Japanese Immigration: Numbers Without Policies

“In countries that have accepted immigration, there has been a lot of friction, a lot of unhappiness both for the newcomers and the people who already lived there.”

(Shinzō Abe, 2014)

Introduction

On September 29, 2015, in a speech at the UN General Assembly, Shinzo Abe addressed the criticism he and the Japanese government received regarding their immigration policy that has only given asylum to 11 individuals that year. After acknowledging the refugee crisis as one of the most significant problems that the world faces, Abe commented on what he believed to be one of the most significant issues facing refugees: economic assistance, education, and health. Abe mentions the amount of aid the Japanese government has given in the relief efforts including, hundreds of millions of dollars to different organizations and governments, a Maternal and Child Health Handbook for women in refugee camps, among other efforts.

In an interview with reporters after his speech, Abe explained that he believes that he needs to take care of the Japanese people before considering a large number of refugees entering Japan. When asked about the decreasing population, Abe said, “Before accepting immigrants or refugees, we need to have more activities by women, elderly people and we

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1 For a full account of Abe’s speech, visit the Prime Minister of Japan and His Cabinet website. (http://japan.kantei.go.jp/97_abe/statement/201509/1213007_9928.html)
must raise our birth rate. There are many things we should do before accepting immigrants.”

Japan has had a long history of not being open and accepting of immigrants. After examining Abe’s speech archive, I have noticed that the term ‘immigrant’ or ‘immigration’ is not mentioned as much as I expected. As Jessica Weisberg mentions in her article in Harper Magazine, when Abe is asked about immigration, he usually responds by mentioning ‘foreign workers,’ prompting people to shift their focus to Japan’s economy and insisting that immigrants only come to Japan as workers and not for a better life. This raises the question about immigrants in Japan and whether or not they belong or accepted into Japanese society.

Immigration in Japan has not always been a topic of discussion politically or socially. But, more recently, Japan has seen an increase in the number of immigrants entering the country, which begs the question: why is that? The goal of this paper is to answer the following question related to immigration policy in Japan: Why has there been an increase in migrants and migrant workers in Japan when Japanese Immigration policy has been largely the same? There has been, and continues to be, tough restrictions on immigration. As the quote in the opening of this paper suggests, Abe believes that immigration to any country is destabilizing. But, does Japan need immigrants?

Although there have been tough restrictions on immigration, the number of immigrants entering Japan is climbing. The combination of Japan’s aging population, declining birth rates, societal views and expectations of foreigners, the process of entry, and

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the lack of good assimilation programs has caused an increase of immigrants in Japan. The immigration policy, however, has largely stayed the same since its inception but has not adjusted to the volume or type of people coming into Japan. The creation of multiple loopholes (which will also be referred to as “backdoor policies”), the lack of policy reform and assimilation programs, explains the gap between the increase in numbers and the policies in place. We will see this pattern through an analytical view of previous literature, interviews, and statistical analysis of data provided by the Ministry of Justice.

**Background/History: The Immigrant Story**

Japanese historian, Yukiko Koshio, has identified three historical events that are significant in the tale of Japanese immigration before postwar Japan. These three events include the settlement of Koreans in the 8th century which included mainly artists and intellectuals; asylum seekers from China in the 1600s; and the forced migration of Korean and Chinese people during the Second World War. How has Japan reacted to the increase in immigration after the war? What did the government do in response to the influx of immigrants over time?

Atsushi Kondo\(^4\) provides six periods in Japanese history that illustrate the chronological development of contemporary Japanese immigration policy. After WWII, there were three significant reforms in the legal frameworks of the Japanese immigration policies often characterized, as Kondo describes, by the “so-called ’52 Regime’, ’82 Regime’, and ‘90 Regime.”\(^5\)

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Before the Perry Expedition\textsuperscript{6}, there was a “period of national isolation,” also referred to as *sakoku*, a foreign policy enacted during the Tokugawa period. There was very little to no foreigners entering Japan during this period of seclusion (1639-1853). During his time in Japanese history, the shogunate assumed that the Catholics were converting Japanese people and were the predecessors of a military conquest by Europeans\textsuperscript{7}. The Edo period was a period where both national and foreigners were barred from entering and leaving the country. The only expectation to this policy was the trade relations Japan had with China and the Netherlands in the port of Nagasaki. The Tokugawa period was an interesting time in Japanese history and represents a unique era of traditional Japanese culture, society, and government before the Meiji Restoration period of 1868.

