing their return," whether these benefits are monetary, quality of life, etc.[6]

The Dual/Segmented labor market theory builds on the push-pull theory, but also argues that developed nations require an influx of immigrants from less-developed countries to fill mostly unskilled, temporarily, lower-wage work.[7] Fussell concludes that this influx results in a "segmented labor market," where the lower-skilled, lower-wage jobs are sectioned off to migrant workers and avoided by its citizens, as they seek employment higher up in the economic value-chain.[8] The World Systems theory also relies on the

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[3] Karen O'Reilly, "1. Migration Theories: A Critical Overview," In *Routledge Handbook of Immigration and Refugee Studies*, ed. Anna Triandafyllidou (Abingdon, Oxford: Routledge, 2015), 2–6; Elizabeth Fussell, "Space, Time, and Volition: Dimensions of Migration Theory," In *Oxford Handbook of the Politics of International Migration,* ed. Marc R. Rosenblum and Daniel J. Tichenor, (Oxford University Press, 2012), 3–5*,* http://oxfordhandbooks.com/view/10.1093/oxfordhb/9780195337228.001.0001/oxfordhb-9780195337228-e-2.

[4] Ibid.

[5] O'Reilly, "1. Migration Theories: A Critical Overview," 2–6.

[6] Fussell, "Space Time and Volition: Dimensions of Migration Theory," 4.

[7] O'Reilly, "Migration Theories: A Critical Overview," 3–4; Fussell, "Space Time and Volition: Dimensions of Migration Theory," 4.

[8] Fussell, "Space Time and Volition: Dimensions of Migration Theory," 4–5.

"push-pull" basis for immigration but emphasizes the exploitative role of developed capitalist countries in utilizing cheaper labor from poorer nations.[9]

The New Economic theory, meanwhile, emphasize non-financial factors that influence immigration; this theory highlights the impact of existing, informal migration networks that provide a support system for incoming immigrants, facilitating better integration to their adopted country.[10] Fussell concludes that the social capital theory similarly emphasizes non-financial elements that influences immigration, illustrating that "when a group migrates and acquires migration-specific information and relationships, social capital spreads to the group's other members and facilitates their migration."[11] Mexico to U.S. immigration provides an example of this dynamic.[12]

In sum, the above-outlined migration theories discuss the macro-level and micro-level rationales for the migratory movement of peoples from one country to another. The majority emphasized economic arguments in affecting migratory patterns.

2. Labor Migration Policy Theories

The second section discusses different labor migration policy frameworks that influence a state's migration policies, and in turn, its migration patterns. Balch categorizes these approaches into six sections: (1) political economy approaches; (2) institutional; (3) "right based accounts and embedded liberalism"; (4) "varieties of nationhood"; (5) International relations perspectives; and (6) cognitive approaches.[13]

The political economy models stress Freeman's theory of the influence of businesses in liberalizing migration policies, due to their "need for lower cost labor," as an

[9] O'Reilly, "Migration Theories: A Critical Overview," 4–5; Fussell, "Space Time and Volition: Dimensions of Migration Theory," 4–5.

[10] O'Reilly, "Migration Theories: A Critical Overview," 3–4.

[11] Fussell, "Space Time and Volition: Dimensions of Migration Theory," 11.

[12] Fussell, "Space Time and Volition: Dimensions of Migration Theory," 11.

[13] Alex Balch, *Managing Labour Migration in Europe: Ideas, Knowledge and Policy Change.* (Manchester; New York: Manchester University Press, 2010) 19–29.

effective counter to anti-immigration groups.[14] Balch states that in this model, "politicians maximize utility by responding to domestic interests," that is, by determining migration policy based on economic need; related models include the corporatist approach and the Money's model that show the opposite power of anti-immigration elements in formulating restrictive immigration policies.[15] Critiques to this approach include its overly simplistic reasoning for the immigration policy-making process, and its "liberal democratic" bias that assumes a "US-style pluralism" as the natural outcome of developed countries.[16]

The institutionalist approach highlights the role of institutions in policy-making. Rational institutionalists identify the results when conflict exists between policy recommendations received through knowledge (i.e., via research or studies) and when institutional frameworks impede the extent of policies that can be pursued; for example, the rational institutional approach explains politicians' tendency to pursue policies contrary to recommended actions.[17] Historical and sociological institutionalists, meanwhile, highlight the importance of historical and social ideas and norms in determining policy.[18] For example, Balch showed how immigration of people from former colonies of Europe continue to affect their ability to enact policies controlling or restricting such movement, and how "international [social] norms" of refugee integration have the same effect on policy-making.[19]

Hollifield espoused the "rights-based accounts" and embedded liberalism approach which argued that "inherent liberal qualities of institutions constrain the capacity of governments to implement and enforce restrictive measures against immigration."[20] This approach would explain the United States' conflict against implementing restrictive immigration policies as "anti-Democratic" and anti-American, but it would not explain

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[14] Ibid., 20.

[15] Ibid., 20–22.

[16] Ibid.

[17] Ibid., 22.

[18] Ibid., 23.

[19] Alex Balch, *Managing Labour Migration in Europe: Ideas, Knowledge and Policy Change,* 23.

[20] Ibid., 23–24.

similar restrictive policies of other countries like Japan. A related theory concerns the "varieties of nationhood" approach, which postulates that it is the nation's historical "ideas of nationhood" which define its priorities and identity, which in turn, define its attitudes towards immigrants and immigration policies.[21]

The International relations approach to migration policy focus on either immigration in the umbrella of foreign policy (realist approach) or the economic liberalism as it extends to migration patterns (liberalist approach).[22] Balch describes a related theory, the globalisation approach, which states that increasing globalization have weakened the state, blurred traditional geographic boundaries, and made migration more prevalent and inevitable.[23] Finally, the cognitive approach focuses not on rational reasoning for policy formulation, but emotional triggers: with regards to immigration, this can either be a "group inclusion" (pro-immigration) or a "group threat" (anti-immigration) emotion.[24] The degree that it gravitates between inclusion and threat would depend on the nation's ideational norms.

D. POTENTIAL EXPLANATIONS AND HYPOTHESIS

The purpose of this research is to understand the elements that shape Japan's immigration policy. To answer this question, this thesis analyzes the three dominating factors in immigration policy decisions: (1) economic factors; (2) political/institutional; and (3) cultural. These factors may not be exclusive and in many cases, may provide simultaneous, compatible explanations.

(1) Hypothesis 1: Economic Factors determine policy

This hypothesis examines the extent that economic incentives have affected immigration policy. It postulates that the financial pain from a country's economic stagnation, aggravated by the rapidly declining population (resulting in decreased available

[21] Ibid.

[22] Ibid., 24–26.

[23] Ibid.

[24] Ibid., 26–27.

workforce), is not sufficient to compel broad immigration reforms and the construction of an overarching policy. Additionally, it proposes that current immigration work-arounds have satisfactorily provided a stop-gap to the need for an increased labor force; these work-arounds include increased automation, increased efficiency and output, and the employment of rural, women, and the "younger" elderly.

(2) Hypothesis 2: Political and institutional factors influence policy

This hypothesis examines the extent of Chiavacchi's argument that institutional constructs have prevented the formation of a comprehensive immigration policy, and have instead encouraged a piece-meal, reactionary policy process.[25] It will analyze the extent that the institutions cause "fragmented policies" due to their lack of integration efforts. It will also examine how different political actors frame the immigration as either a "security" or "integration" issue.[26]

(3) Hypothesis 3: Japan's strategic culture directs the immigration narrative

This hypothesis postulates that Japan's strategic culture (its history, shared beliefs, national identity) shapes how immigration is viewed and how immigration policy-making is discussed.

E. RESEARCH DESIGN

This thesis assesses the empirical evidence of each of the different hypothesis. For each of the potential explanations, this thesis examines case studies of specific policies and how each hypothesis provides the basis for the policy's inception or change. It also draws evidence from previous scholarly analysis on the various potential explanations. For example, the cultural factors chapter will observe previous historical analysis on Japan's

[25] David Chiavacci, "Indispensable Future Workers or Internal Security Threat?" In *Governing Insecurity in Japan: The Domestic Discourse and Policy Response,* ed. Wilhelm Vosse, Reinhard Drifte, and Verena Blechinger-Talcott Abingdon (Oxon: Routledge, 2014), 131–132.

[26] Gabriele Vogt, "Friend and Foe: Juxtaposing Japan's Migration Discourses," In *Governing Insecurity in Japan: The Domestic Discourse and Policy Response,* ed. Wilhelm Vosse, Reinhard Drifte, and Verena Blechinger-Talcott (Abingdon, Oxon: Routledge, 2014), 62–64.

national identity and how it shapes perceptions on immigration (utilizing national survey/polls), including how it affects the policy discourse within Japan's government.

This thesis utilizes primary sources where readily available to include government reports by the Ministry of Justice (including summaries and statistics) and institutional white papers from sources such as the Cabinet Office, Government of Japan (CAO) and Ministry of Economy, Trade, and Industry (METI). However, the majority of the evidence is derived from secondary sources, focusing on academic books and edited works regarding immigration, as well as scholarly journals, internet blogs, news articles, and non-profit think tanks. In analyzing the cultural factors influencing Japan's immigration policy, it would also be sensible to examine the various public opinion polls, surveys, and other qualitative data on immigration, and how those statistics varied with time through different immigration policy adjustments.

F. THESIS OVERVIEW

This thesis consists of seven chapters. Chapter I introduces the major research question and its significance, provides a literature review on the subject and gives a short explanation on possible hypothesis. Following the introduction, Chapter II provides context on Japan's immigration patterns and enumerates that various reasons that the country's immigration system is considered restrictive. Chapter III presents an overview of Japan's immigration history, focusing on policy adjustments from 1980s-1990s to the present day. Chapters IV to VI examines Japan's immigration policy rational: what shapes the country's immigration policies? This complex question cannot be answered without looking at three relevant areas that significantly affect policy-making: (1) economic; (2) political/institutional; and (3) cultural.

Chapter IV analyzes the economic incentives behind major Japanese immigration policy proposals. Japanese Immigration policy-making seems driven, in large part, to economic incentives. CAO and METI's more open immigration stance is based on Japan's economic need for foreign migrants to maintain its economic efficiency and counter its

population decline.[27] Japan went through its initial immigration reforms in 1990s as a response to increased demand for unskilled labor due to the economic boom.[28] And even its recent policy changes, including the new Nikkeijin policy and the Canada-style point system for high-skilled immigrants, was designed to enable Japan to remain competitive and maintain its technological edge.[29]

Chapter V examines the political and institutional factors affect the way Japan's immigration policy is approached. It considers how political and institutional actors frame their policy recommendations, from linking immigration policy to national security concerns to carefully selecting policy terminologies that won't invoke negative public sentiment. It surveys institutional factors may limit comprehensive immigration policy shifts, and the resulting disparity between immigration policy and the resulting immigration trends. Chapter V also addresses the effects of local governments and civil advocacy groups in advancing immigration policy.

Chapter VI examines the cultural basis in pursuing restrictive immigration policies. Chapter VI surveys whether, as Tsuda argues, Japan's cultural identity as a homogeneous nation drives its restrictive immigration policies[30], and to what extent, if any, cultural mistrust of the "other" results in strong discourse regarding the correlation between increasing immigration and increased crime and insecurity.[31] Chapter VI considers the desire to remain culturally homogeneous and its conflict with the competing narrative of Japan as one that pursues *tabunkakyousei* or "the coexistence with multiple cultures."

Finally, chapter VII discusses conclusions drawn by this research, and examines the extent to which each of the three major areas—political/institutional, economic, and

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[27] David Chiavacci, "Indispensable Future Workers or Internal Security Threat?" In *Governing Insecurity in Japan: The Domestic Discourse and Policy Response,* ed. Wilhelm Vosse, Reinhard Drifte, and Verena Blechinger-Talcott (Abingdon, Oxon: Routledge, 2014), 119–121.

