

**Master's thesis**

**NTNU**  
Norwegian University of Science and Technology  
Faculty of Social and Educational Sciences  
Department of Social Work

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# Comparative Perspectives on Developments in Labor Immigration Policies in Japan

Master's thesis in Globalization: Transnationalism and Culture

Supervisor: Marko Valenta

December 2019



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Science and Technology



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## Summary

This thesis aimed to explore and to get insights into Japan's "restrictive" labor immigration policy and to look at future prospects of acceptance of foreign workers. In this study, two comparative analyses were conducted; (1) a longitudinal case study on Japan's immigration policy over time, in order to understand the development and characteristics of Japan's policies; and (2) a comparative case study across countries (Canada, Australia and Singapore) to contrast policy elements in those countries with Japan and to further evaluate whether policy elements in the large-immigration countries might be adoptable in the case of Japan.

This study is the result of a desk study. Data sources were mainly from governmental documents, secondary literatures and reports from well-regarded international organizations. The collected data was qualitatively analyzed. The push-pull theory together with the human capital theory were mainly employed to analyze both migration decision-making processes from a migrant's perspective and migration policy decision-making processes from a policy maker's perspective. It was supplemented with the push-pull plus theory and the migration system theory.

The longitudinal case study showed that Japan has become a more open immigration country than before, opening several migration channels for prospective migrants with all skill-levels. The cross-country case study revealed that diversified migration programs and treatment differentiations based on skill-levels were common features among all those four countries. However, while Canada, Australia and Singapore recently restrict admission requirements for highly skilled workers and benefits and rights of low skilled migrants, Japan has relaxed the admission criteria. Also I discussed that Japan is urged to relax its policies even more to attract foreign migrants since the data shows that Japan has failed to take in as many labor migrants as the government's expectation.

It was also argued that Japan lacks "pull" factors from the migration system perspective. There are considerable cultural and social "push" factors in the Japanese society, such as barrier of language, cultural differences, and social acceptance. The government's attitude that views foreign labor migrants only as a temporary work force, not as a member of the society, deterred them from facilitation of a national integration policy which seems to have significant negative consequences on retaining foreign workers. As one of the possible future alternatives, I have

suggested that use of a labor market test might function as a legitimate reason to approve recruitment of foreign migrants against the concerns regarding weakening social and cultural cohesion. Another suggested alternative was an implementation of a Canadian and Australian style of regional migration program by giving the local municipalities authority to arrange their own migration programs. It might help to resolve the severe labor shortage and the economic stagnation in the local communities, and importantly it might also encourage better social inclusion of foreign migrants to their local communities.

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## List of Abbreviations and Symbols

AIP

Atlantic Immigration Program

CIC

Citizenship and Immigration Canada

EP

Employment Pass

EPA

Economic Partnership Agreement

ILO

International Labour Organization

MLTSSL

Medium and Long-term Strategic Skills List

NOS

The Low-skilled Worker-pilot project

NSSZs

National Strategic Special Zones

OECD

Organization for Economic Co-operation and Development

OTIT

Organization for Technical Intern Training

PNP

Provincial Nominee Program

SSRM

State Specific and Regional Migration

TITP

Technical Intern Training Program

TMPs

Temporary Migration Programs

TSS

Temporary Skill Shortage program

WP

Work Permit



## 1. Introduction

Regarding immigration policy in general, Japan has been called a “latecomer to immigration” or “non-immigration country” (Hollifield & Orlando Sharpe, 2017, p. 383). However, because of the current demographic situation, Japan is urged to reconsider and restructure its labor immigration policy scheme. In fact, Japan has started several new immigration programs and are also revising the existing programs lately in order to allow more foreign nationals to enter the country for work; for example, by introducing point-based system to attract highly skilled workers; by forming bilateral agreements with South-Eastern Asian countries in attempting to secure more nurses and health care workers in the country; by reforming the existing foreign trainee programs; and by revising the Immigration Control and Refugee Recognition Act to set up new work permit categories.

This thesis is a comparative analysis to understand Japan’s current labor immigration policy with two different comparison scales: (1) looking at changes in Japan’s labor migration policies over time and (2) comparing Japan’s current immigration policy with immigration policies of countries that have been more open to immigration. I have chosen to conduct those two comparative studies because it will enable me to explore two main goals of this study. Firstly, it aims to outline the main labor migration policy elements used in Japan and in the comparison countries by looking at differences and similarities if there are any. Secondly, it attempts to see whether any element used in the comparison countries can be adopted in the case of Japan or not, for Japan’s future prospect.

Japan has one of the most aging population in the world, and the size of the working-age population is shrinking. Japanese society is already facing a labor shortage in several industries, and this situation is predicted to become more severe in the coming years (OECD, 2017a). As of January 2019, the total population in Japan is approximately 126,317,000 (including foreign nationals who reside in Japan: 2,123,000). The population of foreign nationals consists 1.68% of the total population (Statistic Bureau of Japan, 2019). Looking at transition of the population in Japan, the population is steadily decreasing from the year 2011 (see Appendix 1). From the year 2008, which marked the highest peak of its total population, till 2019, population in Japan has shrunk by about 1.7 million. Unless any considerable change occurs to Japan’s current fertility rate or inflow of migrants, it is estimated that the population of Japan will go down to

87 million in the next fifty years ("Future Depopulation in Japan: A Cabinet Committee Report," 2015).

For several decades, this demographic problem has been estimated and pointed out by experts. The birth rate in Japan has been below replacement level, 2.1, for nearly 40 years, and baby boomers are now reaching retirement age ("Future Depopulation in Japan: A Cabinet Committee Report," 2015; Ishikawa, 2014). Despite that, it seems that this political agenda has not been discussed thoroughly by politicians until recently. One of the countermeasures to the dwindling labor force the current government took initiative of was a measure to encourage Japanese women and young people to engage in the labor market as a part of "the Japan's Plan for Dynamic Engagement of All Citizens" (Prime Minister's Office of Japan, 2015b). However, some leaders in industries and academics are concerned about measures that only focuses on young people and women would not be enough to cover the rapidly decreasing labor force (Iguchi, 1999, in Iguchi, 2002). Some other measures were also taken with an aim to increase the fertility rate. As of 2018, fertility rate in Japan was 1.42 (Nikkei Newspaper, 2019a). Nevertheless, it does not have immediate effects on the labor shortage problem, which is happening now. Furthermore, it is a question whether or not those measures will actually contribute to increase the fertility rate and eventually to cover the declining labor force in the future.

Japan's population is known as homogeneous although there are minority groups in the country: for example, Ainu in Hokkaido. Also, it has been generally agreed upon that Japan's immigration policy had been restrictive regarding admission for immigration (Akashi, 2014; Brettell & Hollifield, 2014; Castles, Miller, & De Haas, 2014b; OECD, 2017a). Especially Japan's recent attitude towards refugee acceptance has been clearly harsh. Among 10,493 asylum seekers, it was only 82 people who obtained a permit to stay in 2018, 42 as refugee and 40 based on humanitarian grounds (Ministry of Justice of Japan, 2019b).

The case of Japan is not unique. It would be an interesting and useful case to examine for other countries with aging population, as many developed countries are also facing the similar demographic changes. For example, countries such as Spain and the Republic of Korea are predicted to face an even faster pace of aging population than Japan does. According to OECD (2017b), the percentage of people who are older than 65 years old per 100 people of working force will reach or exceed 50 % by 2050 in several OECD countries (see Appendix 2). Thus,



there might be even harder global competition for foreign laborers with good quality, skills and talent. In that situation, will Japan's measures give enough incentives to attract potential foreign workers into the country? Moreover, does the country look attractive enough to settle for longer period of time?

In this study, I attempt to explore Japan's labor immigration policies, in light of the aforementioned problems. This thesis seeks to identify policy elements used in Japan by conducting the two comparative case studies, and also to examine the limitations or challenges of Japan's current immigration policies. Furthermore, I will discuss future prospect of Japan's immigration and see if any changes could be made for successful and open labor immigration. This study attempts to answer the following research questions:

- How can Japan's current immigration policy be characterized comparing to its past policies?
- How can Japan's current immigration policy be characterized comparing to policies in large immigrant-receiving countries?
- Can some of the comparison countries' labor migration policy elements be applied to the case of Japan?
- How and what elements in its new immigration policy could be changed?
- Does the country look attractive enough for foreign workers for long-term settlement?

This thesis consists of seven chapters. Chapter 1 is to introduce my research topic and research questions. Chapter 2 presents the scope of this study and theoretical/conceptual framework. The first part describes the target of this research and Japan's residence permit system briefly to set the stage for discussion. Then, the second part introduces theoretical framework and concepts I found relevant, and explain how they are to be used in this study. In the following chapter, I will demonstrate my research methodology. How and why I conducted the two comparative studies will be explained here. Chapter 4 discusses a longitudinal case study on Japan, and chapter 5 focuses on a comparative case study between large immigration countries and Japan. Considering the result of the two comparative studies, chapter 6 discusses the future prospect of acceptance of labor migrants in Japan. It focuses on what needs to or could be done for Japan to be an attractive migration destination country. Lastly, chapter 7 is the summary and gives further thoughts on this research topic.



## 2. Scope of My Research and Theoretical/Conceptual Framework

In seeking to address the above-mentioned research questions, I will analyze labor migration policies and regulations. In this chapter, I will outline which elements of immigration policies and what kind of immigrant groups I am targeting in this thesis. After explaining the scope of the research, the rest of the chapter will give an overview on theories that I consider relevant in this study. I have used relevant theories and perspectives to categorize data I have collected and to set guideline for comparative analysis.

### 2.1. Setting Scope of My Research

Many nation-states set rules, regulations and laws to control the flow of people from and into the country, though control over emigration is not common nowadays (Ruhs, 2013). The globalization phenomenon brought about mass quantity of flow of goods, information and people worldwide (Castles et al., 2014b; Hollifield & Orlando Sharpe, 2017). On the other hand, nation-states are getting more and more focused on how to control the inflow of migrants to their country. In general, immigration policies are implemented in order to assert control over: who or what kind of immigrant groups can migrate to the country; how many people are allowed to enter the country; how long prospective immigrants can stay in the country legally; and what kind of rights they can be granted during their stay (Cappiccie, 2011; Ogawa, 2018; Ruhs, 2013). My focus in this research is migration regime set by the states. It is important to note that states are not the only institution that has power to create and constrain flow of migration; employers, interest groups and other social and economic factors also play a considerable role in that (Hollifield & Wong, 2014; Ruhs, 2013) Nevertheless, a set of migration policies implemented by the states have immediate and significant effects on flows of people, and it simply reflects the states' ambition (Hollifield & Wong, 2014; Ruhs, 2013). Therefore, it is important to understand immigration framework set by the states.

Immigrants refer to many different groups of people who decide to cross borders with various reasons: for example, refugees, economic migrants, marriage migrants, students, and illegal immigrants. But, in general, people move to another country seeking a better life (Castles et al., 2014b). Economic migrants, a target group of this research, are immigrants who decide to cross borders because of economic reasons; in the most cases, looking for (better) jobs. Motivations for crossing borders usually cannot be described with one simple reason; there is often combination of several big and small drivers to migrate (Castles et al., 2014b). There are also

various different names and definitions for immigrants who migrate internationally for economic reasons: for instance, working migrants, labor migrants, migrant workers, and economic migrants. In this thesis, I use those names interchangeably. For a practical purpose, I will use the following definition for “economic migrants” in this study, combining International Labor Organization’s (ILO) definition (ILO, 2010) on “migrant worker” and Ruhs’ definition (2013) on “international labor migration”: “people who move to and work in another country for the primary purpose of employment for more than one year”.

Thus, labor migration policies, which this thesis focuses on, are sets of rules and regulations which decides: who (with what kind of qualifications and skills) and how many can migrate to the country as economic migrant; for how long they are allowed to stay and work; and what kind of rights or benefits they get access to during their stay. I have chosen labor immigration policy as my research scope because economic migrants are the main discussion topic when “immigration policy” is discussed in Japan. In Japan, there is no working permit which comes with permanent residence immediately at the arrival. Some working visas, especially ones for highly skilled workers, may be renewed, and it will eventually give them qualification to apply for permanent residency (Kondo, 2001).

Among economic migrants, low skilled workers often fall into guest worker category. According to Ruhs (2008), a guest worker is defined as follows:

- Labor migrants who “have a time-limited right to residence and employment in the host country”;
- “Time spend in employment as a guest worker usually does not count or help a migrant earn permanent residence rights”;
- Their permit “restrict migrants to employment in certain sectors”;
- Their temporary permit does “not allow migrants to freely change employers”;
- It “requires them to leave the country if they lose their jobs”;
- “Guest workers have limited access to welfare system in the host country”; and
- “They are not allowed to bring their families” (Ruhs & Martin, 2008, pp. 250-251).

It is often the case that temporary migration programs (TMPs) resemble guest worker program, and TMPs widely exist in North America and Europe (Ruhs, 2013). There has been a discussion regarding the morality of whether the guest worker program is justified to carry on by developed

countries even though it does not comply with the United Nations' International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ruhs, 2013). Organizations which advocate rights of labor migrants and migrant-sending countries are often concerned about migrants' working conditions and access to welfare benefits in their destination countries. At the same time, they are afraid it might limit opportunity for hiring prospective migrants if they strongly insist on securing their human rights in the destination countries (Ruhs, 2013). For that reason, there is no big movements or arguments to demolish guest worker programs at the moment. Instead, it seems that international institutions and migrant-sending countries are seeking to find a balance between increasing job opportunities for foreign migrants and improving their human rights in the migrant receiving countries (Ruhs, 2013; Ruhs & Martin, 2008). Although this thesis does not go any further on this discussion point, I will keep this point in mind when comparing labor migration policies across countries. I will also explain how TMPs in Japan have treated temporary based labor migrants in a later chapter. In this study, all the economic migrants regardless of entitled length of stay are a part of my research scope.

One way of categorizing economic migrants is sorting by their entitled length of stay: guest worker, temporary migrants, permanent resident worker; another way to do so is by looking at their skill-levels. Although there is no single universal definition of skill-levels, it is usually defined based on education-level, skills needed for occupation, and experiences (ILO, n.d.; OECD, 2002). In this study, I will use four different skill categories based on education-level as a starting point, drawing on Ruhs' skill-level categorization (Ruhs, 2013, p. 56): (1) very high-skilled: a person who has second- or third-level university degrees; (2) highly skilled: a person with university-level education; (3) medium-skilled: a person with high school-level education or vocational training; and finally (4) low skilled: a person with less education-level than medium-skilled. When referring to very high-skilled, highly skilled and medium-skilled as one group, the term "skilled" will be used.