The Perry Expedition was the beginning of Japan opening its borders to large emigration and colonial immigration. From 1853-1945, other than the number of immigrants from Japanese colonies that entered Japan, very little immigrants from other countries migrated. During this same period, about 777,000 Japanese national immigrated to the United States and Latin America. But, after the war, Japan was forced to give up all of its colonies, which resulted in the migration of 1.5 million Koreans back to Korea and for 600,000 more Koreans and a small number of Taiwanese to stay in Japan\textsuperscript{8}.

The periods (or regimes) that followed the war are those that set up the foundation for the current immigration policies. After the Second World War, the Immigration Control Law

\textsuperscript{6} The Perry Expedition was a diplomatic expedition that took place in 1853-54. Commodore Matthew Perry arrived in Japan to strike up a trade deal and end Japan’s period of isolation that last over two centuries.

\textsuperscript{7} Kondo (2015)

\textsuperscript{8} Ibid
(1952) was introduced during what is known as the ‘52 Regime (1952-1981) mentioned above. This law was the framework for the immigration policy in postwar Japan. This moment in Japanese history marks a time where even though there was rapid economic growth; there were still strict immigration policies. Kondo describes this period as exclusionary and discriminatory. After the US occupation in Japan, Taiwanese and Koreans that were once living under Japanese rule were now considered foreigners. For the individuals who did not return to their home countries after the war, Japan expected them to naturalize and become Japanese, which included adopting a Japanese name. While Japan’s economy was growing rapidly, it did not depend on foreigners.

The ’82 Regime (1982-1990) marks an improvement in foreign citizens’ rights and acceptance of refugees but still had strict immigration policies. This came after ratifying the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1979 and especially after acceding to the Refugee Convention in 1981. In 1982, Japanese lawmakers ratified the Immigration Control and became known as the Immigration Control and Refugee Recognition Act. It was reformed in 1989 as a response to the “cross-border population movements and a sharp rise in the number of visa overstayers.” The government started recognizing visa categories for highly skilled workers and provided justification for not accepting low skilled workers.

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9 Kondo 2002, pg. 418
12 https://www.migrationpolicy.org/article/japanese-immigration-policy-responding-conflicting-pressure
Finally, the ’90 Regime (1990-) immigration policies were relatively strict, but there were now three loopholes for ‘unskilled’ workers. Kondo (2015) identifies these three loopholes as nikkeijin (persons of Japanese descent), the trainee programs, and the creation of new residence statues that were in response to the economic needs. I will go into more depth on each one of these loopholes in later sections, but is essential to understand that these policies have continued to the present and contain several amendments.

It is worth noting that Japan’s period of seclusion has played a role in the immigration problem Japan has faced for over four generations. Today, Japanese immigration policy does not do much for foreigners; its systems are focused on controlling foreigners and “lacks an active policy to incorporate them into society or to participate in Japanese political life.”\textsuperscript{13}

**Migrating to Japan: Process of Entry**

The process of entering Japan and the residency status that one receives is an important factor to understand the demand for immigrants in Japan, which ultimately lead to the creation of more loopholes. According to the Immigration Bureau of Japan, the only thing that a foreigner must have is a valid passport to enter the country (except for crew members)\textsuperscript{14}. Upon entry, they either receive landing permission or a landing permission seal of verification from the immigration inspector. But, is this process different for people depending on what country they are from? Are there exceptions (i.e., any countries that are banned or procedure changes based on foreigner's home country)?

\textsuperscript{13} For an excellent account of foreigners living in Japan and the rights they have, read *Fighting for Foreigners* by Apichai W. Shipper (pg. 25).

According to the Immigration Control and Refugee Recognition Act (ICRRA), a person who wishes to apply for landing must provide an immigration officer from the Ministry of Justice (MOJ) with personal identification (i.e., fingerprints and images of their face)\(^\text{15}\). By law, there are a few conditions that the above information does not apply to including: special permanent residents (those who lost their Japanese nationality during the ‘52 Regime); someone under 16 years old; anyone who is classified as a ‘diplomat’ or ‘official’; a person who is invited by heads of administrations in the Diet; or any person who is deemed by the MOJ as a person that fall under any of the items listed in Article 7 (Immigration Inspector’s Examination)\(^\text{16}\). Notice that most of these exemptions for people who would be considered a highly skilled worker or an adolescent. Section 2, Article 5 of the ICRRA, titled “Denial for Landing” details ways in which foreigners are denied entry into Japan\(^\text{17}\).