[28] Erin Aeran Chung, *Immigration and Citizenship in Japan* (New York: Cambridge University Press, 2010), 150.

[29] Keiko Hirata, *Japan: The Paradox of Harmony* (New Haven: Yale University Press, 2014), 119–122.

[30] Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," 20.

[31] Chiavacci, "Indispensable Future Workers or Internal Security Threat?" 124–127.

cultural) shaped Japan's immigration policy. Chapter VII answers the initial research questions and suggests future policy recommendations.

II. JAPAN'S IMMIGRATION PATTERNS

The next chapter demonstrates that Japan's immigration patterns and policy choices throughout the years seem to corroborate the conventional scholarly wisdom that Japan's immigration system has been and remains restrictive. To do this, it first provides a short overview of Japan's immigration numbers, concentrating from the 1990s to the present day as that period provides the most dynamic immigration policy changes that the Japanese government adapted in response to increasing economic and social need. First, Section A compares Japan's immigration numbers to other OECD countries as a percentage of the population and concludes that the country's immigration rates lag behind its counterparts. Section B provides an overview of the immigrant composition. Section C demonstrates that Japan's low immigration numbers extend to its refugee acceptance rates. Section D gives evidence of Japan's preference for temporary immigration providing only a limited path to gain long-term residency as opposed to allowing avenues for permanent migration. Finally, Section E argues that the lack of immigration integration support structure contributes to the low immigration trends and Section F concludes that the various data above provides sufficient proof that Japan's immigration can be accurately described as low and restrictive.

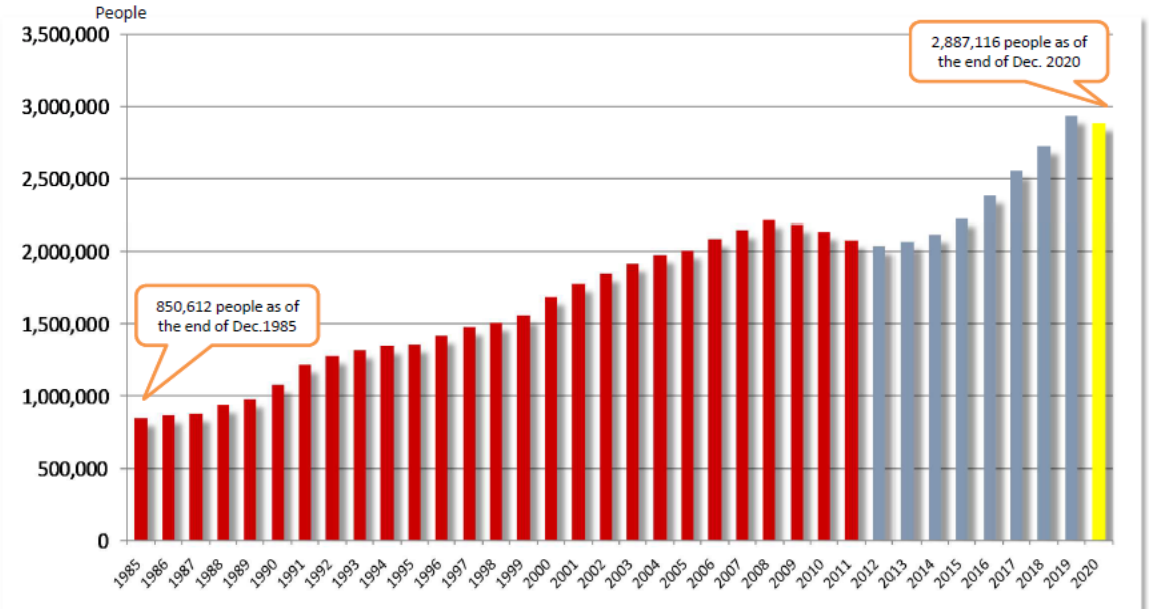
A. IMMIGRATION NUMBERS

The overall trend of foreigners immigrating to Japan is comparatively low when compared to other developed countries. Japan's foreigner population remained steady around 600,000 to 880,000 from the 1970s to 1990, or approximately 0.6-0.7% of the total population.[32] Starting in 1990, the foreigner population increased commensurate with Japan's immigration policy implementations in the 1990s and 2000s. In 2000, the population grew to 1.3 million (or 1% of the total population); in 2010, foreigners comprised 1.3% of inhabitants; by 2014, the 2.4 million foreign immigrants comprised

[32] Statistics Bureau of Japan, *Summary of the Results of Population Census of Japan 2010 (*Tokyo:Statistics Bureau of Japan, 2010), 416, http://www.stat.go.jp/english/data/kokusei/2010/final_en/pdf/summary.pdf

1.9% of the total population.[33] Japan's immigration numbers showed a slight increase in the last five years, as Shinzo Abe's cabinet pursued immigration policies designed to accept a larger foreign workforce, most recently in the 2018 Immigration Policy for skilled and semi-skilled workers. Foreign residents in 2020 reached 2.8 million. While this is one of Japan's highest recorded foreign resident population figures, it still only represents about 2.2% of the total population, significantly lagging compared to other OECD countries.[34] Figure 1 shows immigration trends from 1985 to 2020, while Figure 2 exhibits the migration rates in the last ten years for OECD countries.

Figure 1. Trends in Numbers of Foreign Residents, 1985–2020[35]

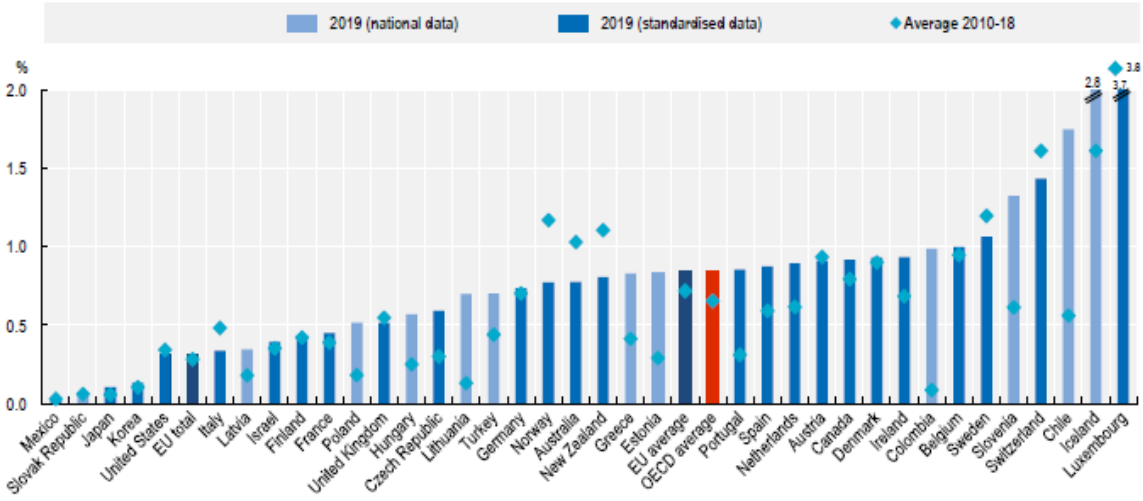


[33] Statistics Bureau of Japan, *Summary of the Results of Population Census of Japan 2010*, 416; Takashi Kodama, "Japan's Immigration Problem: Looking at Immigration Through the Experience of Other Countries," *Daiwa Institute of Research* (29 May 2015): 3, https://www.dir.co.jp/english/research/report/others/20150529_009776.pdf

[34] OECD (2020), *International Migration Outlook 2020, (*Paris: Routledge, 2020), 26, Http://doi.org/10.1787/ec98f531-en.

[35] Source: Immigration Services Agency of Japan, *Initiatives to Accept New Foreign Nationals and for the Realization of Society of Harmonious Existence,* 930004452 (Tokyo Japan: Ministry of Justice, 2021), 1, https://www.moj.go.jp/isa/content/930004452.pdf.

Figure 2. Permanent Migration Flows to Selected OECD Countries, 2010–19 Percentage of the Total Population[36]



B. IMMIGRANT COMPOSITION

The foreign residents consist of Koreans (including *Zainichis*, or ethnic Koreans with residence roots in Japanese-colonzedl Korea) at 24.4%, Chinese at 31.1% (many of whom receive their immigrant status from the foreign Technical Intern Trainee Program, or TITP, and foreign students/working visa program), South Americans at 11.5% (consisting mainly of *Nikkejin*, or South Americans who are ethnically Japanese), Filipinos at 10.3% (utilizing either the nursing visa or the "entertainment" visa), and other Asian countries at 16%. [37]Foreign visas can be obtained from several sources, including: (1) the *Nikkejin* program, which allowed ethnic Japanese and their families from South American countries such as Brazil and Peru to immigrate regardless of their work-skill level; (2) the Technical Intern Training Program, which gave low-skill foreigners training, employment, and temporary resident status (up to three years); (3) foreign student programs, which allowed foreign students to stay after their education for work-related purposes; and (4)

[36] Source: OECD (2020), *International Migration Outlook 2020*, 26.

[37] Statistics Bureau of Japan, *Summary of the Results of Population Census of Japan 2010, 416*; Takashi Kodama, "Japan's Immigration Problem: Looking at Immigration Through the Experience of Other Countries," 14–15.

refugee status.[38] Of these, only the *Nikkeijin* and the refugee programs offer a path for long-term residency, and the bar to meet the GOJ's definition of refugee often precludes the majority of prospective refugees from receiving approval.

C. REFUGEE ADMISSIONS

Japan's low immigration numbers extend to the country's refugee admissions program. Japan's asylum numbers fall behind that of other comparable OECD countries, both in terms of the number of applications compared to the country's total population and the country's asylum applications approval rate. In 2014, for example, Omata states that Germany received over 173,000 asylum requests, approving 20% of the applicants; the UK and the United States reported similar approval numbers, with the United States accepting 29% of 85,000 asylum requests, and the UK accepting 37% of the approximately 32,000 cases.[39] In the same year, Omata cites that Japan received 5,000 asylum seekers and accepted only 11 refugees, or a miniscule 0.2% acceptance rate.

We see the same low acceptance rate five years later. Figure 3 provides the number of accepted asylum requests by selected countries. In 2019, Japan received 10,375 asylum applicants but only recognized 44 of them: an acceptance rate of 0.4%, especially low when compared to the asylum recognition rates of 25.9% for Germany, 29.6% for the United States, and 55.7% for Canada.[40] Hashimoto reasons that overall low number of refugee applicants can be explained, in part, by Japan's distance from unstable countries and its strict application of refugee status using the UN definition of "individuals who possess a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or membership in a particular group," excluding those facing private or economic

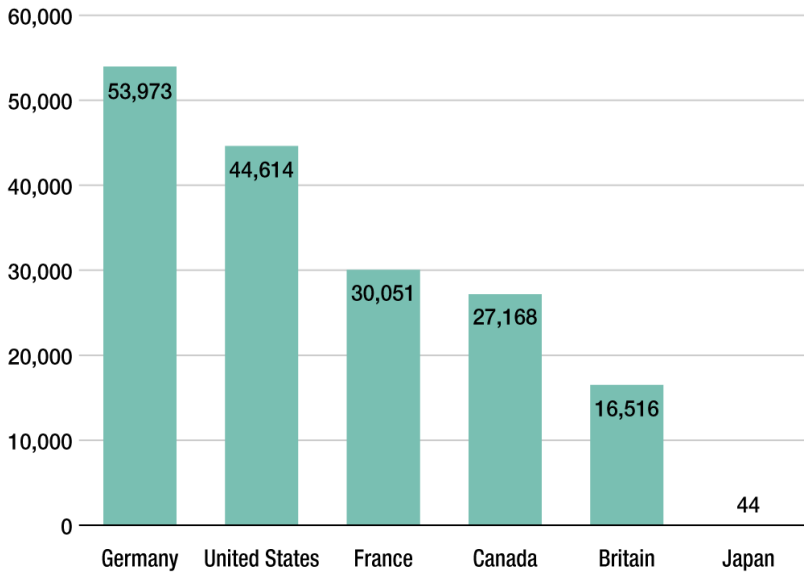
[38] Erin Aeran Chung, *Immigration and Citizenship in Japan* (New York: Cambridge University Press, 2010), 152–154.