## 2.2. Japan's Visa Categories

To understand definitions of skill-levels interpreted by the Japanese governments, we need to look at visa categories foreign nationals may obtain in Japan. At the moment, there are 28 different types of visa in Japan (Immigration Services Agency of Japan, 2018). The governmental documents use the term "status of residence" to refer to a visa/residence permit/work permit in Japan. In this thesis, I will use those terms interchangeably. Those 28

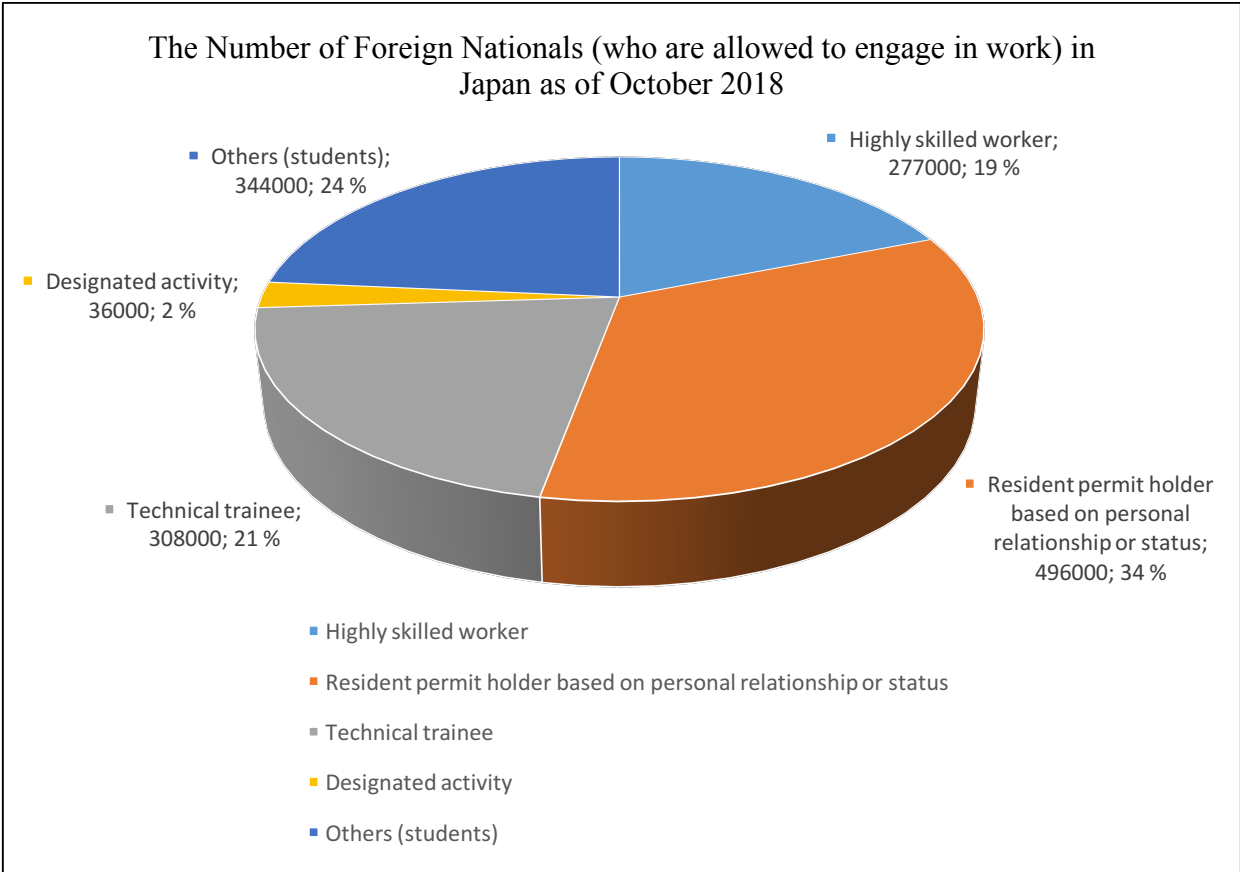
types of residence status can be divided into two groups based on an admission reason for residence. One is status of residence issued based on activities foreign nationals are authorized to engage in, such as employment or enrollment in school. The other group is status of residence issued based on personal relationship or status, such as permanent resident, spouse or child of Japanese citizens, and spouse or child of permanent resident (Tanaka, 2019). Resident statuses issued based on employment is narrowly categorized by work types or occupation fields. Those who obtain employment visa is authorized to engage in the specified work type or occupation field (Oishi, 2012). Although definitions of skill-levels are not clearly defined by the Japanese government, resident status holders who are authorized to engage in “professional/technical fields” are often viewed as highly skilled workers (Promotion Committee on Recruitment of Highly Skilled Foreign Migrants, 2009). The governmental committee refers to the following status of residences as in professional/technical fields: professor; artist; religious activities; journalist; business manager; legal/accounting services; medical services; researcher; instructor; engineer/specialist in humanities/international services; intra-company transferee; skilled labor; and care workers (Ministry of Health, Labour and Welfare, n.d.-b; Promotion Committee on Recruitment of Highly Skilled Foreign Migrants, 2009). As we can see, residence permit categories viewed as highly skilled by the officials varies a lot in terms of education-levels. Both university professor and skilled labor, such as chef of foreign cuisines, are viewed as in the same skill-level. Thus, definition of skill-levels in Japan is quite blurry, and residence permit is basically issued based on the occupation one is qualified to. All the employment visas are issued as a temporary permit. The length of entitled stay and requirement for permit renewal depends on the status of residence type (Immigration Services Agency of Japan, 2018).

Regarding low skilled workers, students are often mentioned as an important low skilled workforce in migrant-receiving countries (Ruhs, 2013). This applies to Japan as well, especially in service industries (McKirdy, 2018). In Japan, a person who obtain a student visa can work for up to 28 hours per week or 40 hours during holiday seasons (Iguchi, 2012). However, the student group is not a main focus in this study since their primary purpose for migration is not employment, even though there might be international students whose purpose is actually employment.

Figure 1 shows a breakdown of foreign nationals who are allowed to engage in work either full-time or with time restrictions in Japan. It shows that more than 50 % of foreign labor force in Japan is those who do not hold residence permit based on work contract. Permanent residents,

spouses of Japanese citizens, and spouses of permanent residents can work without any restriction (Tanaka, 2019). It is followed by technical trainees and highly skilled workers. Designated activity includes working holiday makers and foreign workers who enter the country under a special program or a specific work arrangement (Ministry of Health, Labour and Welfare, n.d.-b).

**Figure 1: Foreign Nationals Authorized to Engage in Work in Japan<sup>1</sup>**



In the main discussion, I will elaborate on labor immigration policies which set control over the inflow of economic migrants. This thesis does not include the following immigrant groups as my main research scope: international students (this group will be mentioned whenever

<sup>1</sup> Note:

- Figure 1 is made based on the data provided by Ministry of Health, Labour and Welfare of Japan [https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou\\_roudou/koyou/gaikokujin/gaikokujin16/category\\_j.html](https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyou/gaikokujin/gaikokujin16/category_j.html)
- This figure does not include foreign diplomats/governmental officials and special permanent residents (those who and whose ancestors immigrated to Japan under Japan’s colonization of Korea and Taiwan).

relevant), asylum seekers, refugees, people under humanitarian protection, family migrants (those who migrate to another country for family formation or family reunification), working holiday makers (this group will be mentioned when it is relevant), and illegal migrants.

### 2.3. Theoretical and Conceptual Framework

When understanding migration process from a migrant's perspective, prospective voluntary migrants decide on whether they are staying or leaving to another country, and, if they are leaving, they also decide on where to migrate, considering various factors and information. In their decision-making processes, several different factors and actors can be involved, in addition to their own pure motivation to cross borders: such as, labor migration regulations in destination countries and any emigration policies of migrant-sending countries (Macro factors); migrant social networks and diaspora in destination countries (Meso factors); and family/household situation (Micro factors), among others (Castles et al., 2014b; Van Hear, Bakewell, & Long, 2018).

#### 2.3.1. Push and Pull Drivers

Lee (1966) demonstrated a framework for understanding the migration decision-making process by categorizing factors either “plus”, “minus” or “0” in origin and destination countries respectively. “Plus” factor is a positive factor and “minus” factor is a negative factor. “0” means that the factor lacks interest for potential migrants. Both “plus” and “minus” factors are important determinants of how migrants come to their decision on migration (Lee, 1966). Minus or “push” factors associated with the area of origin country could be such as negative economic, political, and environmental situations which make migrants think that they may be better-off by emigration. Though push factors in origin countries are not a focus in this study, push factors in destination countries can play a decisive role when migrants choose their destination country, and when migrants consider long-term settlement after migration. On the other hand, plus, or “pull”, factors associated with the destination country are, for instance, geographical, cultural, and economic factors. Especially demand for labor and chance of employment attracts migrant workers (Castles et al., 2014b). According to Lee (1966), relaxation/restriction of immigration controls are “intervening obstacles”, which hinder potential migrants from realizing migration. However, I consider a set of immigration policies and regulations rather as either push or pull factors, not as intervening obstacles. That is because as the global competition for foreign workers continues, many developed countries now offer a variety of channels to take in foreign



workers to their countries. In this situation, a prospective foreign worker might be “pulled” to a specific country because of a certain policy condition where they can be even better-off.

As a complementary to a migrant’s decision making process based on the push-pull framework, I would like to also draw on the human capital theory Sjaastad (1962) proposed. Push-pull theory has been criticized that it does not take individual freedom of choice into account (Castles et al., 2014b). Sjaastad (1962) views migration as investments in human capital. According to this theory, people decide to migrate on the condition where they see a possibility for increasing their skill, knowledge and salary, which in turn gives a greater return than the migration costs. This perspective is relevant and applicable in my research because it explains a migrant’s active choices on destination. Labor migration policies set by the states, such as eligibility criteria, length of stay or granted rights, encourage or limit migrant’s future human capital development. Based on these two theories combined, a migrant’s decision-making process regarding destination and duration of stay can be explained with several different factors. Among them, admission criteria and granted rights set by each state are likely to be one of the key “pull” or “push” factors. Migration policy framework decides on how easy it is for prospective migrants to enter the country and also it implicates how they can improve their skills, gain experiences and how much they can benefit from migration in the destination country.

### 2.3.2. Migration Process from Nation-states’ Perspective

This push-pull based framework can be applied to migration policy decision-making process from a nation-state’s perspective. As potential migrants consider pull and push factors when deciding on their destination, either consciously or subconsciously, nations-states also take those factors into account when making new policies or adjusting the existing ones. It has been observed that the states treat migrant groups differently according to different skill-levels in order to control the flow to achieve their national goals (Castles et al., 2014b; OECD, 2018). Some countries set generous or moderate migration requirements to “pull” migrant workers into their countries, especially for highly skilled workers (OECD, 2018). Thus, it can be said that continuous adjustment of the selection criteria and granted rights of labor migration program by states is like playing a card to pull desired foreign migrants and to push away unwanted foreign laborers. It is also important to note that a set of policies and regulations governed by nation-states have great influences in initiating and diminishing/limiting the flow of migration (Hollifield & Wong, 2014). At the same time, large-scale migration and changing

demography in the country play an important role on migration policies as well (Castles et al., 2014b). As mentioned earlier, migrant's active decisions also have effects on nation-states' migration policies. That explains why the states continuously adjust their selection criteria and foreign workers' entitlements. As I seek to explore the above-mentioned research questions, this theoretical framework is crucial and useful when analyzing states' objectives and reasons behind changes in labor migration programs in the push-pull dynamics.

There is another limitation or weakness of the push-pull theory. Van Hear, Bakewell and Long (2018) regarded the push-pull system as an understanding of migration decision-making as too simple, rather than a complex decision making process. I agree with this criticism as I understand that there are dozens of, even changing, factors and actors influencing one's decision-making. Lee (1966) himself also mentions that migration decision-making is not a simple calculation of plus and minus factors. Another point noted by Lee (1966) is that a plus factor for one person is not necessarily a plus factor for another person. It depends on each person's life stage, economic situation, skills and values at the time of the decision-making. For that reason, I would like to also use the push-pull plus framework by Van Hear, Bakewell and Long (2018), in order to analyze systematically how strongly Japan can pull foreign migrants into the country. Push-pull plus is a theory developed based on Lee's push-pull concept. It takes into account that the original push-pull theory viewed the migration framework too simply, not considering various changing factors and motivations. Push-pull plus laid out push/pull factors in four categories: (1) predisposing, (2) proximate, (3) precipitating and (4) mediating factors (Van Hear et al., 2018). Predisposing factors are cultural, social and political elements that is the core of the country's system, such as language or political situation. Proximate factors are such as development or economic stage of the country. Precipitating factors are specific events or changes occurring in the country that triggers migration, such as changes in migration policies. Finally, mediating factors can be infrastructures in many other fields, such as transport, existence of recruitment or migration brokers, among others (Van Hear et al., 2018). Drawing on this push-pull plus model, an extremely attractive migrants-receiving country may be described as follows: a nation-state that is politically stable and uses a language that is common to many countries (predisposing); well-developed country with continuous economic development and international trade (proximate); a nation-state with open immigration policy with an opportunity of long-term settlement (precipitating); and a presence of recruiting institutions (mediating).

### 2.3.3. Migration System Theory

I will also employ migration system theory when analyzing whether Japan's newest immigration regime can achieve self-perpetuating migration and foreign nationals' long-term settlement. Migration system views migration as a part of a wider social system; it shows how the migration system interacts with elements, such as "*flows* of people, idea and goods, *institutions* in the sense of discourses and associated practices (e.g. 'culture of migration', smuggling, inequality...), and *strategies* as in plans for action by particular actors (e.g. individual and household strategies; policies of governments, private business, and civil society organization)" (Bakewell, 2013, pp. 13-14). According to Bakewell (2013), another key point of this theory is that it enables one to look at "feedback mechanism" which shapes migration systems further in the future by observing changing elements. For instance, stories about migrants' experiences in the destination country might stimulate or stagnate the future migration flow. This changing dynamic cannot be explained well by simplistic push-pull theory (Bakewell, 2013). Although there is a discussion about how this theory can explain the initiation of migration flow (Castles et al., 2014b), push-pull plus theory can complement with this point. Thus, this migration system framework which consider migration as a part of a wider social system would be suitable when analyzing effectiveness and self-sustainability of the new labor migration program in the long term.

As mentioned, labor migration policies set by nation-states has a big effect on initiating the migration flow (Hollifield & Wong, 2014). When policies are to be made or adjusted, there are many factors states consider. One of them is concerning the individual's active choice about where to migrate considering the pull and push factors from their perspective. Therefore, the state has to find a perfect balance in generousness and strictness in their migration policy to achieve their national objectives: not too few and not too many migrants, and immigrants with the qualifications they are looking for. Next section introduces the conceptual models nation-states use when controlling and selecting would-be labor migrants.