Only recently, in July 2017, the Japanese government has issued a list of countries that do not need to obtain visas to enter Japan\(^\text{18}\). There were a few countries that did require visas to enter including, China, Russia, Philippines, Georgia and CIS countries. This, however, only applies to those that come for a short-term stay, which is a maximum of a 90-day visit. Those

\(^\text{15}\) Many of these persons were exempt from under certain laws and regulations. For a more detailed account, read [http://www.immi-moj.go.jp/english/tetuduki/kanri/zyouriku.html](http://www.immi-moj.go.jp/english/tetuduki/kanri/zyouriku.html)

\(^\text{16}\) Ibid pg 8. Article 7 of the Immigration Inspector’s Examinations of the Immigration Control and Refugee recognition Act detail the landing procedures for those who are “temporary visitors” and those that are “permanent residents”

\(^\text{17}\) Some of these restrictions include someone who has been convicted of a drug offense, felony or misdemeanor.

\(^\text{18}\) For a detailed list of countries, visit the Ministry of Foreign Affairs of Japan website. ([http://www.mofa.go.jp/j_info/visit-visa/short/novisa.html](http://www.mofa.go.jp/j_info/visit-visa/short/novisa.html))
who enter Japan with an intention to stay longer than 90 days need to apply for work or long-term visa.

There are over 30 statuses of residence, but they fall under two larger umbrellas—long-term and short-term stays—and there are different authorized activities for each one. Found in the Appended Table I of the ICRRA, there is a chart that displays what people on long terms and short-term visas can do while they are in Japan. This chart can be found at the end of the piece of legislation along with Appended Table II that describes the status of residence and the position(s) that an immigrant is allowed to operate. I will provide a detailed look at this table in a later section.

**Increasing Demand From Japan**

With Japan’s aging population and low birth rates, it has quietly turned to immigration. In more recent years, Japan has turned to foreign workers to address a multitude of issues, including these two. Among those who are increasingly getting concerned with the patterns of an aging population are Japanese businesses. They are specifically concerned with the accelerating long-term labor shortage problem and the slowing of technological advancement because of the declining number of new members entering the workforce\(^{19}\). Outside of the workplace, there is also an increase in the number of households that lack a caretaker for the bedridden and senile elderly family members, a position that is typically adopted by other family members.

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The labor shortage issue expands beyond just an economic issue and suggests negative financial implications in the short term and long term. This information is detailed in a report released by the International Monetary Fund, which focuses on which policies would help ease Japan’s labor shortage, but here I am interested in examining how employers benefited from foreign workers.

In postwar Japan, there has been a massive demand for labor because of the rapidly growing Japanese economy. In 2014, the Congressional Research Service released a briefing called “Womenomics in Japan: In Brief” that details the “ambitious plan” to restart Japan’s economy. The main focus here is women and Abe’s attempt to persuade more women to join the labor force, hoping to close Japan’s gender gap. While they do not address the topic of immigration explicitly (and more specifically foreigners and their positions in the workforce), one of Abe’s solutions is to allow more foreign housekeepers in special economic zones. Most of the “economic zones” including cities, such as Tokyo and Osaka. The goal of this proposal is to assist mothers with their families and help them balance their home lives with their careers. Although this was the original plan that was introduced in 2014, there were no details regarding how many workers will be allowed to work, what countries the immigrants have to be from, or what requirements do these foreigners have to fulfill. The national government has since created a plan that would allow foreigners to work in the housekeeping industry.

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22 An example of this can be found in the Osaka Prefecture. In 2016, Osaka decided to allow the government program into their prefecture. There is a fear that this program will be underutilized if the
According to the Japan Statistics Bureau, in 2005, there were over 1.5 million foreign residents living in Japan as permanent residents\textsuperscript{23}. In 2016, that number increased to over 2.25 million, one million of which are foreign workers- the first time in Japanese history that employment of foreign workers exceeded one million (up 20 percent from the previous year)\textsuperscript{24}.

In 2010, the labor force was 66.3 million people, and it is projected to decline to 56.8 million workers by 2030, according to government projections\textsuperscript{25}. According to the same report, in a survey conducted by the Manpower Group, 81 percent of Japanese firms expressed their difficulty in filling jobs in 2014 (Figure 1)\textsuperscript{26}. In a similar survey conducted in 2006, 60 percent of employers said the same thing. It is left to determine what the Japanese government has done to address this issue. What kind of policies has been added in more recent years, if any? Is Japan willing to allow more ‘low-skilled’ workers into Japan? These questions and more will be addressed in the following section.