[39] Naohiko Omata, "Open Wallet, Closed Doors: Exploring Japan's Low Acceptance of Asylum Seekers," *Migration Policy Institute*, October 7, 2015, https://www.migrationpolicy.org/article/open-wallet-closed-doors-exploring-japan%E2%80%99s-low-acceptance-asylum-seekers.

[40] Nippon, "Japan Accepts 47 Refugees in 2020 as Applicants Fall by 60% Due to Pandemic," April 30, 2021, *Nippon.com*, https://www.nippon.com/en/japan-data/h00991/.

difficulties.[41] While geographic factors may justify the low numbers of total applicants, they do not explain Japan's low acceptance rate. The low refugee acceptance percentages have not escaped international scrutiny; in 2014, after Japan declined all 61 Syrian asylum applicants from settling in the country, the UN High Commission for Refugees criticized Japan's methods as "rigid and restrictive."[42] As Japan continues to define the term "refugee" based on its most rigid application, it is unlikely that refugee acceptance patterns will change in the near future.

Figure 3. Refugees Accepted by Leading Democratic Countries in 2019[43]



[41] Naoko Hashimoto, "Why Does Japan Recognise so Few Refugees?" *Refugee Law Initiative Blog* (blog), May 1, 2018, https://rli.blogs.sas.ac.uk/2018/05/01/why-does-japan-recognise-so-few-refugees/; Daisuke Kikuchi and Chisato Tanaka, "Japan Toughens Screening Rules for Refugees; Automatic Work Permits Ditched," *The Japan Times Online*, January 12, 2018, https://www.japantimes.co.jp/news/2018/01/12/national/japan-tighten-refugee-screening-system-starting-next-week/.

[42] "No Entry; Japan's Asylum Laws." *The Economist*, March 14, 2015, http://www.proquest.com/docview/1663942334/abstract/2C4644E5779D4ABDPQ/1.

[43] Source: Nippon, "Japan Accepts 47 Refugees In 2020 as Applicants Fall by 60% due to Pandemic," April 30, 2021, *Nippon.com*, https://www.nippon.com/en/japan-data/h00991/.

D. PERMANENT VS. TEMPORARY IMMIGRATION

Additional evidence of Japan's low and restrictive immigration pattern is in its emphasis on temporary workers, personnel who are expected to return to their countries of origin after completing their contracts, vice long-term immigrants, who arrive in the country with some expectation of or path to receiving permanent residency or even citizenship. According to Tsuda, Japan has "one of the most restrictive immigration policies among advanced industrialized countries" with three basic tenets: (1) "no unskilled foreign workers"; (2) policies would encourage only "highly skilled and professional workers"; and (3) "all foreigners are accepted at a temporary basis only."[44] The majority of their foreign worker programs in the 1990s to early 2000s, including the foreign student program, the Technical Intern Training Program, and worker programs through bilateral Economic Partnership Agreements, provide only limited, temporary visas with little to no option for long-term residency. For example, TITP grants visas lasting up three years; other trainee programs grant only one-year visas, and the student visa program only grants stays for six months after graduation.[45] Even the Economic Partnership Agreement (EPA) programs that facilitate the migration of much-needed nurses and caregivers from Southeast Asian countries like Indonesia and the Philippines are limited; only 300 yearly slots are open, and the visas are restricted to three years for nurses and four years for caregivers unless the health workers pass a series of stringent certifications and tests.[46]

E. IMMIGRATION SUPPORT AND RIGHTS

Japan's low immigration patterns can be demonstrated not only by presenting the country's immigration numbers in comparison with other similar democratic countries but through drawing evidence inferred from Japanese integration efforts. Robert asserts that effective "social integration" policies will go a long way in ensuring the integration of

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[44] Takeyuki Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," in *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspective*, ed. Takeyuki Tsuda (Lanham, MD: Lexington Books, 2006), 12–13.

[45] Chung, *Immigration and Citizenship in Japan,* 152–154.

[46] Hirata, *Japan: The Paradox of Harmony, 116–7.*

immigrants in the country, whether they are temporary or long-term residents.[47] Robert further outlined the major elements of social integration as previously described by Bosswick and Heckman:[48]

- (1) structural integration (the acquisition of rights and the access to position and status in the core institutions of the host society);
- (2) cultural integration (or acculturation);
- (3) interactive integration (the acceptance and inclusion of immigrants in the primary relationships and social network of the host society); and
- (4) identificational integration (inclusion in a new society on the subjective level as indicated by feelings of belonging to and identification with the host society).[49]

In Japan's case, even after foreigners utilize various immigration opportunities to move to Japan—whether on a temporary or permanent basis—the lack of accessible, comprehensive immigration support increases the challenges they face in the country, thereby contributing to the likelihood that they are unable to stay on a long-term basis. For instance, Southeast Asian nurses and caregivers under the EPA worker program in the 2010s received little institutional support that would have enabled them to improve their chances of gaining the certification and passing other testing needed to qualify for long-term residence. In fact, the Japanese Nursing Association protested against proposals of test process reforms that would have increased the percentage of immigrant nurses that passed the certification programs.[50] Another prominent example is the *Nikkeijin* program immigrants. Despite being one of few immigration programs that afford long-term residency, Strausz inferred that partly due to the dominant view of *Nikkeijin* as temporary workers rather than residents or future citizens, they were not afforded sufficient

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[47] Stephen Robert, "Multicultural Coexistence Policies of Local Governments in the Tokyo Metropolis: A Comparative Examination of Social Integration in Response to Growing Ethnic Diversity," in *Migration and Diversity in Asian Contexts,* ed. Saw Ai Brenda Yeoh, Francis Leo Collins, and Ah Eng La (Singapore: Institute of Southeast Asian Studies, 2013), 60–2, https://muse.jhu.edu/book/23417.

[48] Stephen Robert, "Multicultural Coexistence Policies of Local Governments in the Tokyo Metropolis: A Comparative Examination of Social Integration in Response to Growing Ethnic Diversity," 60–2.

[49] Stephen Robert, "Multicultural Coexistence Policies of Local Governments in the Tokyo Metropolis: A Comparative Examination of Social Integration in Response to Growing Ethnic Diversity," 60–2.

[50] Hirata, *Japan: The Paradox of Harmony, 117–8.*

community support or citizenship rights, remaining largely segregated from their local communities.[51] *Nikkeijin* integration was inadequate, likely contributing to the GOJ's 2009 initiative to financially compensate *Nikkeijin* to return to their countries of origin, and significantly decreasing the *Nikkeijin* population in the later years.[52]

F. CONCLUSION

In sum, Japan's overall immigration numbers and different immigration trends validate the consensus among scholars that Japan's immigration is low and restrictive. Japan's immigration numbers are relatively low compared to other developed countries. The country's immigration composition demonstrates that a significant percentage of the immigrants are in the country on a limited, temporary basis vice becoming long-term residents afforded full or partial citizenship rights. Lack of social integration support further exacerbated Japan's low immigration trends.

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[51] Michael Strausz, *Help (Not) Wanted: Immigration Politics in Japan* (New York: SUNY Press, 2019), loc. 178–200 of 3852, Kindle edition.

[52] Michael Strausz, *Help (Not) Wanted: Immigration Politics in Japan* (New York: SUNY Press, 2019), loc. 178–200 of 3852, Kindle edition.

III. IMMIGRATION HISTORY

Unlike other developed countries founded on immigrant roots such as the United States, Canada, New Zealand, and Australia, Japan is considered a recent country of immigration. Furthermore, its history as a secluded nation during the Tokugawa era and its relatively homogeneous demography contributed to its somewhat restrictive position towards migrants. This chapter provides a short overview of Japan's immigration history to better contextualize the various internal and external factors that contribute to its restrictive immigration system.

Japan's economic growth in the 1980s-1990s resulted in an increased demand for migrant (often low-skill) labor that conflicted with Japan's "no unskilled foreign workers" principle; as a result, the Japanese government established immigration reforms (via the 1990 Immigration Control and Refugee recognition Act) that provided "legal loopholes" to allow immigration of unskilled labor.[53] First, it allowed the "*Nikkeijin* visa," where ethic Japanese and their families from South American countries are allowed entry, regardless of their job-skill level.[54] The policy reasoned that allowing ethnic Japanese would ensure an easier and more successful assimilation of immigrants; in practice little assimilation occurred, while the *Nikkeijin* provided a much needed influx of unskilled workers.[55] Second, the Technical Intern Training Program, established in 1993, in theory enabled foreign workers to gain technical expertise via "on-the-job training;" in practice businesses could not meet the demands for training and instructions, and TITP workers remained untrained and became another source of unskilled labor.[56] Third, immigration

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[53] Erin Aeran Chung, *Immigration and Citizenship in Japan (*New York: Cambridge University Press, 2010), 150–151; Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," 14–16.

[54] Chung, *Immigration and Citizenship in Japan,* 152–153; Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," 14–16.

[55] Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," 14–16.

[56] Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," 14–16.

policy regarding student visas was revised in 1990, 2004 and 2007 to allow students to extend their stays after graduation and gaining employment; in practice, immigrants often utilized these student visas to get unskilled jobs, and not to gain education.[57] Finally, the "entertainment visa" served to bring unskilled labor from mostly Southeast Asian countries (like the Philippines), with migrants working in bars and nightclubs, and some exploited for prostitution.[58]

Japan's immigration history reflects the conflict that the Japanese government faces in meeting immigration demands (including those for unskilled labor) while continuing to keep its nation's national identity (or ethnic homogeneity). Its restrictive immigration policy extends to its refugee policy, where the country is considered one of the most restrictive in granting refugee asylums; in 2017, it approved 0.2% of refugee applicants, or 20 people.[59]

More recently, economic and social dynamics have made immigration reform a more urgent matter. Japan continues its Economic Partnership Agreement (EPA) programs with Vietnam and Philippines in order to receive technically trained nurses and other medical workers, as it seeks to find nurses to care for its rapidly aging population.[60] A new *Nikkejin* policy in 2008 enabled children of Japanese citizens to gain legal status if their paternity has been determined; this policy applied to thousands out-of-wedlock children of Japanese fathers and their Filipino mothers (mostly on entertainment visas).[61] The government also adopted new policies to attract skilled foreign workers, using a point system similar to Canada's in determining a migrant's desirability.[62] While the Japanese government seems to be responding to the economic and social need to reform its

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[57] Erin Aeran Chung, *Immigration and Citizenship in Japan (*New York: Cambridge University Press, 2010), 153–154.

[58] Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," 15–16.

[59] Naoko Hashimoto, "Why Does Japan Recognise so Few Refugees?" *Refugee Law Initiative Blog* (blog), May 1, 2018, https://rli.blogs.sas.ac.uk/2018/05/01/why-does-japan-recognise-so-few-refugees/.

[60] Keiko Hirata*, Japan: The Paradox of Harmony* (New Haven: Yale University Press, 2014), 116–119.

[61] Hirata, *Japan: The Paradox of Harmony*, 119–120.

[62] Hirata, *Japan: The Paradox of Harmony*, 121–123.

immigration program, there seems to be no overarching policy that guides its policy changes; rather, the piece-meal, "reactionary" policies reflect the internal struggle policy-makers face between opening up immigration, or maintaining a restrictive migration policy.[63]

[63] Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," 20.

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IV. ECONOMIC FACTORS

The following sections briefly analyze economic factors that influence Japan's immigration policy, focusing on the actors that advocate for economically-driven immigration policy reforms. First, section A shows data on economic worker shortages and discusses a few different economic actors advocating for change. Section B addresses the issues that prevent the same economic actors from making significant policy influence, and finally section C will summarize the findings.