### 2.3.4. Selecting Prospective Immigrants and Their Rights

OECD publishes International Migration Outlook every year to give an overview of recent changes in international migration movements and policies. OECD member countries have been implementing new, and revising the existing labor migration regulations frequently to adjust it to fit to the country's needs and national objectives. It is noted that lately a number of countries are refining and adjusting its selection criteria for highly skilled immigrants and low

skilled immigrants separately (OECD, 2018). Koslowski (2014) explains how different countries try to select “right” immigrants using different selection approaches. For example, skills, one of the key selection criteria, are defined or interpreted differently. While skills can be defined by education-level in one country, another country defines skills based on length of work experiences, or a mix of both with different weight of preference (Ruhs, 2013). Therefore, I would like to briefly introduce different selection approaches drawing on Koslowski’s (2014) “selective migration policy models”.

He presents three different models: (1) demand-driven model, (2) human capital model and (3) neo-corporatist model (Koslowski, 2014). Demand-driven model is an approach used in the U.S., which gives employers selection right on the condition that employers sponsor migrants’ visa and residence. An opposite approach is the human capital model which has been used in Canada. In this model, the government, rather than the employers, chooses prospective migrants using the point-based system. The point-based system is a screening tool for the government to select and admit foreign workers. In Canada’s human capital model, the points system puts weight on the educational- and language-level. While neo-corporatist model also uses a point-based system, it cooperates more with industries and selects migrants with skills needed for occupations in demand. Work experience is also an important key admission criterion in this model (Koslowski, 2014). These models help to analyze changes in Japan’s labor migration policies over time and to compare policies in Japan with policies in large migrant-receiving countries.

In addition to those migrant-selection models, I also would like to draw attention to rights granted to labor migrants in destination countries. That is because rights and benefits migrants are entitled to play a key role in attracting and integrating them to the host country (Ruhs, 2013). At the same time, nation-states regulate and adjust these entitled rights to find a good balance between attracting migrants and achieving four policy objects: (1) economic point of view, (2) not harming working condition for nationals, (3) national identity and social cohesion, and (4) security point of view (Ruhs, 2013). These elements help to understand why Japan has been a “non-immigration country” (Hollifield & Orlando Sharpe, 2017, p. 383) despite of rapid economic development. Many scholars (Hein, 2012; Kritz & Zlotnik, 1992; Ruhs, 2013) have noted that Japan did not follow other developed countries that opened its country border for foreign laborers during its economic development. The big concerns for the Japanese government and the citizens at that time regarding inflow of foreign nationals were disruption

to social cohesion and ethnic homogeneity, increase of crime rate, citizens losing jobs and degrading working conditions (Hein, 2012; Kritz & Zlotnik, 1992; Ruhs, 2013). Japan viewed that opening its country was too risky to maintain those four national objectives. In a later chapter, I attempt to demonstrate how this balance between demand for foreign workers and these four national objects have been changed. Furthermore, taking into account both “Selection Migration Policy Models” and rights granted to foreign workers, Japan’s migration policy change over time will be analyzed using the following two comparison concepts: (a) selection method of potential migrants and (b) rights and benefits granted to labor migrants after arrival. Detailed analysis elements will be presented in the following chapter.

#### 2.4. Chapter Summary

The purpose of this chapter was to clarify the scope of this study and to provide background information, definitions and theoretical and conceptual framework I find relevant to this thesis. This chapter outlined relevant dimensions of labor immigration policies, who an economic migrant is and who a guest worker is. I also looked at the definitions of skill-level categories and Japan’s residence status categorizations. Theoretical and conceptual framework that I consider relevant in my research were also discussed. Throughout this study, I will examine migration mainly using Lee’s (1966) push-pull theory perspective. I found that push-pull theory together with human capital theory are helpful to understand both migration decision-making process from a migrant’s perspective and migration policy decision-making process from a law/regulation-maker’s perspective. As a complementary to that, I consider that push-pull plus theory are relevant and it contributes to understand Japan’s attractiveness as destination country looking at complex and changing migration drivers. Migration system theory provides significant perspectives which enables me to look at dynamics of migration policy change over time as it views migration as a part of social phenomenon and it introduces “feedback mechanism”. Finally, I outlined analytical framework used in the comparative case studies: (a) selection method of potential migrants and (b) rights and benefits granted to labor migrants. Selection method of potential migrants will help to see the government’s approach in controlling the inflow of migrants and what criteria the government prioritizes regarding admission of foreign workers. In addition, by looking at rights and benefits granted to foreign migrants with different skill-levels, it may make it possible to get a better insight into the government’s selective migration scheme and intentions behind that.



### 3. Methodology

In this chapter, I will discuss the methods of data selection and analysis I used, and also the reasoning behind choices. First, I will explain the research method I chose and types of data I have collected for this study, followed by reasons why I decided to conduct a policy analysis. Then my analytical approach, including analysis elements I constructed, will be described.

#### 3.1. Research Method

I have conducted a desk study on this thesis. Due to financial limits and time constraints, I could not travel to the countries that are part of my research. In addition to desk study, it was considered that consultation of experts in each country's immigration policy would supplement to acquire a better overview. However; because of limited time, considering time differences and my family situation, I decided to focus on a desk study. I believe that I have managed to gather a good amount and good quality of data to carry out the research.

Data I have collected and used in this thesis are secondary sources available freely on the internet. They are in the form of:

- News articles
- Secondary literatures
- Governmental sources (including labor migration laws/policies, relevant regulations, announcements, statistics, and reports issued by the government or the ministries)
- Reports from well-regarded international organizations

**Figure 2: The Percentage of Date Acquired from Each Source Type**

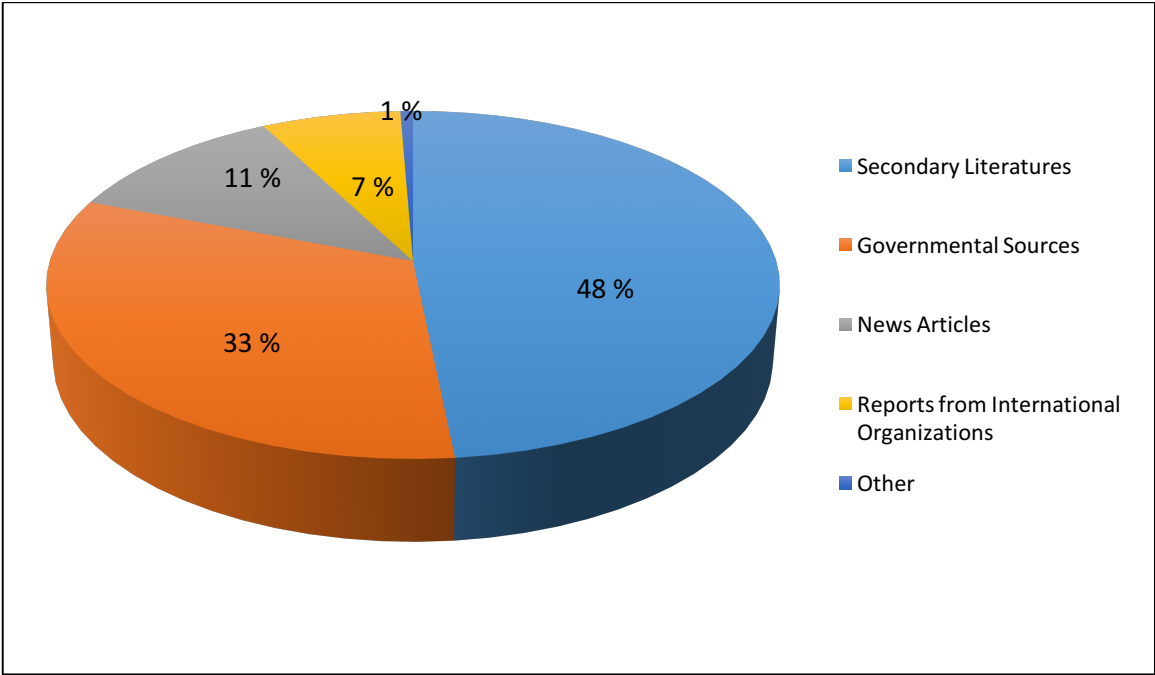


Figure 2 shows a breakdown of the data I have collected and used in this study into data category. Regarding updated information on labor migration policies, I have mainly used governmental websites and OECD’s annual report “International Migration Outlook” (OECD, 2018, 2019). To gain an overview and academic views on each country’s historical background in labor migration policy, I have reviewed relevant studies in secondary literatures, policy documents, and statistics. News articles were used as complimentary source.

When qualitative research is conducted, it is necessary to collect and select data in terms of reliability and validity (Bowen, 2009). Therefore, I limited my data sources to well-regarded media and organization sources. Data I used in this research is written either in Japanese or English. By including sources about Japan’s migration policy in original Japanese language, I believe that the analysis could depend on resourceful and updated data.

Within the study of immigration, there are many disciplines and perspectives one can take. Choices would be, for instance, policy analysis; analysis of demographic change; economic impacts immigrants bring about; immigrants’ experiences/identity; integration policy/outcome; or a study perspective from migrant-sending countries, among other things. (Brettell & Hollifield, 2014). Among them, this thesis will focus on policy analysis on the current Japan’s immigration policy and its future prospect of acceptance of labor migrants.



Labor migration policy sets out rules for potential economic migrants with regard to skill/qualifications, the length of stay, employment form, and their rights and benefits in the host country, in order for the states to pick up “right” migrants (Cappiccie, 2011; Ruhs, 2013). Nation-states are not the only actors in designing and maintaining migration flow. Nevertheless, it is widely recognized that labor migration framework set by the states is one of the main determinants of how the migration flow is formed. (Hollifield & Wong, 2014; Ogawa, 2018; Ruhs, 2013). Since Japan’s labor migration regime is lately going through reformations, it would be a good opportunity to take a look at the policy framework as a whole to understand reason behind the changes and the state’s objectives. By analyzing policies, it will be possible to look at national objectives and probably even possible to look at inexplicit intentions behind the polices.

### 3.2. Analytical Approach

In this research, I have chosen to conduct two different types of case studies: (1) longitudinal case study on Japan and (2) comparative case study across countries. The advantage of longitudinal analysis on one case is that it enables one to identify enduring characteristics and changing factors over time (Hay, 2016). On the other hand, comparative case studies across countries make it possible to look at similarities despite of different historical background or contexts (Hay, 2016). Further, by analyzing both (1) the policy change over time within a country and (2) comparing the policies between countries, Cappiccie (2011, p. 435) claims that it would “lay the groundwork for understanding immigration policy”. It would allow me to analyze Japan’s recent immigration policy framework from several perspectives. In addition, it would make it possible to get better insights on what the government’s intentions behind the change are, and what this might lead to in the future immigration policy in Japan in the context of increasing labor migration in the world.

#### 3.2.1. Longitudinal Case Study on the Case of Japan

The first part of the comparison focuses on Japan’s labor migration policy change over time. It looks at the time span between around 1980 and 2019. This period is chosen because it was during the 1980s when a relatively recognizable number of foreign nationals started to move to Japan for the purpose of employment (Akashi, 2009; Castles et al., 2014b). The data was qualitatively analyzed to answer the above-mentioned research questions. To look at Japan’s

policy change over time, content analysis is conducted. Content analysis is a method to analyze data qualitatively by organizing and categorizing data relevant to research questions (Bowen, 2009). My analytical process here was: (1) to construct key analysis elements for the comparison; (2) to identify relevant text and data; (3) to organize and categorize information by labor migration program; and (4) evaluate my notes using the key comparison elements. Whenever necessary, I carefully re-read and review the data I have gathered and selected in the process.

The key comparison elements were constructed based on the two concepts presented in the previous chapter: selective migration policy models” and rights granted to labor migrants in the host country. The first category, (a) selection method and admission criteria, looks into selection and admission criteria and seeks to understand how nation-states intend to pick immigrants they want, drawing on Koslowski’s (2014) selective migration policy models. The second category, (b) rights and benefits granted to labor migrants, will be used to compare rights granted to foreign workers across different skill-levels based on Ruhs’ analysis criteria. Ruhs’ (2013) migration right index consists of 23 specific items under the following five categories: civil and political rights; economic rights; social rights; residency rights and citizenship; and family reunion, However, in order to look into the key comparison elements thoroughly and due to the time limitation, this research focuses on the following particular elements: (i) selection method and admission criteria; (ii) entitled length of stay; (iii) the right to acquire permanent residence; (iv) the right to acquire citizenship; (v) the right to change employers; and (vi) the right for accompanying family (see Table 1). However, whenever necessary and relevant, I will mention other index categories in my analysis. Those six analysis elements I used in this study were chosen based on relevance in Japan’s context.

First of all, I did not include political rights in my analysis. That is because only Japanese nationals have those rights at the moment, even though there is a discussion whether resident foreigners should also acquire voting rights and right to stand for election in Japan (Ministry of Internal Affairs and Communication, n.d.). This study does not draw much attention to economic rights and social rights in detail either, except for the right to change jobs freely, which is often constrained under labor migration framework (Ruhs, 2013). Regarding basic economic and social rights, the laws regarding social welfare system were changed to basically include foreign residents, in connection with Japan’s ratification of the international covenants on human rights (1979) and the Refugee Convention (1981) (Jung-Mee, 2016; Kondo, 2001).

It means that foreign workers, regardless of nationalities, have access to the public retirement pension program, public health services, unemployment benefits, industrial accident compensation insurance and such, as a rule in Japan (Employment Security Bureau, n.d.; Horie, 2019). The right to equal wage and working conditions are also equally protected for foreign workers under the Labor Standards Act ("労働基準法 (Labor Standards Act)," 1947). Nevertheless, even though those rights are protected under the law, we have to keep eyes on if foreign workers have access to those in practice (Ruhs, 2013). The intention of this research is comparative analysis on policy basis; therefore, I cannot cover if foreign workers actually can get to use those rights and receive benefits. However, I will mention whenever it's relevant and noteworthy.

Before I explore development of Japan's labor immigration policy over time in the following chapter, it is necessary to briefly explain the qualification requirements to acquire permanent residency status and naturalization. As a general rule, a foreign national has to have lived in Japan legally for at least ten years consecutively to apply for a permanent resident status. In addition to that, it is required that an applicant has a good behavior and skill and/or resources to make an independent living in Japan (Kondo, 2001; Ministry of Justice of Japan, n.d.-d). Spouses and children of Japanese nationals and permanent residents are exempted. There are several more cases in that this ten-year rule does not apply to foreign migrants. I will mention that in more detail when it is relevant. When it comes to naturalization, required length of stay is, in fact, shorter than that for permanent residence. According to Nationality Act ("国籍法 (Nationality Act)," 1950), a person who wishes to acquire Japanese nationality must have lived in Japan for at least five years, with exemption to spouses and children of Japanese nationals. The rest of requirements are similar to those of permanent residence. However, Japan does not allow double citizenship. Because of that, a foreign national has to give up his/her nationality when acquiring Japanese citizenship.