It is important to note that although there have been some conversations in the Diet about this issue, some historians, demographers, political scientists, etc., have provided some

\textsuperscript{23}https://www.wsfcsl.or.us/cms/lib/NC01001395/Centricity/ModuleInstance/17064/Demographics_of_Japan.pdf
\textsuperscript{24}“Immigration to Japan|Foreign Workers Japan|1947-2016|Analysis|Chart.” Japanmacroadvisors.com,
\textsuperscript{26}Ibid pg. 8
possible solutions to the problem. Some policy options that John Bongaarts, a demographer,

discusses to address the impact of the aging population include: counteracting population aging with immigration, increasing participation in labor force, raising the retirement age, etc.27 Others include Japanese economist, Naohiro Ogawa. He provides an insight into the policy options that Japan can adopt and implement to address the same problem and ensure a more sustainable future. Some of these policies include raising the retirement age so that more aged citizens stay in the workforce, international immigration, social security reform, etc.28 These professionals have all come up with solutions that all include immigration in some

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form or another. But, has the Japanese government adjusted to the volume of people enter Japan and the decreasing number of those in the workforce?

**Slow Changing Policies**

Compared to other countries that have relied upon and have allowed immigrants into its country, the topic of immigration has stayed within the walls of the Diet. It is not a contentious issue between political parties and is not apart of public discussions. This is large to do with the low salience of the issue, but also because of the long-ruling LDP’s influence on policymaking. The strong pressure to open immigration combined with the equally as strong resistance to it has to lead to a slow process to policy change and produced minimal change\(^{29}\). Looking into policy changes over time helps us highlight the dynamics that have prevented changes from occurring.

Regarding Abe’s Womenomics plan, there was an amendment that was added to the ICRRA in December 2013, known as the Act on National Strategic Special Zones. This act would give a special counsel the role to approve any regulatory reforms that prefectures may have. Any prefecture in these special zones that wish to propose a plan to change something, can submit it to the council. The council still has to receive approval from the Prime Minister after drafting a solution. Multiple special zone areas have adopted the Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, which is the “project to accept, under an employment contract, a foreign national who engages in

activities to provide housekeeping services.”30 This provision has allowed many foreigners to come into the country. Foreigners who come to Japan to work as housekeepers are deemed, under Appended Table I, mentioned above, as a special resident and the government has provided a list of activities they are authorized to do.

The Japanese government had created something called the “Basic Plan for Immigration Control.” This was formulated by the Ministry of Justice and is a way to control the entry and processing of foreigners entering Japan. There have been multiple editions of this plan, with the latest being from 2015. In its latest edition, the government drafted a version describing the economy as ‘sluggish’ and the last plan drafted did not address any of the issues that arose from the Global Financial Crisis and the rapidly declining population31. The government acknowledges the problems that exist and realize it is a problem that they need to address proactively, and one of the ways to do this is to continue allowing foreign workers in. Although there is also a problem with illegal immigration (i.e., people staying after their visas expire), that number has significantly decreased under this new plan. But, how does Japan have, what they consider to be, a significant illegal immigration problem considering it is a country without any land borders?

According to Shipper (2008), there is a systematic problem with the way the Japanese government deals with immigration. The MOJ has established a racial hierarchy where the high end includes zainichi (Japan-born) foreigners and nikkeijin (foreign-born Japanese) and on the bottom of this hierarchy includes South Asians (from Pakistan, Bangladesh, and

India). The high-skilled positions are mainly available to those that are ethnically Japanese, whereas undesirable, low paying jobs, such as a trainee, are for those with no Japanese heritage, but also for those from other Asian countries. Because of this racialized hierarchy, many legal foreign workers (especially Asians) are vulnerable to dropping their status to ‘illegal,’ most likely because they have overstayed their visas in order to continue working.

Japanese law and public sentiment have also created a distinction between illegal and legal and not between Japanese and non-Japanese (28). Whether or not people were from similar ethnic or cultural backgrounds, foreigners in Japan have different life experiences. Because of this, combined with the different social and political benefits, co-ethnic foreigners do not have a universal experience that would allow them to mobilize and create change on the national level. So, how are foreigners living in Japan expected to fit in society? Is there anything that the government can do to fix the problem that has existed for over four generations?

**Conclusion: Assimilation or Conformity?**

In the United States and other Western countries, governments view immigration reform as a means to incorporate immigrants into society and help stimulate the economy. Japan has adopted the mindset that immigrants entering their country are there as benefits to stimulating their economy and never there for a better future and more opportunity. There are programs in

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32 Shipper (2008) pg. 25-26
33 In 2012, a point-based system was introduced and would give preferential immigration treatment for highly-skilled foreigners for the purposes of filling job positions and facilitating the acceptance of more.
place that take advantage of these foreigners and the systemic preference of minority groups over other has led to negative societal view and expectation of immigrants and debate as to where they belong in Japanese society.