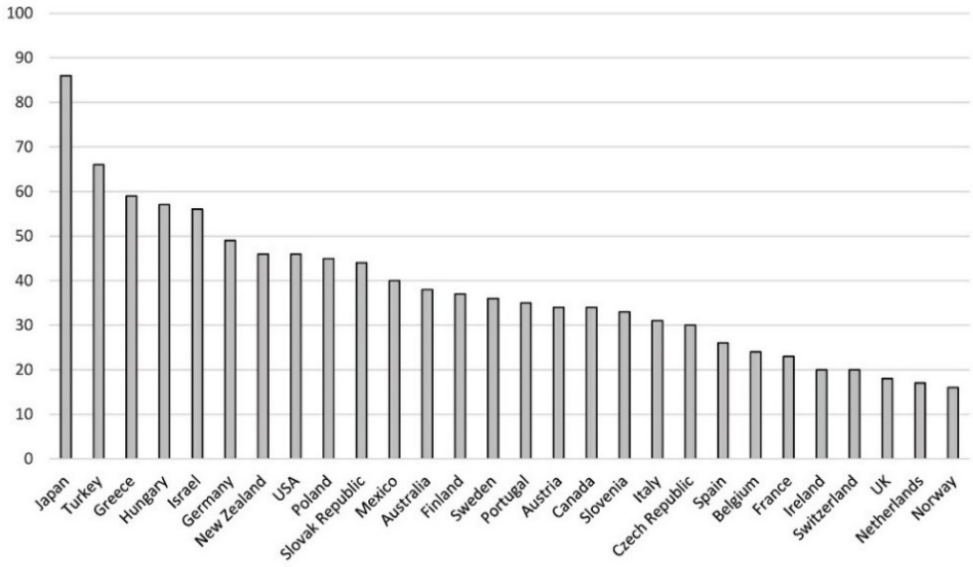
A. ECONOMIC ACTORS

Japan has been experiencing long-term labor shortage. Figure 4 shows that Japan leads other OECD countries with regards to labor shortages, with 86% of Japanese businesses experiencing hiring challenges (next highest country is below 70%).[64] Aggravating this labor shortage, Japan also has one of the lowest number of immigrants; Figure 5 shows a select number of OECD countries and the percentage of labor shortage they experience compared to their percentage of immigrants.[65]

64 Michael Strausz, *Help (Not) Wanted: Immigration Politics in Japan* (New York: SUNY Press, 2019), loc. 222 of 3852, Kindle edition.

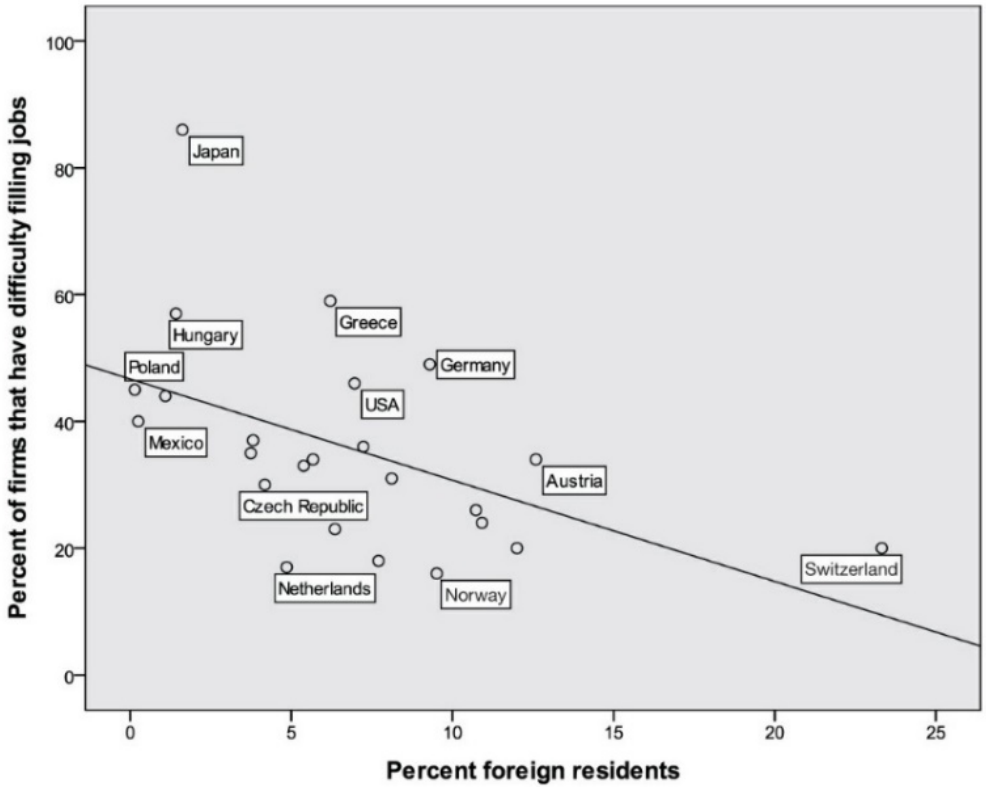
65 Michael Strausz, *Help (Not) Wanted: Immigration Politics in Japan*, loc. 333 of 3852, Kindle edition.

Figure 4. Percentage of Firms Having Difficulty Filling Jobs in OECD Countries[66]



66 Source: Michael Strausz, *Help (Not) Wanted: Immigration Politics in Japan* (New York: SUNY Press, 2019), loc. 222 of 3852, Kindle edition.

Figure 5. Labor Shortages and Foreign Residents in OECD Countries[67]



These statistics would support the importance of considering economic factors in immigration policymaking. This section will concentrate on economic actors. Perhaps the most visible actor that lobbies for various business interests is the Japan Business Federation, or *Nippon Keidanren,* an organization established in 1946 and composed of more than 1,400 Japanese companies whose goal is to advocate for policies that furthers the development of the country's economy.[68] *Keidanren* advocates for a more open immigration, increasing the total number of worker immigrants and providing them the support structure to thrive in the country. For example, *Keidanren*'s 2025 outlook sees a more streamlined immigration system that adapts to the needs of the country, while fully

67 Source: Michael Strausz, *Help (Not) Wanted: Immigration Politics in Japan*, loc. 333 of 3852, Kindle edition.

68 "About Keidanren," Japan Business Organization, Keidanren, accessed September 20, 2021, http://www.keidanren.or.jp/en/profile/pro001.html.

integrating the current immigrants for a more "vibrant [country] diversity."[69] Additionally, while he demurred on the issue of needing a comprehensive immigration policy, *Keidanren*'s chairman in 2018 did state that Japan needs to move away from its "homogeneous...social structure" and embrace internationalization through increased immigration.[70] Other economic actors, such as the Japan Chamber of Commerce and Industry (JCCI), embrace the same open-immigration proposals; Haig notes that JCCI previously advocated for Technical Trainee program to expand its duration and to provide avenues for long-term employment and residency once the worker completes the training cycle.[71]

Surveys also show that even the Japanese public, ordinarily known to be immigrant-adverse, make exceptions for foreign worker movements that they deem beneficial. After conducting extensive interviews with over 20 Japanese citizens from a diverse demographic, Davidson and Peng conclude that while the Japanese public are overall averse to immigration, they exhibit what Davidson and Peng refer to as "pragmatic divergence" where respondents display positive association for immigration that they see personal benefits in, which sometimes overcomes any cultural-based reservations that they might harbor.[72] Davidson and Peng go on to say that respondents favor short-term immigration paths driven by economic need and demonstrate especially strong favorable attitudes towards immigrant care workers (such as nurses and caregivers entering under the

69 "Japan 2025: Envisioning a Vibrant, Attractive Nation in the 21st Century," Japan Business Organization, Keidanren, Accessed September 22, 2021, https://www.keidanren.or.jp/english/policy/vision2025.pdf.

70 "Chairman Nakanishi's Statements and Comments at His Press Conference," Japan Business Organization, Keidanren, September 25, 2018, http://www.keidanren.or.jp/en/speech/kaiken/2018/0925.html.

71 Ken Haig, "Japanese Immigration Policy," in *The Routledge Handbook of Japanese Politics*, ed. Alisa Gaunder (London: Routledge, 2011), 223–235, https://doi.org.libproxy.nps.edu/10.4324/9780203829875.

72 Jeremy Davison and Ito Peng, "Views on Immigration in Japan: Identities, Interests, and Pragmatic Divergence," *Journal of Ethnic and Migration Studies* 47, no. 11 (August 18, 2021): 2584–9, https://doi.org/10.1080/1369183X.2020.1862645.

Economic Partnership Agreements), reasoning that such workers qualify as "skilled" and are economically desired.[73]

B. ISSUES

Most economic actors, to include the *Keidanren* business organization, seem to advocate for policies that would ostensibly open up Japan, welcome more foreign workers, and allow a more open immigration strategy. However, this is not truly reflected in overall immigration policy reforms. Why do economic actors fail to influence significant immigration policies? Scholars suggest that economic actors do not have significant influence in the immigration policy-making process. Chiavacci concludes that GOJ ministries remain insulated to economic pressures to open up immigration.[74] This insulation is perhaps due to what Chiavacci identifies as institutional limitations preventing a more comprehensive policy, for example the lack of a unifying ministry in charge of overall immigration policy and implementation.[75] This limitation makes advocating for immigration reform much more challenging, as business groups cannot concentrate their lobbying efforts to a single entity or a single policy. This lack of influence extends not only to Japan's ministries, but the political parties in charge of the government; LDP's long government control due to their party strength and size also makes them less likely to be vulnerable to outside pressures, to include economic pressures from business interests. Chiavacci also determines that "a labor market perspective was never dominant, and the institutional fragmentation increased the immunity of important state actors against outside pressures, even from such a formidable lobby machine like *Nippon Keidanren*."[76]

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[73] Davison and Peng, "Views on Immigration in Japan: Identities, Interests, and Pragmatic Divergence," 2586–90.

[74] David Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," in *Hiraku Nihon – Tojiru Nihon: "Ningen Idōgaku" Kotohajime [Open Japan – Closed Japan: Towards Interdisciplinary Studies in Human Mobility]*, ed. Hayashi Yōko and Naoki Aoki (Osaka: Osaka University, 2017), 85–6.

[75] Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," 81–93.

[76] David Chiavacci, "New Immigration, Civic Activism and Identity in Japan: Influencing the 'Strong' State," in *Civil Society and the State in Democratic East Asia: Between Entanglement and Contention in Post High Growth*, ed. David Chiavacci, Simona Grano, and Julia Obinger (Amsterdam: Amsterdam University Press, 2020), 194.

Freeman and Chiavacci identify another issue with economically-motivated immigration policies, citing a cost-and-benefit disparity between the relevant actors.[77] Chiavacci continues to say that "while the costs [of immigration] are widely spread in society, profits are concentrated among a few economic actors, i.e. employers."[78] One can use the immigrants entering via the Technical Intern Training Program as an example. The businesses that sponsored their entries benefit by receiving a stable supply of low-cost labor, which in turn benefit their business. However, the costs of the Technical Trainees' stay are not incurred by the businesses but by different government agencies and the general public; costs are incurred by the different ministries that must manage their visas and provide benefits like health care and education, by the local governments that must provide a support structure to better integrate the Technical Trainees, and by the general public who will have to interact and perhaps compete with the immigrants. This cost-and-benefit disparity can lead business groups to advocate for immigration proposals that fail to consider the long-term effects of the increased immigration. Alternatively, local governments, government agencies, and the general public may be more wary to support such proposals.

Finally, even when economic actors successfully lobby in favor of additional immigration avenues, the resulting reforms often do not go far enough or other actors limit its implementation. For instance, the Nurse visa program made possible by the Economic Partnership Agreements only admitted a limited number of nurses and their length of stay were limited by strict and inflexible institutional testing and certification requirements.[79] Another example is the Technical Trainees, who were not afforded longer visa durations and more flexible conditions despite *Keidanran*'s advocacy of the stated reforms.