According to Ruhs' (2013) migration right index, the most restrictive labor migration policy with regards to migrants' benefits and rights is a guest worker program under the following condition: strictly no extension of stay, no right to change employers, no right to accompany family, no right for permanent residence nor citizenship, and no access to the welfare system in the host country. On the opposite side of the spectrum, the most generous policy would give a migrant permanent residence immediately at the time of entry, right to change employers, the

right for family reunification, the right to obtain citizenship later, and full access to the welfare system in the same way as nationals. Using the comparison elements (Table 1) in analysis, I will look at how Japan’s labor migration policy has been changed and where it stands now in the main discussion.

**Table 1: Analysis Elements Used in This Study<sup>2</sup>**

(a) Selection method and admission criteria	
	(i) Selection method (demand-driven, human capital, or neo-corporatist model) Admission criteria (based on: e.g. age, nationality, education-level, work experiences, salary-level, point-based system, occupation list, quota, etc.)
(b) Rights and benefits granted to foreign workers	
Residency rights	
	(ii) Entitled length of stay (including the right to renew work permit)
	(iii) The right to acquire permanent residency
	(iv) The right to acquire citizenship (naturalization)
Economic rights	
	(v) The right to change employers
	(vi) The right for family reunion

**3.2.2. Comparative Case Study Across Countries**

For the second part, comparative case study, I have chosen three countries to identify policy differences and similarities to Japan: Canada, Australia and Singapore. When choosing countries for comparison, a diverse case selection point of view (Seawright & Gerring, 2008) was adopted. As Japan is often referred to as a “non-immigration country” (Hollifield & Orlando Sharpe, 2017, p. 383), I have chosen Canada and Australia. Both countries are regarded as traditional large-immigration countries (Kritz & Zlotnik, 1992; Massey, 2005). These two are geographically located away from Japan. Whereas, I have chosen Singapore as the third country because it is located in Asia and a relatively big proportion of labor force in Singapore relies on foreign nationals. As of 2019, approximately 25% of the total population consists of foreign nationals who came for work (Ministry of Manpower of Singapore, n.d.-a). In addition, there are plentiful data regarding these three countries’ labor migration policies. For that reasons, these countries would be suitable for the comparative analysis. Table 2 shows the size of international migrants who reside in those three countries and Japan respectively. It shows that the share of migrants in Japan is substantially lower than the large-immigration countries.

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<sup>2</sup> Note:  
 - Elements highlighted in orange, from (i) to (vi), are main analysis elements used in this case study.

**Table 2: Migration Stock 2019<sup>3</sup>**

	Australia	Canada	Singapore	Japan	World
International migrants (thousands)	7549.3	7960.7	2155.7	2498.9	271,642
International migrants as a share of total population	30.0%	21.3%	37.1%	2%	3.5%

My analytical process in the cross-case comparison followed thematic analysis. Thematic analysis is an analysis method based on themes discovered and created through careful data reading and categorization (Bowen, 2009). After data gathering, I organized information about respective countries' migration programs sorted by targeted migrants' skill-levels, and looked for information with regard to the analysis elements (Table 1). Then, I identified key themes or elements that emerges across cases or elements that are unique to a particular case; for example, tools to select and admit labor migrants, such as use of labor market test, list of occupations and skills in demand, quota, point-based systems and regional migration programs. Lastly, I analyzed similarities and differences among the cases in terms of the above mentioned elements and how each country recently develops and adjusts their migration programs, focusing on treatment differentiation and selective migration policies.

### 3.3. Chapter Summery

This chapter has demonstrated how I planned and pursued this research project and explained my reasons behind the choice of methods. I have chosen to conduct desk study due to financial and time limitation. I mentioned types of data sources I use in this research. Policy comparison and analysis is the main focus of the thesis. It has an important aspect since labor migration policy reflects the states' national objectives and their views on prospective foreign laborers. In this research, I have chosen to conduct two different types of case studies. The longitudinal case study on Japan is based on content analysis using the following analysis elements: (i) selection method and admission criteria; (ii) entitled length of stay; (iii) the right to acquire

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<sup>3</sup> Note:

- Table 2 is made based on the data provided by United Nations Population Division (United Nations Department of Economic and Social Affairs, 2019)  
<https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp>

permanent residence; (iv) the right to acquire citizenship; (v) freedom to change employers; and (vi) the right for accompanying family. For the second part of the study, comparative case study, I have chosen Australia, Canada and Singapore to compare their policies with Japan from the diverse case selection point of view, and I followed the thematic analysis method for analysis for this part. In this study, much of my data was from academic literatures (48%) and governmental sources (33%). Reports from UN and OECD provided me an overview on international trends in migration policies and statistical information. Governmental sources and academic literatures were used to collect data regarding Singapore, Australia and Canada's recent labor migration policy. I gained deeper understanding of historical backgrounds in Japan's past labor migration through academic literatures; data from governmental sources and news articles was used for outlining Japan's current migration channels.

## 4. Longitudinal Case Study: Japan's Restrictive Labor Migration Policy

This chapter explores Japan's "restrictive" migration policy over time. It elaborates on how Japan's immigration policy has been changed since the 1980s, and looks into which direction Japan's immigration policy is shifting to, and what the state's goals/intentions are behind changes. It is important to pay attention to not only the latest policies, but also the past ones. That is because that series of policy changes in the past have a strong influence on the current ones, which is characteristics of "path dependencies" (Akashi, 2014; Ruhs, 2013). The fact that Japan has unique historical factors regarding interstate relationships and the geographical factor has led the state to take a not-usual path in terms of development of migration policies compared to other developed countries (Akashi, 2014; Haines, Minami, & Yamashita, 2007).

### 4.1. Historical Background

This case study looks at Japan's migration policies during the period between 1980 and 2019. As mentioned earlier, it was the 1980s when a relatively recognizable number of migrants started to flow into the country (Kondo, 2001). However, first I will briefly describe Japan's attitude toward migration before 1980. Because of the geographical characteristics of Japan, it had been relatively easier to control the flow of people. From the 17<sup>th</sup> to the middle of the 19<sup>th</sup> century, Japan isolated itself from foreign countries, except for trade with particular countries at certain port cities. Even after the isolation period ended, the in- and out-flow of people were very much controlled. Immigrants to the country were mainly people from the former Imperial Japan and its colonies; some of them were forced laborers during the war period (Hollifield & Orlando Sharpe, 2017; Kondo, 2001). On the other hand, there was a notable continuous flow of people who moved out of Japan from the late 19<sup>th</sup> century until around the end of the second world war. A total of 777,000 people migrated to USA and Latin America, especially to Brazil and to Peru (Kondo, 2001). This emigration phenomenon continued even after the war, but in a somewhat smaller scale (Tanaka, 2019).

During the 1950s, 60s and 70s, Japan has experienced a tremendous economic development. Other industrialized countries, such as Germany, decided to take in foreign labor migrants as the economy grew (Hein, 2012), whereas it was not a favored option in Japan. The government of that time concluded that there was no need for foreign laborers (Iguchi, 2012; Kondo, 2001; Tanaka, 2019). Instead, people had long-working hours. Several literatures (Kritz & Zlotnik, 1992; Ruhs, 2013) mention that this decision indicates that economic consideration was not

Japan's top priority regarding its labor migration policy. It also indicates that Japan, as a homogeneous country, viewed inflow of foreign nationals as harmful to the social cohesion (Ruhs, 2013).

#### 4.2. 1980-2000: Who Came to Japan as Labor Migrants?

The Immigration Control and Refugee Recognition Act (hereafter: Immigration Act) was first enacted in 1951 to replace two laws: one regarding migration control; and the other one regarding deportation process of illegal immigrants. ("出入国管理及び難民認定法 (Immigration Control and Refugee Recognition Act)," 1951). Since then, this law has set a framework for Japan's migration control until now. During the 1980s, Japanese government started to revise the migration law. It was not only concerning labor migrants, but also acceptance of refugees. Ratifying the International Covenants on Human Rights in 1979 and the Refugees Convention in 1981 led to the admission of approximately 11,000 Vietnamese refugees from the late 1970s despite huge arguments and strong opponents within the country (Haines et al., 2007; Kondo, 2001). It also shed light on discussion and adjustment of social and economic rights granted to foreigners in Japan to some degree (Kondo, 2001; Yamawaki, 2008).

With regard to labor immigration, the cabinet, at that time of 1988, insisted on the demand for foreign labor migrants with skills, while it mentioned that recruitment of low skilled migrants should be examined carefully (Iguchi, 2012). The government's concerns regarding entry of unskilled migrants were: degrading working conditions, negatively affecting industrial structure, higher risk of unemployment, risk of a higher social cost that would outweigh the benefits, among others (Iguchi, 2012). On top of that, there was also a concern about homogeneous national identity (Castles, Miller, & De Haas, 2014a). Nonetheless, what was implemented was establishment of, as Kondo (2015) calls, "loopholes" for recruiting low skilled foreign migrants: people of Japanese descent and trainees.

##### 4.2.1. Nikkeijin

*Nikkei(jin)* means a person of Japanese descendant. A residence permit category they may obtain is "*teijuusya*". *Teijuusya* means a person who may settle in the country for the long term; it is a residence status issued based on a personal relation to the country. It implicates that *Nikkeijin* is not an immigrant with the primary purpose of employment. It was convenient for



the government because, technically speaking, it did not conflict with the state's official principle: not accepting foreign low skilled workers (Tanno, 2009). In 1990, the Immigration Act was revised and this *Nikkeijin* program has started. Qualification for the residence permit was the following: a person who are either; (1) second or third generation of Japanese descendant; (2) spouse of criteria (1); or (3) fourth generation who are minor and not married (Tanno, 2009). They came to Japan mainly from Brazil and Peru. With *teijuusya* visa, they may work without any limitation, and also people may stay in the country as long as they wish (Iguchi, 2012; Tanno, 2009); they are "quasi-permanent residents" (Akashi, 2014). As a result, many *Nikkeijin* engaged in factory jobs in the manufacturing industry, for instance working at a car assembly line (Tanno, 2009). Another characteristic of work they engaged in was non-regular employment: working as a period worker for subcontracting companies or working through dispatch companies (Iguchi, 2012; Tanno, 2009).

The *Nikkeijin* program is not a typical "guest worker program" which often low skilled labor migrants fall into. They are entitled to stay for the long term, work without any restriction, and bring spouse and children as long as family members fit to the *teijuusya* criteria. Further, a *teijuusya* permit holder may apply for permanent residence after having lived in Japan for a minimum of five years (Ministry of Justice of Japan, n.d.-d), and they have access to naturalization later on ("国籍法 (Nationality Act)," 1950). However, economic and social rights granted to them were somewhat ambiguous. It was often the case that the subcontracting companies prepared a social security insurance, and recruitment agencies who target *Nikkeijin* as customers offered a pension program and set up private Brazilian or Peruvian school for them (Tanno, 2009). Even though *Nikkeijin* were accepted as long-term resident, the welfare system was in reality not accessible to them. In this way, companies managed to cut social security and pension costs by hiring them instead of hiring regular employees (Tanno, 2009). After the world economic crisis in 2009, many *Nikkeijin* lost their jobs since the manufacturing industry suffered a lot of economic damage. Then, the government of that time came up with a measure to send them back home to their home countries by giving each *Nikkeijin* immigrant an economic incentive of 300,000 yen (on the current rate, US\$ 2,760), and an additional 200,000 yen (US\$ 1,840) for each accompanied family member. This deal came with one condition: not to come back to Japan (Iguchi, 2012). This government's response gives an interesting insight into *Nikkeijin*. Despite that the *Nikkeijin* were accepted as a long-term resident with no strong stress on "labor" on the surface, though in reality they *were* a low skilled

labor force in demand, the government played the “push” card to send them back to their home countries, so that many will not stay in Japan as unemployed, and not be a cost burden on the nation. In 2006, before the world economic crisis, the number of foreign national registered as *teijuusya* was approximately 268,000, which consisted 12.8% of all the registered foreign nationals in Japan (Ministry of Justice of Japan, 2008). Whereas, in the latest statistic in 2018, it decreased to 192,014. *Teijuusya* permit holders comprise only 7% of all the registered foreign nationals now (Ministry of Justice of Japan, 2019a). It shows 30% decline in the number of *teijuusya* between 2006 and 2018. However, it cannot be said that all the 30% *Nikkeijin* decided to go home since it can be assumed that some have become permanent resident during the period.

#### 4.2.2. Technical Intern Training Program (TITP)

Another “loophole” to secure low skilled foreign workers was introducing the Technical Intern Training Program (TITP). TITP was introduced in 1993 (OECD, 2018). Its official goal was to give young people from developing countries an opportunity where they can learn Japanese technology and gain skills, so that they can transfer the knowledge to their home country (Yoshida & Murakami, 2018). As a trainee or an intern, they were only allowed to engage in “designated activities” (Iguchi, 2012). In the program, they learn skills as a trainee in the first year, and from the second year, they will have on-the-job training as a technical intern trainee. Their entitled length of stay was strictly limited for a maximum of three years (Akashi, 2017; Iguchi, 2012). However, there has been several changes in this regard, both in the 2000s and recently. I will return to this later.

As they are accepted as a trainee by employers’ associations, local chambers of commerce or non-profit organizations, they usually do not have an option to change employers or occupations (Akashi, 2017; Iguchi, 2002; Tanaka, 2019). Furthermore, as the program is made on the prerequisite that trainees will eventually go home for their home countries’ industrial development, they are not entitled to bring family. They do not obtain the right to acquire permanent residence, citizenship, or economic and social rights either. A crucial concern regarding TITP is their poor working conditions. It has been reported that trainees endure severe working conditions: such as, long working hours, no holidays and extraordinary low payment. In some cases, trainees did not have any proper training and they were merely forced to do low skilled tasks for the entire period of the stay (Hein, 2012; Iguchi, 2012; Yoshida & Murakami, 2018). Recently, the government admitted that approximately 7,000 trainees have gone missing

during 2018. One of the reasons was severe exploitative working condition (Murakami & Osaki, 2018). In extreme cases, trainees have been exploited severely and some employers have been violating even trainees' human rights (Labour Lawyers Association of Japan, 2018; Yamawaki, 2008). Thus, TITP has been misused as an ultimate "guest worker program". Even though that may not be the case for all the foreign trainees, it seems that TITP has become a program for employers to find a cheap disposable low skilled labor (Kondo, 2001, 2015; Tanaka, 2019).