According to a survey conducted by the Ministry of Justice in March 2017, one in three foreigners in Japan say they have experienced derogatory remarks, while 40 percent of them have experienced discrimination\(^\text{34}\). Abe has made comments about the discrimination that these foreigners have faced and described it as being beneath the dignity of Japan and the Japanese people. But, during this same time, Abe was going through a scandal of his own that involves foreign children\(^\text{35}\). There is some concern that although Abe’s speech says one thing, his actions will no follow.

This section aims to illustrate these findings through the picture painted by a Wesleyan students I was able to interview for the purposes of this paper. To protect this person’s identity, I have changed his name.

Min-jun is a Korean student at Wesleyan who has lived in Japan for over ten years. In our interview, he describes his experiences and interactions in Japanese society. When asked


\[^{35}\text{In 2016, Abe found himself in the middle of a scandal with information suggesting his connection to a ultra-nationalist kindergarten that was discriminatory against the children and families of the school. They were claims that mentioned borderline abusive behavior and that Abe was said to have been helping the school secure new land for a sister school. See more of the story here: https://www.theguardian.com/world/2017/mar/15/ultra-nationalist-school-moritomo-gakuen-linked-to-japanese-pm-shinzo-abe-accused-of-hate-speech}\]
what he thought about his upbringing in Japan as a Korean student, he started by the saying the following:

Well, I don't really represent your typical Korean immigrant who moves to Japan because many of them just attend regular Japanese schools and Japanese universities. But I was lucky enough to go an international school, so I was able to pick up English and go to an American university. 80 percent of the students were Japanese, but all of the instructors were from America or Canada.

Min-jun acknowledges his privilege and recognizes that because, as he mentioned throughout our interview, he and his family were lucky that because his father worked for a Japanese firm, he was able and allowed to attend this international school. He goes on to say:

I think most [foreign] parents, if they had money, would send their kids to international schools because... they learn English, and they are going to face much less discrimination and it's a powerful language to know.

Students in international schools learn English and Japanese, both of which are used for living in Japan and gaining a job in the future. But, for many foreigners in Japan, that is not the case. They work low paying, exploitive jobs. So, why do many come to Japan if the policy has not made anything easier for them.

There has been a growing number of applicants trying to renew their visas by using a number of loopholes that have been created. For example, in 2016, there was a spike in the number of refugee/asylum seeker applications. Many people took advantage of the opportunities asylum seekers would have (i.e. no job restrictions). Many others entered Japan through the trainee programs or were nikkeijin with an advantage societally. Others included college students who later changed their statuses from dependents to independent of their
parents. Many of these changes are made by those that are already living in Japan because they are frustrated with the small amount of hours they are allowed to work.

There have been many attempts by the Japanese government to amend the laws that already exist, but there is a lack of an effort to revise them. The needs of foreign nationals living in Japan have been treated as an accidental issue that was a consequence of amending laws to fit economic gains and societal views. The difference between the two, amending and revising, is that revising suggests a major change to a problem, while amending implies a solution to problems that arose from the original doctrine. Whether a piece of legislature is revised or amended, I argue that one thing that will ensure a better future for a more sustainable labor force are assimilation programs.

I agree with the majority of the academics (mentioned above) that immigration, more women in the workplace, more involvement of the youth, etc., are some of the ways to fix the labor shortage problem caused by increasing aging population. But, one large topic I believe is missing from this conversation is the development of assimilation programs. Assimilation programs will be the changing factor that will fix the holes that currently exists in Japan’s foreign policy. Like most counties, immigrants are not entitled to the same benefits, job security, or legal protections for Japanese people. Other than the few local civic organizations that have been created, the national government is not proactive in making sure the people that enter Japan feel welcomed. The Japanese government believes in providing accurate over equal treatment.

There are internal factors putting pressure on the system that initially only allowed highly-skilled individuals into Japan. When that opportunity opened up for some, others,
including those who were seeking a better life, wanted a way in through the backdoors that were now open. But, when they arrive, they have low paying jobs, which cannot secure a quality education for their children and they may never have the chance to learn Japanese-putting them at a larger disadvantage.

Currently, these loopholes are those that immigrants can take advantage of, but without the right tools to assimilate into society, the numbers will continue to grow without any sustainability. Today, those that stay in Japan are not those that assimilate, but rather those that conform. As the foreign population continues to grow, it will be interesting to see how Japan deals with the growing demand of these immigrants.
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