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[77] Gary P. Freeman, "Modes of Immigration Politics in Liberal Democratic States," *The International Migration Review* 29, no. 4 (1995): 881–902, https://doi.org/10.2307/254772; Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," 85.

[78] Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," 85.

[79] Hirata, *Japan: The Paradox of Harmony*, 116–7.

C. CONCLUSION

This chapter provides a short examination of economic factors that affect immigration policies. In sum, pro-business and other economic actors tend to favor a more open, less restrictive immigration system. However, certain issues prevent these economic actors from making a significant impact; these include challenges with the country's political and institutional limitations, the disparity in the cost vs benefit for different actors, and the limited scope of reforms when they are passed.

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V. POLITICAL AND INSTITUTIONAL FACTORS

According to Natter, immigration policies based on the "institutionalist literature with its emphasis on inter-institutional turf wars and bureaucratic politics provides a relevant theoretical framework to look at immigration policymaking across different political system."[80] The followings sections examine Japan's immigration policy within this framework and argue that various political and institutional factors collectively contribute to maintaining Japan's restrictive immigration policy as the status quo. First, section A demonstrates the role of immigration language and branding in limiting discussions of deeper migrant issues. Next, section B describes the sources of political policy fragmentation and explores the effects that disjointed policies have on policy implementation. Finally, Section C briefly examines alternative institutional actors that have a more prominent role due to the lack of a comprehensive national immigration policy.

A. IMMIGRATION LANGUAGE

The terminologies that political and institutional actors utilize during immigration discourse is informative as it provides the context in which those actors frame the immigration issue. First, there is a general reluctance to label immigration issues as such. Several scholars noted that the Government of Japan's formal references to the term "immigration" are few and far between. Endoh, for instance, asserts that the "GOJ avoids the use of the term *imin* (immigration or immigrants) in conjunction with its 'foreign worker acceptance' policies whereas the media *imin* as an 'alien who settles [in a country outside their home state] for a long period.'"[81]

Strausz concurs with Endoh's claim, asserting that government representatives themselves avoid any mention of immigration due to long-held beliefs that Japan should

[80] Katharina Natter, "Rethinking Immigration Policy Theory Beyond 'Western Liberal Democracies,'" *Comparative Migration Studies* 6, no. 1 (2018): 14, https://doi.org/10.1186/s40878-018-0071-9.

[81] Toake Endoh, "The Politics of Japan's Immigration and Alien Residence Control," *Asian and Pacific Migration Journal* 28, no. 3 (September 2019): 326, https://doi.org/10.1177/0117196819873733.

not accept long-term foreigners; thus, most policy discourse regarding increasing immigration are framed instead as an economic need[82], and immigrants are referred to as foreign workers. Strausz further asserts that the framing of migrants as foreign workers, vice settlers or immigrants, reflects the dominant perspective of immigrants as filling a temporary economic utility instead of permanent long-term residents or future citizens with membership rights. As an example, Roberts describes an LDP committee in 2016 that recommended increased worker migration to "pave the way for the acceptance of all foreigners but 'immigrants,'" describing immigrants as those not staying on a short-term visa with expiration dates.[83] Liu-Farrer notes that after Shinzo Abe's government passed extensive immigration reform in 2018, the Prime Minister spent significant time advertising the policy as a "temporary labor migration" and insisted that "it is not an immigration policy that will increase the permanent residents. Do not mix them, please."[84] By eschewing the "immigrant" designation, government elites are able to avoid or limit discussions on significant migrant issues such as worker rights and residency paths.

B. POLICY FRAGMENTATION

1. Disjointed Immigration Strategy

Japan's Liberal-Democratic Party (LDP) served as the majority political party for over 65 years, only briefly losing government control in 1993 and again from 2009 to 2012. As the political party in power, the LDP had several decades to develop a long-term immigration policies, but it seems it seems that they failed to enact a comprehensive immigration strategy during that period. Chiavacci asserts that several elements contribute to Japan's disjointed immigration strategy:[85]

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[82] Michael Strausz, *Help (Not) Wanted: Immigration Politics in Japan* (New York: SUNY Press, 2019), loc. 396–407, 501 of 3852. Kindle edition.

[83] Glenda S. Roberts, "An Immigration Policy by Any Other Name: Semantics of Immigration to Japan," *Social Science Japan Journal* 21, no. 1 (Winter 2018): 89–102, https://doi.org/10.1093/ssjj/jyx033.

[84] Gracia Liu-Farrer, "Japan and Immigration: Looking Beyond the Tokyo Olympics." *The Asia-Pacific Journal: Japan Focus* 18, no. 4 (2020): 4, https://apjjf.org/2020/4/Liu-Farrer.html

[85] David Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," in *Hiraku Nihon – Tojiru Nihon: "Ningen Idōgaku" Kotohajime [Open Japan – Closed Japan: Towards Interdisciplinary Studies in Human Mobility],* ed. Hayashi Yōko and Naoki Aoki (Osaka: Osaka University, 2017), 88–89.

- (1) No pivotal state agency concerning immigration policy exists;
- (2) Ministries have different perspectives on immigration and the central goals in immigration policy;
- (3) The politicians and political parties do not fill this gap of bureaucratic leadership.[86]

Chiavacci further explains that the Ministry of Justice overseas the Immigration Control Bureau, an inter-agency immigration section weakened by disagreements and divisions due to the various ministries' different policy goals; this results in a disjointed Japan strategy unable to pro-actively respond to unforeseen immigration issues.[87] Milly endorses the disjointed strategy view, stating that various ministries often develop fragmented policies that primarily cover their own agencies' concerns.[88] Milly cites the following ministries as examples: the Ministry of Foreign Affairs, which influences the asylum and the trainee program; the Ministry of Economy, Trade, and Industry, which advocates for immigration reforms favorable to business interests; the Ministry of Education, Culture, Sports, Science, and Technology, which oversees student-intern visas and the Japan Exchange and Training (JET) English teach program; and the Ministry of Health, Labor, and Welfare, which determines health care and worker rights of foreigners. The varied immigration goals often resulted in policies shaped through each agency's "stovepipes of excellence," resulting in reforms determined in isolation from and without other agencies' inputs.

Milly further remarks that the Japanese courts also bear some culpability in Japan's fragmented immigration policymaking, through court decisions that simultaneously pronounced that the MOJ both underutilized and over-utilized their jurisdiction on several

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[86] David Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," 81–93.

[87] David Chiavacci, "New Immigration, Civic Activism and Identity in Japan: Influencing the 'Strong' State," in *Civil Society and the State in Democratic East Asia: Between Entanglement and Contention in Post High Growth*, ed. David Chiavacci, Simona Grano, and Julia Obinger (Amsterdam: Amsterdam University Press, 2020), 191–192.

[88] Deborah J. Milly, "Policy Advocacy for Foreign Residents in Japan," in *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspective,* ed. Takeyuki Tsuda (Lanham, MD: Lexington Books, 2006), 128–131.

key immigration policy issues.[89] Milly concludes that this decentralized immigration policy-making framework not only makes it challenging to develop a comprehensive immigration policy, but makes it challenging for foreign residents' allies to advocate for progressive changes since it requires a multi-prong approach of lobbying multiple agencies.[90]

2. LDP

As Chiavacci maintains, political actors do not act to ameliorate Japan's disjointed immigration policy, and at times intra-party differences can exacerbate the fragmentation.[91] The Liberal Democratic Party's long rule required the party to contain constituents within a big tent, holding a large number of distinct political factions that may sometimes have conflicting interests and goals. To maintain party unity, the LDP naturally defaults to the median, conservative, or moderate stance. Unfortunately, finding consensus within a large party for potentially contentious issues such as immigration policy reform can prove challenging, to say the least. As a result, most policy initiatives remain geared towards maintaining status quo. Douglass goes further and argues that LDP's stranglehold on political power actually "resulted in more restrictive policies than [what] many sections of society actually support."[92]

Examples of LDP efforts to develop a comprehensive immigration policy are few and far in between. An LDP-endorsed immigration initiative in 2008, named the *Sakanaka Plan* after its architect, proposed an overhaul of the ministries' immigration duties and advocated for a massive increase in immigration: up to 20 million new foreigners accepted

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89 Deborah J. Milly, "Policy Advocacy for Foreign Residents in Japan," 128–131.

90 Deborah J. Milly, "Policy Advocacy for Foreign Residents in Japan," 128–131.

91 David Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," 81–93.

92 Mike Douglass, "Global Householding and Japan - A Comparative Perspective on the Rise of a Multicultural Society," in *Migration and Integration: Japan in Comparative Perspective*, ed. Gabriele Vogt and Glenda Susan Roberts (Munchen: Iudicium, 2011), 32.

over 50 years to combat the country's fast-shrinking population.[93] However, Chiavacci notes that the party failed to get consensus due to increasing security and national identity concerns over such a significant change in the country's demographics.[94] Chiavacci further comments that such policy proposals remain dependent on individual politicians' visions and their advocacy efforts; case in point, Chiavacci identifies a simple leadership change within the Ministry of Justice in 2007 as the root cause in the failure of earlier efforts to revamp the skilled-worker program to accept more applicants.[95]

Tian and Chung support the status quo conclusion, with Chung arguing that "Political elites have prioritized social stability over liberal democratic principles in immigration policy" with reforms enacted "only after considerable [external] pressure from internal grassroots movements and international NGOs."[96] While more radical, progressive immigration policies find little support within the LDP, the same be said on the opposite spectrum: Chiavacci observes that Japan's right-wing movements, while presenting a loud, anti-immigrant minority, have so far failed to significantly influence immigration reforms and their proposals continue to remain in the fringe of the political spectrum.[97] Roberts states further that Abe and other LDP politicians demurred when asked about details on a future comprehensive immigration policy, inferring instead that they should delay such policy discourse until they reach a "consensus of the people."[98]

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[93] Hidenori Sakanaka, "The Future Of Japan's Immigration Policy: A Battle Diary," *The Asia-Pacific Journal: Japan Focus*, volume 5, issue 4 (April 2007): 1–9, https://apjjf.org/-Sakanaka-Hidenori/2396/article.html.

[94] Chiavacci, "New Immigration, Civic Activism and Identity in Japan: Influencing the 'Strong' State," 192.

[95] Chiavacci, "New Immigration, Civic Activism and Identity in Japan: Influencing the 'Strong' State," 192.

[96] Yunchen Tian, "Workers by Any Other Name: Comparing Co-Ethnics and 'Interns' as Labour Migrants to Japan," *Journal of Ethnic & Migration Studies* 45, no. 9 (July 2019): 1502, https://doi.org/10.1080/1369183X.2018.1466696; Erin Aeran Chung, "Japan's Model of Immigration Without Immigrants," *Current History* 09, 2019 (September 2019): 218, http://www.proquest.com/docview/2304085929/abstract/6693E0CDAAEF4EC0PQ/1.

[97] David Chiavacci, "Japan as a New Immigration Country: The Gap Between Immigration Policy and Actual Immigration in International Comparison," 87–88.

[98] Roberts, "An Immigration Policy by Any Other Name: Semantics of Immigration to Japan," 99.