So far I have looked at two big labor immigrant groups in the 1990s: *Nikkeijin* and TITP trainees. Against Japan's national principle at that time, "no low skilled labor migrants to the country", both groups were engaged in low skilled labor. Whereas TITP was applicable to a guest worker model, rights granted to *Nikkeijin* was not as bad as those for the trainees. The government at that time found a loophole to solve both the demand of recruiting labor force from the industries and to avoid criticism for taking in "foreigners". It was by welcoming migrants of Japanese ethnic descendants to the country as *teijuusya* and by accepting foreign trainees. Trainees have often faced unfair working conditions and violation of human rights. Working conditions and rights granted to trainees under TITP are sufficient to call it a guest worker program. On the other hand, *Nikkeijin* were not included in the nation's social and welfare system though they are allowed to stay and work as long as they wish. Regarding skilled migrants, the government of that time has stated several times that Japan was willing to take in skilled migrants. However, in reality the government did not take active measures to realize that on a big scale (Ishikawa, 2014).

### 4.3. Recent Policy Changes

As Japan's situation in declining birthrate and aging population had become more and more severe, the cabinet has launched a national plan on how to face and tackle this problem in 2016. According to the cabinet, "The Japan's Plan for Dynamic Engagement of All Citizens" aims to make the society better where both men and women, and the youth and elderly can actively engage in the society (Prime Minister's Office of Japan, 2015b). This national plan shows that Japan seeks to ease the problem of the dwindling labor force by encouraging more nationals to engage in work. In order to do so, the plan stresses on needs of reforms on: such as, improvement of working conditions and wage standard, later retirement, expansion of childcare and nursing care places, and empowerment of women, among others. In addition, the plan also focuses on investment for labor productivity revolution (Castles et al., 2014a; Hein, 2012; Prime Minister's Office of Japan, 2015b). Along with this cabinet decision, several new labor

immigration policies have been introduced, and changes have been made to the existing programs lately. Here are some of the notable changes outlined with respect to different skill-levels.

#### 4.3.1. Very High-skilled Workers

The legal framework, the amendment of the Immigration Act in 1989, opened the gate to welcome foreigners with higher education to the country (Akashi, 2017). As mentioned earlier, the government's attitude toward acceptance of foreign nationals with skills and knowledge, were positive in the 1990s (Iguchi, 2002). However, in reality, there was no active recruitment of highly skilled migrants in a large scale at that time (Ishikawa, 2014). It was in the late 2000s that discussion about the importance of active recruitment of highly skilled workers started. In 2010, the Prime Minister of that time claimed that it was crucial to increase the number of highly skilled migrants for the sake of the national economic growth. Then, following the economic growth strategy, the cabinet announced that it would aim to double the number of highly skilled migrants by 2020 (Oishi, 2013).

In 2012, "Point-based System for Highly Skilled Foreign Professionals" (hereafter, Japan's point-based system) was introduced. The purpose of this new program was to attract highly skilled migrants to Japan's labor market (Immigration Bureau of Japan, n.d.). Japan has had an occupation-based broad and vague definition of "highly skilled" as mentioned earlier. However, the target group in this program was narrowed down to those who are in academia, engineering and financial management with a minimum of university-level education or preferably second- or third-level university degrees (Oishi, 2013). The Immigration Bureau of Japan (2017) sets out a point-calculation system respectively for each field. The weight in points and detailed criteria are slightly different among those three fields; however, the main criteria are the same: education-level, length of work experiences, salary and applicant's age. In addition, there are a wide range of bonus categories: such as, finishing higher education in Japan, high Japanese language skill, degree of Japanese language from a foreign university, a certificate in his/her profession, and so forth. Those who score 70 points or higher are qualified as "highly skilled professionals". Table 3 shows an example of point calculations.

**Table 3: An Example of Point Distribution Under Japan’s Point-based System<sup>4</sup>**

Category	Example	Score
Academic Background	PhD degree holder	30
Professional Career	10 years	20
Age	32	10
Annual Salary	8,000,000 yen (Approximately US\$ 74,000)	30
Bonus Point	Acquisition of a degree from a Japanese institution of higher education	10
Total score		100

Looking at the point calculation table, it is clear that it targets “very high” skilled migrants with respect to Ruhs’ skill-level categories. Those who are qualified as “highly skilled foreign professionals” under this program obtain a residence permit of five years. This is renewable as long as they score 70 points or more at the time of the renewal (Immigration Bureau of Japan, n.d.)

They are allowed to change employers, and also entitled to bring their families. In some cases, depending on the salary level, children’s age and family’s health situation, it is possible to bring the parents of the spouse or highly skilled workers, or even possible to bring a domestic worker with them (Immigration Bureau of Japan, n.d.). One of the big differentiations from the other work permits is that highly skilled professionals have a right to obtain permanent residence after five years of stay. Usually ten continuous years of stay is required to apply for permanent residency. Regarding economic and social rights, they will be part of Japan’s pension and social security program. Further, the government has decided in 2017 to adjust its system to give highly skilled professionals a bigger incentive; five-year stay as one of the requirements to obtain permanent residence was shortened down to three years. For those who score 80 or more points, it was shorted to only one year of stay (Immigration Bureau of Japan, n.d.; OECD, 2018). Although it was only 845 people who have obtained this permit by December 2013, the number has gradually increased, and more than 5,000 people got this permit during 2018. As of March 2019, there are total of 16,781 people who obtained this residence category. Approximately

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<sup>4</sup> Note:

- Table 3 was made based on “Points Calculation Table” [http://www.immi-moj.go.jp/newimmiaact\\_3/en/pdf/171110\\_leaflet.pdf](http://www.immi-moj.go.jp/newimmiaact_3/en/pdf/171110_leaflet.pdf)
- This scoring rule applies to a person in the field of “advanced specialized/technical activities” (engineering).
- For more detailed information regarding the criteria and points distribution, see the link.

65% of them are from China (Immigration Services Agency of Japan, 2019). The government aims to attract 20,000 highly skilled foreign professionals by the end of 2022 (OECD, 2018).

#### 4.3.2. Skilled Workers

Another relatively new program, acceptance of foreign nurse and health care worker candidates, hereafter foreign candidates program, started in 2008 through Bilateral Economic Partnership Agreement (EPA) with Indonesia (Ministry of Health, Labour and Welfare, n.d.-c). As it is a part of the economic agreements, this program was originally suggested in order to solve the trade imbalance between the countries (Nozomi, Mackey, Liang, & Gerlt, 2014; Ogawa, 2018). The Japan Nursing Association was not supportive toward the idea and was more or less skeptical regarding the quality of nurses (Nozomi et al., 2014). In terms of the purpose of this program, Ministry of Health, Labour and Welfare clearly states;

“This program is not a response to labor shortages of nurses and care workers. This program aims to strengthen economic partnership between Japan and partner countries. This is a special labor migration case operated in public framework based on EPA agreement”. (Ministry of Health, Labour and Welfare, n.d.-c).

Japan now accepts foreign candidates from Indonesia, Philippines and Vietnam. As of August 2018, a total of 5,600 candidates came to Japan from those countries (Ministry of Health, Labour and Welfare, n.d.-a). Those who are qualified as a foreign candidate are all university graduates. Foreign nurse candidates have to have finished nursing school and are required to have two or three years of work experiences as a nurse in their home country (Ministry of Health, Labour and Welfare, n.d.-c). It is interesting to see that the ministry recognizes foreign candidates as “unskilled worker” on its website (Ministry of Health, Labour and Welfare, n.d.-a). This shows again Japan’s unique categorization on skill-levels. Those who are admitted as foreign candidates first get six months to one year of free Japanese language training in their home countries. After that, Japan International Corporation of Welfare Services accept them and work as a match maker between candidates and authorized hospitals and elderly care centers (Ministry of Health, Labour and Welfare, n.d.-c). During their entitled stay (nurse candidate: three years, care worker candidate: four years), they gain training and work experiences while they continue studying the language and their professional fields. That is because it is required to pass the national exam to be a certified nurse or certified care worker

in order to keep working in Japan after the end of the program (Ministry of Health, Labour and Welfare, n.d.-c; Nozomi et al., 2014; Ogawa, 2018).

A foreign candidate and his/her employer (hospital or elderly care center) need to sign a work contract prior to the program start, and the employer is required to pay equivalent to or a higher salary than Japanese national in the same position. Japanese labor laws, regulations and social security are applied to foreign candidates as well (Ministry of Health, Labour and Welfare, n.d.-a). Regarding freedom to change employers, I could not find out whether it is possible and realistic for them to change workplaces. Considering that they are a “candidate”, not a certified worker yet, it might not be as easy as other work permit holders to change employers freely. Those who successfully passed the national exam can obtain a work permit which is renewable indefinitely. Then, it also allows them family reunification which was not possible under the EPA framework. Same as other work permit holders, those who passed the exam may apply for permanent residency after ten continuous years of stay (Ministry of Health, Labour and Welfare, n.d.-a; Ogawa, 2018).

The number of foreign candidates who arrived in Japan during the fiscal year of 2018 was 97 for nurse candidate and 773 for care giver candidate. While the number of foreign care worker candidates has increased, the number of foreign nurse candidates has stagnated (Maria Reinaruth D Carlos, 2013; Ministry of Health, Labour and Welfare, n.d.-c). Although the ministry sets a yearly quota on the number of foreign candidates for each country, (nurse candidates 200, care worker candidate 300), the number of candidates in reality is far below the quota, especially for nurse candidates (Ministry of Health, Labour and Welfare, n.d.-c). One of the reasons is the difficulty of passing the national exams (Maria Reinaruth D Carlos, 2013). As foreign candidates have to take the exam in Japanese, it lowers the pass rate for them. The pass rate for foreign nurse candidates and care giver candidates in 2018 was 17.7% and 50.7% respectively (Ministry of Health, Labour and Welfare, n.d.-c). On the other hand, the demand for elderly care workers has been increasing because of the aging population and the change of life style. Family members traditionally used to take care of the elderly at home, but now it has become more and more common to use day-care services or live in elderly care centers (Ogawa, 2018). To respond to that demand outside of the EPA framework, the Immigration Act was revised and a new residence category “care worker” was added in 2016. It intends to recruit foreign students who studied elderly care in Japanese school and passed the national exam as

certified care worker. It would allow those students to switch residence category from “student” to “care worker”, and also bring their family (Immigration Services Agency of Japan, n.d.).

#### 4.3.3. Low Skilled Workers

Needless to say, the labor shortage in low skilled occupations has become a crucial problem because of the decreasing labor force. Another reason is that the Japanese youth is less willing to take low skilled and low paid jobs (OECD, 2017a). In this section, I will mention newly implemented programs targeting low skilled workers. In addition, I will outline adjustments taken to the two previously discussed programs: Technical Intern Training Program and immigration of *Nikkeijin*.

Associated with the earlier mentioned “The Japan’s Plan for Dynamic Engagement of All Citizens”, the government is urged to solve elderly care and child care problems in order to encourage women to engage in work (Hinohara, 2017). To respond to that, several Japanese National Strategic Special Zones (NSSZs) have started to accept foreign domestic helpers in 2017 (OECD, 2018; Ogawa, 2018). This program under the NSSZs scheme is a trial-based project and it has been launched only in a few selected areas for now. Requirements to work as foreign domestic helper is: 18 years of age or above, minimum one year of relevant work experience, knowledge or skill in housekeeping and a minimum level of Japanese language skill (Prime Minister’s Office of Japan, n.d.-b). Labor migrants under this project sign a work contract with a recruiting company, not directly with households they actually work for. Recruiting companies are required to guarantee at least the same payment level as Japanese nationals in the same position (Prime Minister’s Office of Japan, n.d.-b). Foreign domestic helpers obtain residence status of “designated activities” and they are entitled to work for no longer than three years (Prime Minister’s Office of Japan, n.d.-a). According to the framework, a foreign domestic worker can consult with resided local municipality about possibility of changing employers (Prime Minister’s Office of Japan, n.d.-b). However, it is unclear how realistic and how easy it is for the domestic workers to change employers. At least, it can be assumed that it will be easier to change customer family since foreign domestic helpers are not directly hired by the household. Regarding the basic economic and social rights, recruiting company must report purchase of employment insurance, industrial accident compensation insurance, health insurance, and employees’ pension insurance to the authority (Prime Minister’s Office of Japan, 2015a).



Similarly, under the NSSZs framework, acceptance of foreign migrants in agriculture field has also started (Oishi, 2018; Prime Minister's Office of Japan, n.d.-c), though it is operated on much smaller scale at the moment. Some NSSZs municipalities are authorized to issue six-months business permit to foreign entrepreneurs who have sufficient capital and innovative business plan. Those who obtain this permit may renew their permit if they achieve requirements during their stay. Some municipalities offer financial and administrative support for foreign entrepreneurs (OECD, 2019). If these trial projects under NSSZ framework go well, it will eventually be expanded on national-level.

In July 2018, “Program for Further Acceptance of Fourth-generation Japanese”, hereafter the 4<sup>th</sup> *Nikkeijin* program, started. Although it is clearly stated that the purpose of this program is providing the fourth generation *Nikkeijin* opportunity to learn Japanese culture and language, the residence status allows them to engage in work without any limitations. Those who enter the country under this program will be treated in the same way as nationals except that they cannot bring their family and the length of stay is limited to a maximum of five years (Ministry of Justice of Japan, n.d.-c). It may look attractive for those who has an interest in Japanese culture and working in Japan temporary. However, it has been only 43 people who entered the country through this program as of June 2019, while Ministry of Justice sets quota of a maximum 4,000 per year (Jiji Press, 2019a). It was pointed out that the unpopularity of this system comes from the language requirement. There are not many people of *Nikkei* fourth generation who learnt their great-grand parents' or grand parents' mother tongue (Jiji Press, 2019a). The program targets the fourth generation who can speak Japanese at daily-conversation level at the time of entry. In order to stay in the country for a maximum of five years, they must pass Japanese language proficiency test after two years of stay. There is also an age limitation: between 18 and 30 years old (Ministry of Justice of Japan, n.d.-c). Considering the unpopularity among potential migrants, now the ministry evaluates to ease the requirements (Jiji Press, 2019a).

As mentioned earlier, TITP has functioned as a de facto “guest worker program”. As of 2018, 308,000 people are registered and staying in Japan under this program. The size of this group has grown, and it accounts for approximately 20% of foreign nationals who are allowed to engage in work (Figure 2). As the media coverage about working environment of the trainees increased, criticism on the government was intensified. To resolve the problem, some adjustments and changes were made in 2017, following the implementation of the Act of Proper

Technical Intern Training and Protection of Technical Intern Trainees (hereafter, Trainees Protection Act) in 2016 (OECD, 2018). First of all, Organization for Technical Intern Training (OTIT) was established to monitor the program. It supervises employers and brokers to improve training environment and to protect trainees when necessary. Trainees can contact OTIT when they face, for example, unfair treatment or exploitation from their employers. If they wish to continue training, OTIT will support them finding a new employer, according to the new program guideline (Ministry of Justice of Japan, n.d.-b). How effectively OTIT will be able to intervene in this regard needs to be monitored. Secondly, their entitled stay was extended. Now it may be extended from the total of three years to five years on the condition that trainee passes a proficiency test (Ministry of Justice of Japan, n.d.-b; OECD, 2018). When it comes to trainees in construction field, it became possible to extend their stay for up to five years already in 2015 (Takahata, 2015). This adjustment comes from Japan's urgent labor shortage in construction industry in connection with the Tokyo Olympic games in 2020 (OECD, 2018). Another recent change is that a job category "elderly care worker" was added to TITP program occupation list in 2016 (Hinohara, 2017; Ogawa, 2018).

Even though they may stay in Japan for up to five years now, the years they stay in Japan under the residence status "Technical Intern Training" will not be counted as a part of the required ten years of stay to apply for permanent residence (Ministry of Justice of Japan, n.d.-d). In a governmental document regarding the new change to the program (Ministry of Justice of Japan, n.d.-b), it says again that the aim of this program is Japan's contribution to economic development in developing countries by transferring Japan's technology to foreign trainees. It is also stated in Trainees Protection Act that technical training program must not be used as an adjustment measure to meet labor demand and supply (Ministry of Justice of Japan, n.d.-b; Tanaka, 2019). Despite that, as Yoshida (2018) points out, TITP is still being used and even adjusted according to Japan's labor demand, such as the addition of elderly care workers to the program. Sending countries' needs with regard to their economic development does not seem to be reflected in TITP.

#### 4.3.4. Latest Change: Specified Skilled Worker

In April 2019, the most recent addition to the Japan's labor migration framework took effect: the creation of a new status of residence "Specified Skilled Worker (i) and (ii)", following the amendment of the Immigration Act in 2018. A notable point is that it clearly states that it aims to fill up the labor shortage problem in Japan. It says, "The New Status of Residence is aimed

at addressing the serious labor shortage in Japan by accepting experienced foreign human resources with specific expertise and skills” (Ministry of Foreign Affairs of Japan, n.d., p. 1). Differences between “Specified Skilled Worker (i)” and “Specified Skilled Worker (ii)” in admission criteria are skill levels; “Specific Skilled Worker (ii)” requires higher proficient and expert skills (Ministry of Foreign Affairs of Japan, n.d.; OECD, 2019). Those who obtain “Specified Skilled Worker” status need to engage in one of the fourteen industry fields: such as care worker, construction industry, agriculture, food service industry, among others. Table 4 shows the fourteen industry fields foreign workers under this program are permitted to engage in. This recruitment program of blue-collar foreign migrants is estimated to accept 345,000 people over five years starting April 2019 (McKirdy, 2018; Yoshida & Murakami, 2018). The biggest group among the fourteen industries is predicted to be care workers between 50,000 and 60,000 people, followed by the restaurant industry with 41,000 to 53,000 (Yoshida & Murakami, 2018). As of now (November 2019), only “Specified Skilled Worker (i)” has fully started, while “Specified Skilled Worker (ii)” has started only in a few limited industries and is planned to be fully launched in April 2021 (Immigration Bureau of Japan, 2019).

**Table 4: The 14 Industry Fields and Job Categories Under Specified Skilled Worker Program<sup>5</sup>**

Specified Industry Fields	Examples of Job Categories in Each Field
Care Worker	Nursing care
Building Cleaning Management	Interior building cleaning
Machine Parts & Tooling Industries	Metal press, Welding, Painting, Machine maintenance, Aluminum anodizing
Industrial Machinery Industry	Casting, Painting, Electrical equipment assembling, Welding, Iron work, Industrial packaging, Plastic molding
Electric, Electronics and Information Industries	Industrial packaging, Metal press, Machine maintenance, Factory sheet metal work, Electronic equipment assembling
Construction Industry	Roofing, Concrete pumping, Telecommunications, Tunnel and propulsion
Shipbuilding and Ship Machinery Industry	Welding, Painting, Iron work, Electrical equipment assembling
Automobile Repair and Maintenance	Automobile everyday inspection and maintenance, Regular inspection and maintenance, Disassembly
Aviation Industry	Airport ground handling, Aircraft maintenance
Accommodation Industry	Providing accommodation services such as working at the front desk, planning/public relations, hospitality, restaurant services
Agriculture	General crop farming, General livestock farming
Fishery & Aquaculture	Fishery, Aquaculture industry
Manufacture of Food and Beverages	General food and beverage manufacturing
Food Service Industry	General restaurant industry

Those who apply for the status of residence “Specified Skilled Worker (i)”, hereafter the first category, are required to have certain work experiences in one of the listed industries (Table 4), but also they need to pass a skill proficiency test and a Japanese language exam at daily

<sup>5</sup> Note:

- Information on Table 4 is from Ministry of Foreign Affairs of Japan. (n.d.). A New Status of Residence “Specific Skilled Worker” has been created. Retrieved from: <https://www.mofa.go.jp/files/000459527.pdf>
- Table 4 was created by simplifying the original table to fit to the thesis.

conversation level. Also foreign workers must sign an employment contract prior to entering the country (Ministry of Foreign Affairs of Japan, n.d.). Noteworthy is that there are no requirements with regard to education-level to apply for this status of residence. Foreign nationals under the first category need to update their residence permit every 4, 6 or 12 months. In total, they are allowed to stay and work for a maximum of five years. They have a right to change jobs/employers as long as their skills and skill-levels are applicable. However, they are not entitled to bring family members with them (Ministry of Foreign Affairs of Japan, n.d.). “Specified Skilled Worker (ii)”, hereafter the second category, requires higher skill-level and longer experiences in their fields. As of April 2019, it is possible to apply for the second category visa only in construction, ship building and ship machinery industries. Those who obtain residence permit under the second category need to renew it every 6 months, 1 year or 3 years (Immigration Bureau of Japan, 2019). However, there is no limit on their total length of stay as long as they have valid work contracts. Another difference from the first category is that they may bring family members with them (Murakami & Osaki, 2018).

For both the first and the second category workers, their employers are required to comply to the laws related to labor and the social welfare. It means that the employers have a responsibility for covering partially their foreign employees’ unemployment benefit, health care insurance and public retirement pension schemes as in the same way for local employees (Immigration Bureau of Japan, 2019). Regarding access to permanent residence, the number of years of stay under the second category is counted as eligible stay to apply for permanent residence. On the other hand, the years spent in Japan as the first category permit holder will not be counted as a part of the required ten years of stay to apply for permanent residence (Ministry of Justice of Japan, n.d.-d). Thus, there is a clear treatment differentiation between these two target groups. Further, there is no such system to change the status of residence to the second category automatically after working as the first category holder for five years. As a rule, every applicant has to pass a skill proficiency exam for the second category level (Immigration Bureau of Japan, 2019). On the other hand, Japan’s biggest business lobby, *Keidanren*, stresses that consideration for smooth transition from the first to the second category is necessary in order to encourage skilled workers to stay in the country in the long run (Murakami & Osaki, 2018).

Regarding the first category, the framework has taken a considerable measure to recruit foreign workers widely, namely, former and current trainees under TITP. Those who finished technical intern training for a total of three years are eligible to apply for the first category permit. In

addition, those technical interns are exempt from both skill and language proficiency exams (Immigration Bureau of Japan, 2019). It can be argued that the government sees trainees under TITP as an important labor source for the country despite the official purpose of TITP. In a way, TITP has become a base program where trainees can learn skills and knowledge to continue working in Japan, not to return home and transfer the skills at least for a long while.

#### 4.4. Chapter Summary

This chapter has provided information about Japan's labor migration policies/programs over time. Table 5 provides an overview.

**Table 5: Japan’s Labor Immigration Programs<sup>6</sup>**

Program	Status of Residence	Admission Criteria	Length of Stay	Permanent Residence	Change Employers	Family Reunion
<i>Nikkeijin</i> (1990)	<i>Teijuusya</i>	Japanese descendant	No limit	○After 5 years	○	○
TITP (before the reformation) (1993)	Designated Activities	Candidate selection by sending/receiving organization	Max 3 years	Not possible	Difficult	Not possible
Point-based system (2012)	Highly Skilled Professional	Min 70 points on the point-calculation system	5 years (renewable)	○After 1 or 3 years of stay	○	○ (in some cases, domestic worker and the parents of primary migrant or of spouse as well)
EPA (2008)						
Care worker (under EPA)	Designated Activities	Relevant education or certificate	4 years (after passing national exam, one may obtain residence status of “Care Worker” )	○After passing national exam and having lived in Japan for 10 years	Might be difficult	○After passing national exam
	Nurse (under EPA)	Designated Activities	Education as nurse and work experiences	3 years (after passing national exam, one may obtain residence status of “Medical Services”)	○After passing national exam and having lived in Japan for 10 years	Might be difficult
Domestic helpers (2017)	Designated Activities	Age above 18, 1 year of work experience, basic Japanese language skill	Max 3 years	Not possible	○ according to the rule	Not possible
4 <sup>th</sup> generation <i>Nikkeijin</i> (2018)	Designated Activities	Age between 18-30, 4 <sup>th</sup> generation <i>Nikkeijin</i> , basic Japanese language skill	Max 5 years	Not possible	○	Not possible

<sup>6</sup> Note:

- Table 5 is based on the data gathered from governmental documents (referred to in the main text).
- “○” in the table means that a foreign worker has access to respective rights.
- (Year) shows when the respective program started.

TITP (recent) (2017)	Technical Intern Training	Candidate selection by sending/receiving organization	Max 5 years (possible to continue working as “Specified Skilled Worker (i)”)	Not possible	○ as a rule	Not possible
Specified Skilled Worker (2019)						
The first category	Specified Skilled Worker (i)	Passing skill test and Japanese language test	Max 5 years	Not possible	○	Not possible
The second category	Specified Skilled Worker (ii)	Expert level skill, longer work experiences	3 years (renewable)	○After 10 years	○	○

One of the remarkable changes is that Japan has now officially started to recruit low skilled migrants to the country, whereas TITP and *Nikkeijin* programs were used as a loophole to secure low skilled migration program earlier (Kondo, 2015; Tanaka, 2019). Another notable change is the government’s active engagement in the labor migration policy development compared to before, as several migration channels for foreign workers have been introduced and adjusted along the way in the past decade. At the same time, Japan’s labor migration programs have been diversified to target different migrant groups with specific skills or in specific occupations. Programs developed in the last ten years can be divided into two groups: a program that is developed based on the existing system; and a program that is based on new concepts and new elements. The reformation of TITP and the 4<sup>th</sup> *Nikkeijin* program are categorized as the former group. On the other hand, the point-based system, recruitment of foreign domestic helpers, and new residence status “Specified Skilled Worker” have added completely new elements that did not exist in Japan’s migration framework before. It is also noteworthy that the treatment differentiations in admission criteria, benefits and rights have become recognizable as more and more programs have been introduced. As the table 5 shows, it is clear that there are treatment differentiations between highly skilled workers (such as, the point-based program and the second category in Specified Skilled Worker program) and relatively low skilled workers (such as, domestic helpers, 4<sup>th</sup> generation *Nikkeijin*, TITP, and the first category). In the case of Japan, entitled length of stay (including possibility to renew visa), access to permanent residence and the right to accompany family members are used as decisive elements for preferential treatment. Thus, treatment differentiation has become an obvious migration strategy for Japan.

Comparing rights and benefits granted to the current low skilled workers to those of the earlier low skilled migrants, there are less “guest worker” elements now. As the government has been criticized, both nationally and internationally, with regard to exploitation and violation of



human rights of TITP trainees, it was reformed concerning the protection of trainees and improvement of their working conditions. According to the new law, it is possible for trainees to change employers when necessary (Ministry of Justice of Japan, n.d.-b). Although it most likely does not mean that they get to change employers as freely as locals or highly skilled migrants, considering that they are in training program, this is a progress. On the other hand, (very) highly skilled workers has gained much quicker access to permanent residence, compared to the ordinary rule of ten consecutive years of stay. From the push-pull point of view, this type of preferential treatment is introduced in order to “pull” prospective highly skilled migrants to the country.

Looking at Japan’s attitude toward immigration over the last fifty years, I must emphasize that it has changed considerably. It changed from the country that chose not to open for immigration in order to maintain social and cultural homogeneity even during the period of drastic economic development, to the country that arranges several labor immigration programs regardless of migrants’ skill-levels. Concerns regarding the dwindling labor force and further economic development seem to be key drivers behind these changes. On the other hand, the basic rule has not been changed; most of residence permits based on activities are issued upon signing work contract or agreement with accepting organization/institutions. That means that even a very high skilled foreign national who can score 90 points on the point-based system cannot obtain “Highly Skilled Professional” permit without having a job offer in Japan. The government does not set restrictive quota on each residence permit (Oishi, 2018). Although the government controls in which industries/occupation low skilled migrants are permitted to work, how many and which type of residence permits will be issued is up to employers in general. In this regard, it can be said that Japan’s labor migration scheme has been based on the demand-driven model with respect to Koslowski’s “selective migration policy models”. The following chapter explores recent policy trends in three large-immigration countries and contrasts them with the case of Japan. It will contribute to understand the Japan’s labor immigration policies from a different perspective.



## 5. Comparative Case Study: Large-scale Immigration Countries

This chapter explores and outlines what changes large migrant-receiving countries have made in their labor migration policies recently. After presenting the overview, I will look into similarities and differences between Australia, Canada and Singapore, comparing with the case of Japan.

### 5.1. Canada and Australia

Canada and Australia are both known as traditional immigration countries with multicultural policies for over decades (Castles et al., 2014a; Umeda, 2008). The number of labor migrants who reside in Canada has been increasing as well as the number of labor migration programs (OECD, 2018). 21% of the population was foreign-born in Canada in 2016, whereas it was 29% in Australia in 2018 (OECD, 2019). In both countries, migration programs have been diversified to target foreign workers with specific skill-levels or in specific occupations (OECD, 2018, 2019).