3. *De Jure* vice *De Facto* Immigration

Japan's disjointed immigration strategy occasionally resulted in what Chiavacci and Endoh refer to as policy "gaps": that is, discrepancies between *de jure* immigration policies and *de facto* immigration in practice.[99] We see evidence of this policy to reality gap when examining Japan's different worker-visa programs, especially those enacted before the 2018 immigration reform. Chiavacci points out the disparity between Japan's official policy prohibiting unskilled labor and its implementation of what he, Liu-Farrer, and others refer to as immigration "side-doors," enabling unskilled laborers to work in the country, albeit on a temporary basis.[100] Liu Farrer mentions several side-door visa types as examples: the entertainer visa, which allowed the majority of Filipina women to enter as dancers, singers, and other "skilled" entertainers; the student-trainee visa that allowed students from China, Vietnam, and other Asian countries to stay past their education period and complete internship and other training work; and finally, the *Nikkeijin* visas that allowed ethnic Japanese from South American countries such as Brazil and Peru to live and work in Japan[101]. These different visa categories are reflected in the overall composition of Japan's foreign resident population. Figure 6 shows the breakdown in foreign resident status; as one can see, a significant percentage are allowed for the unskilled Technical Interns (13.1% or 378,200 out of a total of more than 2.8 million foreigners) and the those on student visas (9.7% or 280,901).[102]

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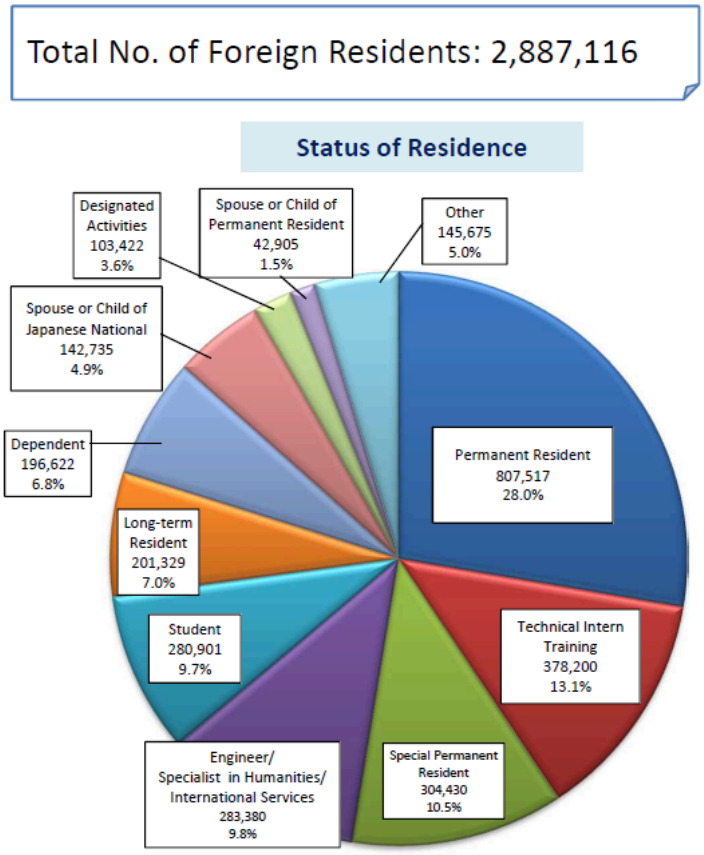
[99] Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," 81; Endoh, "The Politics of Japan's Immigration and Alien Residence Control," 329.

[100] Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," 81–82; Gracia Liu-Farrer, *Immigrant Japan: Mobility and Belonging in an Ethno-Nationalist Society* (New York: Cornell University Press, 2020), 44–53, https://doi.org/10.7591/j.ctvq2w30b.

[101] Gracia Liu-Farrer, *Immigrant Japan: Mobility and Belonging in an Ethno-Nationalist Society*, 44–53.

[102] Immigration Services Agency of Japan. *Initiatives to Accept New Foreign Nationals and for the Realization of Society of Harmonious Existence.*

Figure 6. Breakdown of Number of Foreign Residents by Status of Residence and Nationality (as of the End of December 2020)[103]



A chief source of unskilled labor comes from the Technical Intern and Training Program (TITP), initially established in 1993 as an internship/skills transfer program for workers from other partner nations; in practice, TITP morphed into a source of cheap, unskilled labor.[104] Policy reforms in 2014 expanded the TITP, doubling the visa duration to six years, allowing acceptance of repeat applicants, and ignoring the "training" portion of the policy.[105] Some may argue that these side-door policies increase the total number of immigrants in the country, especially from those who would otherwise not be allowed

[103] Adapted from: Immigration Services Agency of Japan. *Initiatives to Accept New Foreign Nationals and for the Realization of Society of Harmonious Existence.*

[104] Hirata, *Paradox of Harmony,* 109–111.

[105] Strausz, *Help (Not) Wanted: Immigration Politics in Japan*, loc. 1477–1527 of 3852, Kindle edition.

to enter under the stricter skills-based programs. However, critics note that such side-door policies are rife for abuse. Liu-Farrer reports human rights abuses committed against some Filipinos under the entertainer visa, who are often under economic duress and have limited options for recourse.[106] Liu-Farrer goes on to say that the student-trainee visas suffer from similar loopholes; often, regulations on what constitutes an international student are so lenient that the visa program often serves as another source of unskilled labor force marketed as "trainees."[107] Toshihiro outlines the issues on the TITP program that enable worker exploitation:

> The vast majority of TITP interns are paid the minimum wage, and since they are not permitted to switch jobs, employers have little incentive to raise their pay or improve their working conditions [...] It should be added that trainees who are stuck in the same job for five years have very limited opportunities to build their skills in keeping with the program's ostensible purpose.[108]

Although it increased Japan's raw immigration numbers, such side-door policies approved applicants only for temporary immigration, provided limited integration support and rights, and proved too easy to misuse, later resulting in a patchwork of reforms that do little to improve the current restrictive immigration policies.

C. SUBSTITUTES FOR INSTITUTIONAL LIMITATIONS: CIVIL SOCIETIES AND LOCAL GOVERNMENTS

Chung observes that in the absence of a national strategy codifying Japan's immigration policies and movement, both civil societies and local governments stepped in to provide foreign residents with needed resources for community assimilation, welfare, and advocacy support.[109] Chung traces the necessity and rise of immigration civil societies

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106 Liu-Farrer, *Immigrant Japan: Mobility and Belonging in an Ethno-Nationalist Society*, 44–45.

107 Liu-Farrer, *Immigrant Japan: Mobility and Belonging in an Ethno-Nationalist Society*, 47–48.

108 Menju Toshihiro, "Japan's Immigration Policies Put To The Test," *Nippon.com,* November 18, 2019, https://www.nippon.com/en/in-depth/d00515/japan%E2%80%99s-immigration-policies-put-to-the-test.html.

109 Erin Aeran Chung, "Workers or Residents? Diverging Patterns of Immigrant Incorporation in Korea and Japan," *Pacific Affairs* 83, no. 4 (December, 2010): 676, http://www.jstor.org/stable/25766478.

to the *Zachinis,* ethnic Koreans whose ancestry originates from colonial Korea.[110] Chung states further that, partially through civic advocacy, *Zainichis* accrued increasing rights and privileges to offset the historical discrimination they faced and ensured that other, more recent immigrant groups also benefited from their gains. Similarly, Chiavacci determines that while Japan's flawed civil society fails to directly influence the immigration policy process, it could indirectly impact policy discourse through effective immigration framing[111]. A large portion of immigration civic groups advocate for a more open immigration policy and increased foreign resident rights. However, despite the passage of laws such as the 1998 Nonprofit Organization (NPO) law which resulted in an increase in numbers and activities of pro-immigration civic action groups,[112] civil societies remain a minor actor in immigration policymaking.

Likewise, GOJ equally relies on local governments to establish and enact immigration policy and control. In fact, in 2006, the Ministry of Internal Affairs and Communications (MIC) depended on local governments to develop their own policy prescriptions to realize the MIC's *Tabunkakyousei* ["Multicultural Community Building"/"Multicultural Existence"] ideal.[113] Additionally, Kashiwazaki describes 30 local mayors' initiative (started in 2001) to convene and share information/best practices in handling and integrating large foreign populations.[114] While local municipalities display vital initiatives in managing their local foreigner populations, the over-reliance on

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110 Chung, "Japan's Model of Immigration Without Immigrants." *Current History* 09, 2019 (September 2019): 219–20.

111 Chiavacci, "Japan as a New Immigration Country: The Gap between Immigration Policy and Actual Immigration in International Comparison," 190.

112 James F. Hollified and Michael Orlando Sharpe, "Japan as an 'Emerging Migration State.'" *International Relations of the Asia-Pacific* 17, no. 3 (September 2017): 389–390, https://doi.org/10.1093/irap/lcx013.

113 Erin Aeran Chung, "Workers or Residents? Diverging Patterns of Immigrant Incorporation in Korea and Japan," *Pacific Affairs* 83, no. 4 (December 2010): 683–4, http://www.jstor.org/stable/25766478; Erin Aeran Chung, "Korea and Japan's Multicultural Models for Immigrant Incorporation," *Korea Observer 41*, no. 4 (Winter 2010): 665, http://www.proquest.com/docview/837429634/abstract/2CF9B3F85A6448D3PQ/1.

114 Chikako Kashiwazaki, "Incorporating Immigrants as Foreigners: Multicultural Politics in Japan," *Citizenship Studies,* 17, no. 1 (February 1, 2013): 41–42, https://doi.org/10.1080/13621025.2013.764216.

local governments in immigration policy development results in a myriad of different policy implementation with varying success.

D. CONCLUSION

To summarize, various political and institutional limitations contribute to maintain Japan's restrictive immigration policy as the status quo. Minor changes in language can shift the immigration discourse, restraining policy discussions on deeper migrant issues. GOJ's lack of a government agency empowered with overarching authority on immigration policy, alongside LDP's large party tent that sometimes prevents consensus, often result in a reactive policy implementations that maintain the current state of affairs and precludes sweeping policy changes. Finally, while both civil societies and local governments often advocate for pro-immigration policies and increased foreigner integration, the nature of these institutions—local or non-government advocacy—limit the positive impact that they can advance.

VI. CULTURAL FACTORS

The following sections examine the cultural factors that affect Japan's immigration policy, specifically, how the country's perceived cultural identities shape its immigration discourse. Section A first argues that Japan has an established cultural identity as an ethnically homogeneous nation. Additionally, Japan is historically not a country of immigrants, unlike places such as New Zealand, the United States, and Canada. This homogeneous cultural identity, shaped partly by its closed immigration history, influences various political and institutional actors to either pursue or continue more restrictive immigration policies. This homogeneous identity also results in immigration discourse that is sometimes more focused on the risks—security, cultural, etc.—that increased immigration could trigger, as opposed to focusing on its potential benefits, further advancing the dialogue in favor of a more restrictive policy. Second, section B asserts that there is a newer cultural and state identity—that of Japan as an economic and political world leader—which pushes the country to fall more in alignment with international norms, in particular with the global democratic norms promoting a more open immigration policy. Finally, section C concludes that the resulting clash between Japan's two competing cultural identities results in a reactive and piece-meal immigration policy that fails to address Japan's economic need for an increased immigrant demographic nor addresses the myriad of issues that immigrants in Japan face today.

A. CULTURAL IDENTITY AS A HOMOGENEOUS NATION

Tsuda and others define Japan as a "recent country of immigration," a country that, unlike the United States or Canada, "do not view immigrants as part of their identity or past nation-building process," and only have a small population of naturalized citizens.[115] Japan's historical interactions with its immigrants, combined with their low immigration, helped reinforce Japan's identity as a culturally and ethnically homogenous nation and

[115] Takeyuki Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," in *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspective*, ed. Takeyuki Tsuda (Lanham, MD: Lexington Books, 2006), 3–4.

continued to shape their interactions with immigrants and immigration policy in general. The next subsection reexamines Japan's immigration history through a cultural lens to better comprehend the historical context in Japan's cultural and national identity; this is necessary because, as Natter emphasizes, "the national identity approach are highly valuable to analyze the origins and drivers of immigration policy-making regardless of a country's political system."[116]

1. Immigration History through a Cultural Lens

Throughout their history, Japan experienced minimal interactions with immigrants until relatively recently. Japan closed off its borders to outsiders for more than 200 years during the Tokugawa Shogunate (from 1633–1852) until the U.S. government forced them to open up for trade during Matthew Perry's expedition. The Meiji era had only inconsequential immigration numbers during their rapid growth. Even while Japan expanded its lands before and during World War II, the resulting Korean and Taiwanese colonies were considered Japanese territory, and the colonized Korean and Japanese were considered Japanese when they immigrated to mainland Japan, even while they enjoyed significantly fewer rights.[117]

Shin concludes that Japan used cultural homogeneity as one of the justifications for expanding to Korea and Taiwan ("same origin, same race"), reasoning that the colonized should be granted Japanese citizenship on the basis of their shared cultures. Indeed, the colonized Japanese citizens were forced to assimilate and were mandated to take on Japanese names and learn the Japanese history and language.[118] Korean and Taiwanese subjects immigrated to Japan in the early 20th century to subsidize labor shortages and caused public resentment among the Japanese, resulting in anti-colonial movements,

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116 Katharina Natter, "Rethinking Immigration Policy Theory Beyond 'Western Liberal Democracies,'" *Comparative Migration Studies* 6, no. 1 (2018): 15, https://doi.org/10.1186/s40878-018-0071-9.