#### 5.1.1. Point-based System

In terms of labor immigration programs targeting skilled workers, Federal Skilled Worker Program has been one of the main programs in Canada (Valenta, Strabac, Jakobsen, Reitz, & Awad, 2017). Federal Skilled Worker Program uses the point system as a screening tool to select highly educated labor migrants. Labor migrants who enter the country through this program obtain permanent residence immediately (Valenta et al., 2017). Another characteristic of this program is that it is not required to get a job offer prior to applying for the visa (Ruhs, 2013). The point-based system was introduced in 1967 after the abandonment of the White Policy<sup>7</sup>, and it has been used for over several decades in Canada (Brettell & Hollifield, 2014). Similarly, the White Australia Policy was abandoned in 1973 in Australia (Castles et al., 2014b; Umeda, 2008), and Australia introduced the Australian Points Assessment Scheme in the same year (Koslowski, 2014). Even though the system has been used for a long time, the point distribution and weight have been often adjusted in order to match the state's objectives and to reflect needs from the industries of that time (Koslowski, 2014).

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<sup>7</sup> The White policy in Canada and the White Australia Policy were immigration policies which allowed only "white" Europeans to migrate to the country and deterred Asian migrants from immigration (Brettell & Hollifield, 2014; Umeda, 2008)

The Canadian point system gives points in the following main categories: migrant's age, language level (either in English or French), work experiences and education level (Valenta et al., 2017). The Canadian point system started point distribution with more "occupation-based selection model" (Koslowski, 2014, p. 27). It allocated more points for work experiences in occupations that were in labor shortage. However, in the 1990s, they adjusted the system; labor market assessments were removed and it distributed more points in education in any type of occupation fields and language ability. Australia also followed Canada and shifted to human capital model (Koslowski, 2014).

Recent changes in the Canadian point system show that it is shifting back to "occupation based model" again as the point distribution has been adjusted more closely to demand from the labor market (Koslowski, 2014; OECD, 2018). In 2012, individual applications that came through the human capital points system were not processed till the new selection criteria became ready, except for applicants either who had a minimum of one year of work experience in certain sectors or who already had a job offer (Ahmad, 2013; Koslowski, 2014). On the other hand, Australia has made rather quicker shift back to "occupation-based selection model" already in 1996, concerning the high unemployment rate among immigrants (Koslowski, 2014). Since then, Australian model has been "neo-corporatist model", where the state screens prospective skilled labor immigrants through the points-system while also reflecting needs and demands from the labor market (Koslowski, 2014). As of September 2019, to be able to apply for either the Skilled Independent Visa (subclass 189) or the Skilled Nominated Visa (subclass 190), a person has to score 65 points or more in the point-system and has to qualify for one of the occupations from the Medium and Long-term Strategic Skills List (MLTSSL). This list is often revised reflecting needs and demand of the labor market. Both subclass 189 and 190 issue permanent residence immediately (Australian Visa Bureau, 2019).

### 5.1.2. Temporary Migration Programs

There are also temporary labor immigration programs targeting highly skilled migrants. In fact, as the Canadian government shifts away from human capital model with immediate entitlement of permanent settlement, the number of highly skilled migrants with temporary visa is growing. Those highly skilled migrants under temporary migration program may apply for permanent residence later on (Koslowski, 2014).

Traditionally, immigration to Australia also meant permanent settlement in most of the cases. However, in the 1990s, the state started to arrange temporary worker visa categories. Since then the temporary settlement policy has been expanded, and there have been introduced various types of temporary programs (Hugo, 2008b; Umeda, 2008). Among them, the Skilled Temporary Business (Long Stay) 457 Visa has been often used. This category let employers sponsor foreign workers, so that those workers can move to the country and work for them on a temporary basis. Those who obtained the 457 visa may apply for permanent visa while they stay (Australian Visa Bureau, 2019). Similar to the 457 category, the government has been expanding employer-sponsored migration programs in order to give employers more power in choosing prospective foreign workers; it appears that the policy is shifting more toward the demand-driven model (Koslowski, 2014). Recently, Australian labor migration policy has been going through many policy adjustments and reformations. For instance, the Temporary Skill Shortage (TSS) was introduced in 2018. There are three visa categories in the TSS framework; (1) short-term visa for low skilled workers (a maximum stay of four years); (2) medium-term visa for skilled workers (a maximum stay of four years with possibility to change the visa status to permanent residency status); (3) visa based on exceptional labor agreement. The TSS requires higher language ability, more thorough market testing than earlier programs, and a minimum two years of experiences in their job occupation (OECD, 2019).

Recently, the number of low skilled migrants is increasing in Canada as a result of the expansion of temporary migration programs (Valenta et al., 2017). This applies to both Canada and Australia. Especially Canada has worked to expand immigration channels for low skilled labor migrants with restricted rights compared to those for highly skilled workers. Concerns about serious labor shortages in specific sectors and occupations led to the expansion of temporary migration program targeting low skilled workers (Ruhs, 2013). In the case of Canada, there are numerous programs that let low skilled migrants come to the country for work. In general, an employer who wishes to hire a low skilled worker from abroad must prove that they have had unsuccessful recruitment within Canada. Low skilled foreign migrants cannot enter the country without a job offer, and they are only allowed to stay temporary for work (Valenta et al., 2017). Regarding freedom to change employers or jobs, it is difficult for them to change jobs as freely as highly skilled migrants can since they are more dependent on their work contract due to the visa system. Also it is not allowed for them to accompany family members with them (Valenta et al., 2017). Whether if Canadian labor migration programs for low skilled workers are “guest worker program” depends on the program. Live-in Caregiver Program and The Low-Skilled

Worker-Pilot project (NOS) are both temporary migration programs with a maximum of four years of stay. While migrants under Live-in Caregiver Program may apply for permanent residence, migrants under NOS are not entitled to it (Valenta et al., 2017). Thus, it appears that there are treatment differentiations even among low skilled workers depending on occupations they engage in.

While Canada introduces a range of migration programs explicitly targeting low skilled workers, Australia's labor migration scheme remains on recruiting skilled workers by using MLTSSL or Short-term Skilled Occupation List (Australian Visa Bureau, 2019). On the other hand, Australia's Working Holiday Visa has been adjusted to attract more young people to engage in temporary unskilled jobs: for example, in the hospitality field or as seasonal harvest labor. Those who have taken seasonal work may renew the Working Holiday Visa with another 12 months stay (Hugo, 2008b). Another important labor resource for low skilled jobs is international students. In Australia, international students are allowed to work for a maximum of 20 hours per week or full-time when they are in vacations (Hugo, 2008b). Students have been one of the biggest migrant groups to the country; for instance, about 70% of temporary resident permits issued in the year 2008-09 were granted to international students, compared to 24% to the 457 visa holders (Castles et al., 2014a). Moreover, some provinces or regional communities in Australia are seeking to retain international students in their region by offering them permanent residence through regional migration programs (Hugo, 2008b), which will be explained in the following section.

### 5.1.3. Regional Programs

In Canada and Australia, there are not only national programs but also regional- or provincial migration programs. It was introduced concerning high concentration of new arrivals in metropolitan cities. The aim of both Canadian and Australian regional labor migration programs is to cover serious labor shortages in specific regions (Carter, Morrish, & Amoyaw, 2008; Ishikawa, 2014). In 2017, 49,700 economic migrants came to Canada under the Provincial Nominee Program (PNP) (OECD, 2018). PNP is now one of the main labor migration channels in Canada which started in 1998 in Manitoba province (Carter et al., 2008; Ishikawa, 2014) In this program, provinces in Canada make an agreement with Citizenship and Immigration Canada (CIC), so that each province gets to customize their own program. In this way, each province is able to select prospective labor migrants whose skills or experiences match the local community's needs and demand. In the case of Manitoba PNP, many medium-

and low skilled migrant laborers have been accepted, and it is viewed as a successful case as it managed to take foreign laborers to relatively small cities and rural areas (Carter et al., 2008; Ishikawa, 2014). At the same time, there are still challenges in the regional program: such as preventing them from moving to bigger cities after a while. It has been reported that rural communities often lack enough language or job training facilities, housing to welcome newcomers, good social connection between local communities and migrants, among others (Carter et al., 2008; Ishikawa, 2014).

Recently in 2017, the four Atlantic provinces started a new regional migration program, The Atlantic Immigration Pilot (AIP) in partnership with the Government of Canada. It aims at long-term settlement of skilled foreign laborers in Atlantic Canada in order to ease labor shortages and to ensure economic growth (OECD, 2018). This program involves the employers more in the recruitment process (OECD, 2018). By the end of 2018, approximately 1,500 foreign migrants moved to Atlantic Canada and obtained permanent residence. Furthermore, it was decided in early 2019 that the Rural and Northern Immigration Pilot will be also launched (OECD, 2019). Canada continues to expand regional programs to solve labor shortages and stimulate economic growth locally. This also reflects the recent changes in Canada's selective labor immigration policy: more "labor-market oriented".

In Australia, regional migration program has been going on since the mid-1990s. While the Canadian program was organized by each province, Australia introduced the State Specific and Regional Migration (SSRM) scheme on the national level (Hugo, 2008b). There are different skilled visa categories under this scheme: such as state, territory, employer, or family sponsored visa. Under this scheme, both temporary and permanent work permits are issued. Although there are some differences in requirements, location choices, or sponsorship depending on the permit, the migrant is obliged to settle in a designated area outside of the metropolitan cities for at least two or three years as a general rule (Australian Visa Bureau, 2019). One notable point of the SSRM scheme is that the number of migrants who came under the programs is growing rapidly since the program start. Compared to 1,753 migrants in the year 1997-1998, 27,488 obtained visas under this scheme in the year 2005-2006. This number comprises over 25% of the new immigrants of the same year (Hugo, 2008a, 2008b). A crucial aspect of regional programs both in the case of Australia and Canada is that local governments (state/province) are authorized to flexibly decide eligibility criteria for admission and offer settlement programs within the national basic framework. Under the PNP and SSRM scheme, some regions are

targeting not only prospective migrants with skills that suit local demands from abroad, but also they attempt to retain local foreign students by granting them permit after graduation (Carter et al., 2008; Hugo, 2008a, 2008b). As we can see, both Canadian and Australian governments have control over not only who may enter the country, but also where they will be located after arrival to larger extent than before (Hugo, 2008a).

Those two countries have also launched labor migration programs targeting entrepreneurs with the aim to boost economic growth. In 2018, a new Canadian entrepreneurship program, the Start-up Visa pilot, was revised to offer permanent residence immediately after arrival. This program is related to Canada's attempts on innovative economic growth. Under this program, foreign entrepreneurs who secured investment within Canada can stay and work in the country (OECD, 2019). Australia also introduced a pilot program, Global Talent Scheme. It enables established business owners and start-up entrepreneurs to migrate to Australia with an opportunity to become a permanent resident (OECD, 2018, 2019).

## 5.2. Singapore

Singapore is known for hosting a substantial number of foreign workers with its liberal immigration policy (Castles et al., 2014a). Singapore became an independent state in 1965. As the country has rapidly developed since then, it faced labor shortages in the late 1970s. The government of that time then facilitated to move the labor-intensive industries to the neighboring countries, and at the same time, it promoted the country to invite high value-added industries (Maekawa, Kanisawa, Shide, & Nishi, 2018). As of June 2019, the total population of Singapore, including residents and non-residents, is 5.7 million (resident category includes both Singapore citizens and permanent residents) (Department of Statistics Singapore, 2019a). Non-residents, those who live in Singapore due to work, study or family, is 1.68 million, which accounts for about 29 % of the total population (Department of Statistics Singapore, 2019b). The number of work permit holders reached almost 1.4 million as of June 2019. Out of the all foreign migrant workers, foreign domestic workers and construction workers comprise of 58 % (812,700 of 1,399,600) (Ministry of Manpower of Singapore, n.d.-a).

### 5.2.1. Policy Differentiation

As the country is well known as having a liberal immigration policy, the Singapore government is also known as it clearly differentiates migration programs depending on skill-levels and



salary-levels. For highly skilled workers or professionals, Employment Pass (EP) has been the most issued permit. Medium- and low skilled foreign workers can apply for Work permit (WP). Visa category for foreign domestic workers is under this program. S Pass targets whose skill-level fall in somewhere between skill-level for EP and WP (Maekawa et al., 2018; Ministry of Manpower of Singapore, n.d.-c). Common features for all those three visa categories are that: prospective foreign migrants need a job offer prior to applying for visa; the first-time applicant gets visa with for up to two years of stay; and it is basically renewable (Ministry of Manpower of Singapore, n.d.-c). On the other hand, eligibility criteria and entitled rights after admission varies a lot depends on visa categories: such as, required minimum salary level, required skill/education-level, the right to accompany family members, the right to change jobs, and access to permanent residency status and citizenship (Ministry of Manpower of Singapore, n.d.-c). Among them, it is EP holders and S pass holders who may apply for permanent residence (Immigration & Checkpoints Authority of Singapore, n.d.-a). To become a Singapore citizen, a person needs to have been a permanent resident for a minimum of two years (Immigration & Checkpoints Authority of Singapore, n.d.-b). Thus, it is clear that the higher skill or higher salary level one has, the more rights he/she is entitled to in the Singapore labor migration framework.

Another characteristic of the Singaporean migration policy is that it strictly sets industry-specific quota and imposes employers monthly levy per foreign employee they hire, especially low skilled migrants (Castles et al., 2014b; Maekawa et al., 2018; Ministry of Manpower of Singapore, n.d.-c). Quota is regulated according to the number of local employees and foreign workers with different visa categories. This measures intend to prevent employers from depending on foreign low skilled laborers too much, and also to reflect citizens' concerns and unease regarding national security (Castles et al., 2014b; Maekawa et al., 2018).

Work permit for foreign domestic worker is often mentioned as an example of restrictive labor migration program (Castles et al., 2014b; Maekawa et al., 2018). It was introduced in 1978 with an aim to encourage women in Singapore to engage in work (Castles et al., 2014a). As of June 2019, there are 255,800 foreign domestic workers (Ministry of Manpower of Singapore, n.d.-a). In addition to often-used requirements and restrictive rights granted to unskilled workers, such as limited time of stay, no right to change employers and no right to accompany family, there are even more strict eligibility criteria and requirements for foreign domestic workers in Singapore. Applicants for the visa have to be from certain countries approved by the Singapore

government (Ministry of Manpower of Singapore, n.d.-c). Besides, foreign domestic workers are prohibited from getting married to local people or permanent resident holders (Ruhs, 2013), and local labor and social welfare laws do not apply for them (Castles et al., 2014a; Ruhs & Martin, 2008).