117 Hwaji Shin, "Colonial Legacy of Ethno-Racial Inequality in Japan," *Theory and Society* 39, no. 3/4 (2010): 332, https://doi.org/10.1007/s11186-010-9107-3; Nana Oishi, "Immigration and Social Integration in Japan," in *International Perspectives: Integration and Inclusion*, ed. John Biles (Montreal: Queen's University, School of Policy Studies, 2012), 166.

118 Shin, "Colonial Legacy of Ethno-Racial Inequality in Japan," 332.

including a mass protest against the colonial immigrants in 1919.[119] This pre-World War II history proves even then what was internalized by both the Japanese state and the Japanese public in general: that the concept of the Japanese state and Japanese identity is rooted in ethnic and cultural homogeneity. This is demonstrated by the government's connection of Japanese citizenship with being "Japanese"; i.e., having a similar language, ethnicity, and culture. The general Japanese public also shared this link to homogeneity, as indicated by their negative views toward Korean and Taiwanese immigrants.

After the war, Shin comments that Korean colonial subjects—*Zainichis*—that stayed in Japan lost their Japanese citizenship, faced institutional barriers to their jobs and basic civil rights, and effectively turned into second-class citizens.[120] Shin also notes that Japan enacted several laws prior to the end of the war—including the 1947 Alien Registration Ordnance mandating the registry of Korean and Taiwanese colonial immigrants—that continued to influence future Japanese immigration laws post-war. For example, the 1951 Immigration Control Act stripped former colonies of their Japanese citizenship, restricted immigration, and mandated an immigration registration system that foreigners "must carry at all time and thereby allow government authorities to closely monitor their whereabouts."[121]

The low immigration trend continued in the decades after World War II. Japan as a country has not experienced immigration levels similar to that of Europe, Canada, or the United States and has "thus has not needed to tackle its consequences."[122] Tsuda concludes that the Japanese government perpetuated the low levels of immigration through policies that have entrenched their view of "Japan as an ethnically homogeneous nation

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[119] Shin, "Colonial Legacy of Ethno-Racial Inequality in Japan," 332–333.

[120] Shin, "Colonial Legacy of Ethno-Racial Inequality in Japan," 333–335.

[121] Erin Aeran Chung, *Immigration and Citizenship in Japan* (New York: Cambridge University Press, 2010), 146–147.

[122] Dietrich Thränhardt, "Closed Doors, Back Doors, Side Doors: Japan's Nonimmigration Policy in Comparative Perspective," *Journal of Comparative Policy Analysis* 1, no. 2 (July 1999): 206, https://doi.org/10.1080/13876989908412624.

that is not and never has been a country of immigration." [123] Tsuda further argues that Japanese immigration policy focuses on forbidding unskilled labor, encouraging high-skilled technical experts, and emphasizing all immigration as a temporary, with a restrictive path to permanent citizenship. Japan's immigrant population hovers at only 2%, one of the lowest amongst the OECD nations.[124] Chung asserts that many immigration laws from the late 1980s to the present were a reaction to labor shortages that prompted the government to implement initiatives that increased needed foreign labor and were not a result of a desire for a comprehensive immigration policy that would integrate permanent immigrants.[125] Chung further states that immigrants under these laws fulfilled undesirable temporary jobs that were 3K or "Dirty, Difficult, and Dangerous;" the nature of these jobs may have further separated the immigrants from the general population and established them as undesirables, similar to the tasks they were hired to do. A 1990s *Nikkeijin* exception allowed the explicit immigration of temporary, unskilled workers that were ethnically Japanese from South American countries such as Brazil and Peru.[126] Underlying these immigration policies, which focus on the temporary nature of immigration and the preference for ethnic Japanese, is the interest of the various political and institutional actors to maintain Japan's homogenous cultural identity and prevent the possible threat that increased immigration poses if it was permitted to grow permanently.

Japan's perceived identity as an ethnically homogeneous nation, regardless of the veracity of this view, is also reflected in the Japanese public's view towards immigrants and immigration in general. Surveys indicate that the majority of the Japanese public are against allowing the immigration of unskilled workers, favor a more "closed-door" immigration policy, are divided on whether allowing skilled workers would be beneficial to Japan, and oppose allowing the permanent residency of skilled or unskilled

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[123] Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," 12–13.

[124] Junichi Akashi, "New Aspects of Japan's Immigration Policies: Is Population Decline Opening the Doors?" *Contemporary Japan (Berlin, Germany)* 26, no. 2 (2014): 178, https://doi.org/10.1515/cj-2014-0009.

[125] Chung, *Immigration and Citizenship in Japan*, 146–155.

[126] Chung, *Immigration and Citizenship in Japan,* 151–153.

immigrants.[127] These same surveys also reflect the general public's negative perceptions of immigrants—i.e., that increased immigration will be detrimental to Japanese employees, immigrants negatively contribute to the increasing crime rate—resulting in respondents favoring to either maintain or reduce the current levels of immigration.[128]

Prominent political leaders and government agency representatives have made statements that, while sometimes disagreeable, only reflect their desire to maintain the country's perceived homogeneous identity. Prime Minister Nakasone Yasuhiro previously stated that "Japanese intelligence levels were higher because of Japan's racial Purity;" LDP Foreign Minister Michio disparagingly discussed the links between African Americans and "financial delinquency;" and even the Ministry of Justice "frequently commented that the existence of ethnic minorities within the Japanese society was highly undesirable and that foreign residents should assimilate to the point of indistinguishability."[129] Former Tokyo governor Ishihara Shintaro made several public comments outlining his views of immigrants as violent thieves and criminals, while the National Police Agency included a separate section on "foreign criminality" in their public papers.[130] One can infer that Japan's immigration policies are motivated by the same desire to maintain Japan's ethnic identity reflected in these politicians' and agencies' sentiments.

In sum, Japan has historically been a closed-immigration country with an entrenched identity as an ethnically and culturally homogeneous nation. This homogeneous identity shapes the country's interactions with immigration and the resulting immigration policies throughout its history, from the pre-war Meiji era to the present day. Specifically, Japan's ethnic identity contributes to the state's views of immigration as a negative or a potential threat to its homogeneity, resulting in immigration policies that seek to minimize

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[127] James P. Lynch and Rita J. Simon, *Immigration the World Over: Statutes, Policies, and Practices* (Lanham: Rowan & Littlefield Publishers, 2003), 200–5.

[128] James P. Lynch and Rita J. Simon, *Immigration the World Over: Statutes, Policies, and Practices*, 200–5; Mike Douglass, "Global Householding and Japan - A Comparative Perspective on the Rise of a Multicultural Society," in *Migration and Integration: Japan in Comparative Perspective* ed. Gabriele Vogt and Glenda Susan Roberts (Munchen: Iudicium, 2011), 30–31.

[129] Chung, *Immigration and Citizenship in Japan*, 173–175.

[130] Chiavacci, "Indispensable Future Workers or Internal Security Threat?" 125–127.

immigration numbers (by making them temporary, for example) or restrict immigration to those that could still meet Japan's criteria for ethnic similarities (such as the ethnically Japanese *Nikkejin* from South America). This results in reactive immigration policies that fail to fully address Japan's dynamic immigration needs.

2. Homogeneity and Immigration Framing

Japan's established identity as that of an ethnically and culturally homogeneous nation helps shape the immigration policy through the way it frames the immigration discourse; in particular, this cultural identity contributes to focusing immigration discussions in terms of the security and cultural dangers it poses. First, immigration dialogue within government agencies is often framed as a security issue: Chiavacci notes that the Ministry of Justice itself "regards immigration policy primarily as an issue of guaranteeing high level of internal security and order."[131] Chiavacci also observes that the MOJ continues to advocate for a more "restrictive immigration policy," for example, by objecting to temporary foreign programs. By simply making the connection between immigration and internal security issues in its white papers, the MOJ has successfully framed the immigration issue in a potentially pejorative manner.

Second, as Vogt concludes, discussing immigration within the lens of "internal security" and "immigration control" is partly motivated by Japan's desire to protect its homogeneous ethnic identity.[132] Vogt infers this when she asserted that viewing immigration as something to control results from "defining 'otherness,'" where "the potential migrant is perceived to be a threat to the national security and public safety:" in short, immigrants and foreigners pose a threat because of their perceived propensity to criminality, and maintaining lower immigration levels will result in a safer country.

Finally, the negative views towards immigration and immigrants are reinforced through the media and government agencies. As stated before, the MOJ published several white papers that highlighted immigration as an internal security issue: their topics

131 Chiavacci, "Indispensable Future Workers or Internal Security Threat?" 131–133.

132 Vogt, "Friend and Foe: Juxtaposing Japan's Migration Discourses," 55–56.

included the 2014 "Campaign Against Illegal Employment of Foreigners," the 2006 paper highlighting the increased number of immigrants who have broken laws, as well as a 2004 paper highlighting visa violators as criminals that have the propensity to commit further crimes.[133] The National Police Agency also published several papers linking immigrants and crimes in Japan: Chiavacchi emphasizes that much of the evidence that both MOJ and NPA outlined were problematic, as they were filled with calculation errors and "logical inconsistencies."[134] Even so, the local Japanese media furthers this narrative of immigrants as a danger to society, often by sensationalizing crimes committed by foreigners, giving the crimes lengthened exposure that far outweighs the crimes' impact and frequency. Chiavacchi concludes that the Japanese newspapers' often prejudiced reporting against foreign-committed crimes has negatively influenced the public's views of immigrants in general; for example, there is a stronger association between foreigners and crimes in Japan than in other countries, and Japanese distrust of immigrants has increased through the years.[135]

In sum, Japan's established identity as a homogeneous nation influences its immigration discourse by framing increased foreigners as an internal security threat. This view is corroborated by different actors such as the government agencies, the Japanese media, prominent public officials, and the general Japanese public. The "immigration equals increased crimes" discourse is strengthened by the anti-immigration views of the different actors that are continuously circulated within the public. The state's homogeneous identity and its negative immigration views get further reinforced.

B. CULTURAL IDENTITY AS A WORLD LEADER

Japan's second, relatively newer cultural identity as an economic and political world leader has emerged to challenge the state's traditional interaction with immigrants and immigration policy. In essence, Japan's world leader identity encourages the state to pursue immigration policies that are more in line with other world leaders, such as countries

133 Vogt, "Friend and Foe: Juxtaposing Japan's Migration Discourses," 56–57.

134 Chiavacci, "Indispensable Future Workers or Internal Security Threat?" 128.

135 Chiavacci, "Indispensable Future Workers or Internal Security Threat?" 127–129.

within the European Union and the United States. Additionally, while immigration remained low throughout Japan's recent history, the permanent immigrants in Japan nevertheless make an impact within the Japanese identity: Chung concluded that the immigrants' increasing numbers force actors to re-examine the discourse on Japanese national identity and immigration.[136]

1. Internationalization

Japan's identity as a world leader and this identity's impact on immigration policy cannot be separated from its efforts to meet international standards. Even during the Meiji Restoration, when Japan was pursuing its "Western technology, Japanese culture" slogan, the GOJ remained sensitive to how the international community viewed their country. Gurowitz states that internationalization "involves being in step with the [Western] world" and that Japan "should look more like their Euro-American counterparts, not only in its international dealings but also domestically."[137] This translates to emulating the western world's more inclusive immigration policy that focuses on immigrant integration and the view of a nation's multi-ethnic and multicultural makeup as a net positive.

In Japan's newer world leader identity focused on internationalization, Gurowitz states that Japan feels pressure to accept international norms: that is, to open up its immigration policies, accept more immigrants, and become a more multicultural society.[138] Gurowitz concludes that much of the progress on immigration rights in Japan were gained as a direct result of codifying international law within the Japanese courts and laws.[139] For instance, in 1982, Japan modified its deportation law so that it aligned with the international refugee treatment standards, expanded its 1979 health insurance for immigrants to satisfy the 1979 International Covenant on Economic, Social, and Cultural Rights, and improved the alien registration system in 1993 after an ICCPR ruling that

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136 Chung, *Immigration and Citizenship in Japan,* 176.

137 Amy Gurowitz, "Looking Outward: International Legal Norms and Foreigner Rights in Japan," in *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspective,* ed. Takeyuki Tsuda (Lanham, MD: Lexington Books, 2006), 156–7.

138 Gurowitz, "Looking Outward: International Legal Norms and Foreigner Rights in Japan," 158.

139 Gurowitz, "Looking Outward: International Legal Norms and Foreigner Rights in Japan," 162.

deemed several of the requirements illegal.[140] Gurowitz also recounts several legal challenges that resulted in increased foreigner and immigrant rights; these challenges used Japan's ratification of the 1995 Convention on the Elimination of All Forms of Racial Discrimination to convince the Japanese courts to modify its laws and grant immigrants additional entitlements.

The emergence of Japan's international and world leader identity is not only the result of international pressure (through UN Covenants and other agreements), but also due to international pressure from internal actors such as local Japanese governments, non-governmental organizations, and several Japanese agencies to include the Japan Business Federation (Keidanren), the Ministry of Foreign Affairs, Ministry of International Affairs and Communications, and the Ministry of Economy, Trade, and Industry. These actors have, at times, focused the immigration discourse on the cultural and economic advantages of increased immigration as well as helped reduce the "immigrants as criminals" discourse by alleviating the public's reservations through integration initiatives. For instance, local Japanese governments have campaigned for increased "multiculturalism" or *tabunkakyosei* (literally, "existing with multiple cultures.").[141] As Kibe explains, the *tanbunkakyosei* campaign aims to develop Japan as a more multicultural society; Kibe adds that the MIC defines *tanbunkakyosei* as acknowledging that "people with different nationalities and ethnicities [can] live together as members of a local community by mutually recognizing cultural differences."[142] Kibe further explains that the multiculturalism campaign efforts concentrate on integrating foreign nationals through "language, education, and cultural exchange" programs. Meanwhile, economically-focused entities such as the Japan Business Federation and MITI continue to advocate for immigration policies that increase net immigration and attract more skilled workers. Keidanren, for example, advocates for an "open door immigration policy" by reforming current immigration laws and

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[140] Gurowitz, "Looking Outward: International Legal Norms and Foreigner Rights in Japan," 161–165.

[141] Takashi Kibe, "Can Tanbunkakyousei be a Public Philosophy for Integration?" in *Governing Insecurity in Japan: The Domestic Discourse and Policy Response*, ed. Wilhelm Vosse, Reinhard Drifte, and Verena Blechinger-Talcott (Abingdon, Oxon: Routledge, 2014), 71.

[142] Kibe, "Can Tanbunkakyousei be a Public Philosophy for Integration?" 75–76.

implementing social changes that would "create a[more] attractive living and working environment for the international community in Japan."[143]

2. Conclusion

In sum, a newer Japan Identity—that of the country as a world leader committed to internationalization—has emerged in recent decades to challenge Japan's established identity as an ethnically homogeneous culture. Japan's world leader identity emerged due to the influence of the international community, more specifically the Euro-American Western countries who act as norm breakers by advocating for a new immigration standard: that of multicultural nations committed to open immigration policies and acceptance of more foreigners as naturalized citizens. Other actors, including local Japanese governments, non-governmental organizations, and Japanese agencies, also serve as norm breakers by continuing to advocate for internationalization and multiculturalism as the new, accepted convention within the country. This competing cultural identity affects immigration policy discourse by shifting focus on the advantages of more open immigration instead of viewing it through the internal security lens.

C. CONCLUSION

The two divergent Japanese identities—(1) Japan as an ethnically homogeneous culture that seeks to maintain its restrictive immigration policy; and (2) Japan as an international/world leader that advocates for multiculturalism and a more open immigration policy—compete with each other in defining Japan's immigration strategy. This contributes to a lack of comprehensive vision for the future of Japanese immigration and more disjointed immigration policies that sometimes produce outcomes that may be completely opposite of their intended results.

For example, while Shinzo Abe's government embraces its role as a world leader and seeks to restore Japan's economic dominance, it had, until 2018, neglected to support policies that would significantly increase immigration and have instead opted for temporary solutions to the labor shortage, such as increasing the labor force by encouraging

[143] Vogt, "Friend and Foe: Juxtaposing Japan's Migration Discourses," 61.

more women and younger retirees to work.[144] Another example is Japan's policy to *Nikkejins*: on the one hand, allowing *Nikkejins* to immigrate and work in Japan shows the country's willingness to adapt and open its immigration doors for unskilled workers; on the other hand, the focus on only unskilled workers who are ethnically Japanese suggest that *Nikkejin* policy is still driven by the government's desire to maintain the nation's perceived cultural homogeneity.[145] Additionally, the disjointed immigration policies can be seen by the differences in what Vogt calls "policy outcome," which is the stated intended result of a policy, versus "policy output," which is the actual result of policy implementation.[146] Examples of the "policy outcome" versus "policy output" disconnect include the Technical Intern Training Program (a program to encourage skilled labor but instead became an engine for the influx of unskilled labor) and the student visa program (originally intended for international students, but in practice was used as another avenue to temporary unskilled labor).[147]

In sum, Japan currently faces an immigration policy dilemma as a result of its competing cultural identities. Japan's established homogeneous identity encourages policies that continue Japan's restrictive immigration norm, while Japan's new identity as an international world leader encourages increased immigration and adapting internationalization as the norm. The result is a piece-meal immigration vision that fails to provide an adequate solution to the country's demographic and economic shortages.

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144 Roger Goodman and S. Harper, "Japan in the New Global Demography: Comparative Perspectives," *The Asia-Pacific Journal: Japan Focus* vol. 5 issue 7 (July 2007), https://apjjf.org/-Roger-Goodman/2472/article.html; Akashi, "New Aspects of Japan's Immigration Policies," 188.

145 Hirata, *Japan: Paradox of Harmony*, 111–115.

146 Gabriele Vogt, "When the Leading Goose Gets Lost: Japan's Demographic Change and the Non-Reform of its Migration Policy," *Asian Studies: Journal of Critical Perspectives on Asia* 49, no. 2 (2013): 24, https://www.asj.upd.edu.ph/mediabox/archive/ASJ-49-2-2013/Vogt.pdf.

147 Hirata, *Japan: Paradox of Harmony*, 107–111, 115–116.

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VII. CONCLUSION

This thesis sought to understand why Japan's immigration policy remains restrictive and examined what factors influence immigration policymaking. It was organized to analyze this question by examining the three main perspectives to immigration policymaking: (1) economic, (2) political and institutional, and (3) cultural. While there are a multitude of scholarly journals that examined these immigration factors, this thesis also aimed to analyze how policy actors weight these factors in finalizing immigration policy recommendations.

This thesis first examined Japan's immigration patterns to determine whether the conventional knowledge that Japan's immigration system is closed and restrictive is correct. By comparing Japan's immigration data with that of other OECD countries, this thesis concurred with the scholarly view that Japan lags behind its counterparts in immigration acceptance rates.[148] It also examined more subjective measures of the country's immigration trends. For example, it demonstrated that Japan's low immigration numbers extended to its refugee acceptance rates and that the government showed a preference for temporary immigration that provided only a limited path to gain long-term residency.[149] This thesis also argued that the lack of immigration integration support structure contribute to the low immigration trends and concluded that the various data above provided sufficient proof that Japan's immigration can be accurately described as low and restrictive.

After providing a short overview of Japan's immigration history for the past 30 years, this thesis then examined the economic factors that influenced Japan's immigration policy. It recognized that Japan is an outliner in terms of labor shortages and percentage of foreign residents, especially when juxtaposed against other comparable OECD

[148] OECD (2020), *International Migration Outlook 2020* (Paris: Routledge, 2020), 26, Http://doi.org/10.1787/ec98f531-en.

[149] Takeyuki Tsuda, "Localities and the Struggle for Immigrant Rights: The Significance of Local Citizenship in Recent Countries of Immigration," 12–13.

countries[150]. It observed a few economic actors and concluded that the majority favored an open, less restrictive immigration policy for Japan. However, it also concluded that despite their advocacy and pro-immigration stance, scholars suggested that economic actors do not have significant influence in the policy-making process.[151] The chapter identified several issues, including institutional and political limitations and the disparity between businesses who profit and communities/governments that shoulder the cost.[152] These issues prevented powerful business organizations from sufficiently persuading the state to pursue more open policies.

This thesis next explored several institutional and political factors that collectively contribute to keeping Japan's closed-immigration status quo. It examined how even political and institutional framing—that is, the terminologies utilized during immigration policy deliberations—prevented immigration discourse from exploring more expansive issues such as extensive worker rights and paths to permanent residency or citizenship. It then showed different elements that contributed to a disjointed Japanese immigration strategy: these elements included intra-agency and intra-party disputes and vague chain-of-command management of immigrants and immigration policy.[153] It noted how the LDP's long-term, single-party government rule precluded examination of more extreme policy proposals and influenced immigration policymaking to remain moderate while maintaining the status quo.[154] This thesis further demonstrated Japan's disjointed immigration strategy by showcasing the disparity that sometimes happens between policy intent and policy results, and concluded by examining how existing institutions such as

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150 Michael Strausz, *Help (Not) Wanted: Immigration Politics in Japan* (New York: SUNY Press, 2019), loc. 222–233 of 3852, Kindle edition.

151 David Chiavacci, "Japan as a New Immigration Country: The Gap between Immigra-tion Policy and Actual Immigration in International Comparison," 81–93.

152 Gary P. Freeman, "Modes of Immigration Politics in Liberal Democratic States*," The International Migration Review* 29, no. 4 (1995): 881–902, https://doi.org/10.2307/254772; Chiavacci, "Japan as a New Immigration Country: The Gap between Immigra-tion Policy and Actual Immigration in International Comparison," 85–6.

153 David Chiavacci, "Japan as a New Immigration Country: The Gap between Immigra-tion Policy and Actual Immigration in International Comparison," 88–93; Milly, "Policy Advocacy for Foreign Residents in Japan," 128–131.

154 Mike Douglass, "Global Householding and Japan - A Comparative Perspective on the Rise of a Multicultural Society," 32.

civil societies and local governments often step in to provide needed immigration support when national government guidance is missing.[155]

Finally, this thesis explored the cultural factors that affect immigration policy. It first concluded that Japan's long history established and reinforced their national cultural identity as a homogeneous nation, influencing political and institutional actors to frame open immigration as a net negative and a policy to avoid. It then examined a competing cultural viewpoint of Japan as an economic and political leader, showing how this world-leader narrative leads actors to pursue a more progressive immigration strategy. It concluded that, similar to institutional fragmentation, these competing cultural narratives resulted in a less unified and more disjointed immigration policy developments that did not move the needle towards a more robust immigration policy.

Recent immigration policy reform enacted in late 2018 seem to point towards a more open immigration strategy. However, early immigration data may not provide the full picture due to developments with the global pandemic. It remains too early to conclude whether the new policy goals match the policy intent, or whether some disparity still exists, but this can be subject for future research.

[155] Chiavacci, "Japan as a New Immigration Country: The Gap Between Immigration Policy and Actual Immigration in International Comparison," 81; Endoh, "The Politics of Japan's Immigration and Alien Residence Control," 329.

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