Work permit for low skilled or medium-skilled foreign trainees exists in Singapore. However, according to Ministry of Manpower of Singapore (n.d.-b), it is basically for either foreign students studying in Singapore or for foreign employees from related foreign subsidiaries to get practical training. Also, the duration of stay is strictly limited for up to six months with no renewal. The number of training permit holders, including Training Employment Pass for professionals, is 31,800 in 2019, which accounts for less than 2% of all the work permit holders (Ministry of Manpower of Singapore, n.d.-a). Therefore, it can be assumed that this visa category is not used as a practical tool to fill labor shortage, at least not as much as it is in the case of TITP in Japan.

### 5.2.2. Recent Trends

The Singapore government has been very clear about its labor migration policy differentiation: welcoming highly skilled workers with generous rights and a pathway to be a permanent resident and citizen in the future, while restricting rights granted to low skilled foreign workers with strictly temporary stay (Ruhs, 2013). The number of total foreign workers in Singapore is still increasing every year (Ministry of Manpower of Singapore, n.d.-a). Nevertheless, the government is recently tightening eligibility criteria and requirements for employers especially for skilled visa categories in order to encourage recruitment of locals in professional and skilled job positions. For example, Fair Consideration Framework was introduced in 2014. It requires employers to announce the job vacancy for a minimum of 14 days to check if any locals can fill the job first. This applies to all EP and S Pass applications (Maekawa et al., 2018). Another change is that the minimum income level to be eligible for EP was increased to S\$3,600 per month from S\$2,500 in 2005 (Maekawa et al., 2018). Thus, the Singapore's labor migration policy has been shifting to some degree from the policy differentiation which was eager to take in skilled migrants with generous policy. It is now calibrating the eligibility and requirement criteria to accept only the minimum necessary foreign migrants to the country, in order to encourage skill improvement of the citizens.

### 5.3. Comparison Among Three Large-scale Immigration Countries

All the three immigration countries have different histories and backgrounds. However, one of the similarities among them is that they set a range of different programs targeting different skill-levels with admission requirements and granted rights in variation. Recent policy changes indicate that Canada is shifting more to “neo-corporatist model” from “human capital model” in terms of the way they select prospective foreign workers (Koslowski, 2014). Another characteristic is that the Canadian government is expanding temporary labor migration programs for low skilled workers with restricted rights. At the same time, Canada attempts to be more attractive for already-resided foreigners with permanent residency status by loosening the eligibility criteria for citizenship and approving dual citizenship (OECD, 2018; Valenta et al., 2017). Australia, similar to Canada, has been using the point-based system. However, the lists of occupations in demand has been an important screening tool to narrow down prospective foreign workers. As Australia issues some work permits based on employer’s sponsorship, it appears that it has shifted more toward “demand-driven model” (Koslowski, 2014). Singapore is quite different from those two traditional immigration countries. First of all, Singapore issues only temporary permit for first-time applicants with or without opportunity of permit renewal depending on the type of permit. Secondly, there is no points system used in Singapore’s migration framework, and all the foreign workers must have a job offer prior to visa acquisition as the employer needs to apply for permit, with some exceptions. Thus, it can be said that the Singapore migration system is based on demand-driven model. On the other hand, the government imposes monthly taxes and quotas on employers. The goal is that the employer hires only reasonable number of foreign workers and take responsibility to care for them. For example, employers must buy security bond when recruiting low skilled foreign workers (Ministry of Manpower of Singapore, n.d.-c).

Looking at policies for different skill-levels across the countries, the selection method for low skilled labors are becoming more and more market-oriented and strictly temporary. At the same time, those three countries are also tightening eligibility criteria for programs targeting highly skilled workers. In the case of Canada and Australia, permanent settlement programs are replaced more and more by entry visa with temporary stay. While admission requirements are getting stricter, entitlements granted to migrants are becoming more generous for highly skilled migrants. This applies in the case of Singapore as well. In this way, the states may be able to retain more qualified and integrated migrants in the long-term. At the same time, this trend in Singapore is reflecting citizens’ concern regarding maintaining social cohesion and keeping job

opportunity for locals (Maekawa et al., 2018; Oishi, 2018). The recent policy changes indicate that labor migration programs are not just a channel to fill in the job vacancies, but also it is becoming an important strategic tool to boost economic growth by the states. Regarding innovative economic growth, recent trend is to create a new migration framework for investors and entrepreneurs (OECD, 2018), as it is also the case for Canada, Australia and Singapore<sup>8</sup>. Since Canada and Australia are geographically big countries, it is an important strategic element to not only choose who may enter the country, but also where those new-comers may settle.

#### 5.4. Comparison with Japan

There are a couple of similarities in the three countries' labor migration policy elements and those we may find in Japan. First, Japan's point-based system resembles the point-system used in Canada and Australia. As noted earlier, the point systems are used to select highly skilled foreign worker candidates by setting a minimum score level to be eligible for this category. Nevertheless, there is a difference in what qualified applicants are entitled to between the two traditional immigration countries and Japan (Oishi, 2018). The Canadian and Australian point-based system is employed as a screening tool to decide on who may enter the country. Qualified applicants may enter the country even without a job offer. On the other hand, Japan's point-based system is a tool to decide who may be qualified to receive generous treatment among all the work permit holders. Even if a prospective foreign worker cannot score enough points in the Japan's points system, he/she is still able to obtain one of the statuses of residence, as long as the person has a university-level education and a job offer in the relevant field (Oishi, 2018). Thus, it can be described as that Japan's labor migration scheme for highly skilled workers is more or less a combination of Singapore's visa-issuing system and the point-based system model used only to offer eligible highly skilled migrants generous treatments. Another difference is that Japan recently attempts to take in more highly skilled migrants by introducing such a program, while all the three migrants-receiving countries have been tightening eligibility criteria even for highly skilled work visa (Maekawa et al., 2018; Oishi, 2018).

When it comes to the other side of the skill-level spectrum, low skilled, the comparison countries attempt to find a balance between in ensuring inflow of the necessary amount of low

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<sup>8</sup> Singapore offers EntrePass for foreign entrepreneurs, innovators and investors. EntrePass holder can stay in the country for one year with an opportunity to renew the permit. It is possible to bring their family members with them if the business spends more than S\$100,000 per year (Ministry of Manpower of Singapore, n.d.-c).

skilled foreign migrants to fill labor shortage and in ensuring that they will leave the country when they are no longer needed. Singapore and the two traditional migration countries are reforming its system to scrutinize more on admission criteria and which rights to be granted to low skilled workers. Whereas, Japan officially opened labor migration channels for low skilled workers recently: for example, the first category under the Specified Skilled Worker program. The Specified Skilled Worker program is similar to Australia's new system, the Temporary Skill Shortage (TSS), which was introduced in 2018. Both programs have a short-term permit for low skilled workers and a mid-term permit for those who have more skills, knowledges and experiences than those in the first category. Those who are qualified to the latter category in Japan may renew visa indefinitely as long as they have a job, while those who are qualified to the latter category in Australia may apply for permanent residence during their stay. It shows that both countries set treatment differentiations depending on migrant's skill-level.

In addition to Specified Skilled Worker program, Japan has been expanding more migration channels for low skilled workers. A migration scheme for accepting foreign domestic helpers was introduced in 2017. Compared to the well-known domestic worker program in Singapore, it is clear that Japan's program is less restrictive. But immigration scale of this group in Japan is substantially smaller. Both programs allow foreign domestic workers to stay and work only temporary, and they cannot bring their family members with them. However, unlike in Singapore (Ruhs, 2013), Japan does not forbid them to marry or cohabit with citizens or permanent residents. In addition, in the case of Japan, foreign domestic helpers sign a work contract with a dispatching company, not directly with household (Prime Minister's Office of Japan, 2015a). Since they do not live in a household, it might be easier for migrants to separate work and free time and it would be easier to supervise their work conditions. However, despite of those less restricting rights and working situations of foreign domestic workers compared to the case of Singapore, it may be still difficult to attract them to Japan. First of all, foreign domestic workers often migrate to another county after having finished a contract due to ineligibility for permanent residency in most of the domestic worker migration programs and due to no future prospects of returning back home (Parreñas, Silvey, Hwang, & Choi, 2019). In the case of Japan, they are also not allowed to work for more than three years. In such a situation, it may be too much effort to learn the language and culture. I will discuss this point in a later chapter. Secondly, a study of Indonesian and Filipino domestic workers has shown that low initial migration cost may be a more decisive aspect in choice of destination than higher monthly payment and better working environment for low skilled domestic workers (Parreñas

et al, 2019). For them, high initial cost, which often means getting into debt prior to migration, makes their position and future more unstable. This was one of the reasons that the large share of Indonesian and Filipino domestic workers choose the Middle Eastern countries as destination despite of lower payment and risks for severe working conditions (Parreñas et al, 2019). Thus, Japan might need to understand the background situation of prospective foreign domestic workers in order to increase the inflow of domestic helpers to the country.

Japan has expanded its labor migration scheme and diversified programs to target specific job occupations. This is also the case in the comparison countries, especially Canada. However, the Japanese government's strategy in that was different compared to the other three countries. First, in attempt to secure low skilled workers, the government has reformed TITP to make it even more of a de facto low skilled worker recruitment program. Another example is the acceptance of *Nikkei* fourth generation which started in 2018. Migration admission based on ancestry roots has not been seen recently as far as I have been able to research immigration policy trends in developed countries (with the exception of the Republic of Korea (Ogawa, 2018)). Since Japan's past immigration strategy was somewhat unique and programs have been developed based on that, there are a couple elements which could not be found in the three comparison countries.

Conversely, I could identify a couple elements used in the three comparison countries' cases, but not in the case of Japan. Firstly, quota has not been used strictly in Japan. There is a restriction on the number of TITP trainees, which is decided depending on the number of local employees (Immigration Bureau of Japan & Human Resources Development Bureau, 2017). However, other than that, the number set by the government was more or less a goal or an expectation. A levy or fee imposed on employers has not been introduced in Japan with an aim to control or restrict the inflow of foreign workers (Oishi, 2018). However, unlawfully imposed fees or debt on foreign trainees under TITP has been the huge problem (Labour Lawyers Association of Japan, 2018). All the three comparison countries now require employers to take labor market test<sup>9</sup> prior to applying for certain types of work permit. However, it has never been required by the immigration office in Japan (Oishi, 2013, 2018). Similarly, a list of occupations

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<sup>9</sup> Labor market test (in Australia, it is called labor market testing, or labor market impact assessment in Canada) is a procedure required by the immigration authority prior to hiring foreign labor migrants. Employers need to announce job vacancy publicly for a certain period to prove that no citizens or residents in the country are not available to fill in the job vacancy (Government of Canada, 2019; Oishi, 2018).

in demand has not been widely used as a screening tool either, especially for skilled and highly skilled migrants, though applicants under TITP and the newly introduced Specified Skilled Worker program have to engage in one of the specified industries or sectors from the list.

All the three immigration countries have been putting efforts in migration programs that target investors and entrepreneurs as well. Its purpose is not just to fill in job vacancy; it is to take in creative and innovative ideas from abroad to boost and revitalize economic development (OECD, 2018). In the case of Japan, a status of residence category, “business manager”, has existed for a while for those who would like to start a business in Japan. An entrepreneur may obtain this status as long as he/she fulfills certain requirements. One of the requirements is to invest more than 5 million yen (approximately US\$ 46,000) (Oishi, 2018). In two prefectures in Japan (Tokyo and Fukuoka under NSSZ scheme), the requirement criteria for “business manager” is now relaxed to some extent (Prime Minister’s Office of Japan, n.d.-c). NSSZ municipalities may sponsor foreign entrepreneurs who have a good business idea and capital, and may issue them six-months work permit with possibility of renewal (OECD, 2019). In addition, prefectures appointed as NSSZs recently introduced a special arrangement for foreign students who have business ideas. After getting approval from the respective prefectural municipality, students may apply for a status of residence, “designated activities”, after finishing their studies, so that they can open start-ups immediately (Nikkei Newspaper, 2019b). Currently, the government is also seeking to pass a new arrangement in Fall 2019 to support foreign student entrepreneurs in NSSZs. If it gets approved in the parliament, foreign students may switch the status of residence from “student” directly to “business manager” as long as they fulfill the eligibility requirement for “business manager”. For now, student status holders need to leave Japan for a while first before being able to switch permit categories (Nikkei Newspaper, 2019b). Thus, Japan is also taking some measures to attract investors and entrepreneurs. However, it targets a very specific group and entitlements for “business manager” is not as generous as the ones in the three comparison countries.

Another recent trend on migration policy by the two traditional immigration states, Australia and Canada, is the development of regional migration settlement program. Regional programs were started to resolve serious labor shortages in small and rural communities due to an aging population and local young people’s out-migration to metropolitan areas (Carter et al., 2008; Hugo, 2008a, 2008b; Ishikawa, 2014). In Japan, new arrangements for recruiting foreign domestic helpers and the preferential treatment for entrepreneurs have started in a couple areas

under the NSSZ scheme. In 2018, three prefectures also started to take in foreign workers who have a certain skill in agriculture (Prime Minister's Office of Japan, n.d.-c). However, these schemes under the NSSZ program is different from the regional programs in Canada and Australia. The local government gets to choose prospective foreign migrants with skills and experiences they need in their local communities in Canada and Australia. On the other hand, so far it is the Japanese national government who decides what job occupations can be filled by foreign migrants in NSSZs. Though it is assumed that the decision is made reflecting on the local community's demands, projects under NSSZs are basically trial-based to introduce and test the new system or arrangement before expanding it onto nation-wide. Thus, Japan's NSSZ scheme is quite different from Canadian and Australian style regional programs.

## 5.5. Chapter Summary

This chapter has explored and compared labor immigration policies in Canada, Australia and Singapore with the case of Japan. First, it presented how the three countries' policies were recently reformed. Then, it looked at Japan's current migration policies contrasting to key policy elements identified in the three comparison countries. Some similarities were found, yet the differences and the uniqueness of Japan's migration policies were more recognizable (see Table 6). One of the major similarities was that all of the four states have developed various migration programs targeting migrants with different skill-levels. Each program's eligibility criteria, rights and benefits granted to migrants varies a lot depending on a specific occupation or skill-levels. While the liberal migration countries tighten admission criteria often with use of labor market test and/or list of occupations, Japan recently opened the official migration channels for low skilled workers and loosened some admission criteria to attract more migrants. In Japan's labor migration framework, there were found several key policy elements that are also used in the comparison countries, such as point-based system, program that targets entrepreneurs and migration to a designated area. However, how the elements are employed and also the scale in the system in the case of Japan was not the same as in the case of the comparison countries.



**Table 6: Comparing Immigration Policies in Japan and the Large Migrant-receiving Countries**

Migration policy trend	Japan	Australia, Canada and Singapore
Labor migration framework as a whole	<ul style="list-style-type: none"> <li>- Diversified programs to target migrants with specific skills or in specific occupations</li> <li>- Treatment differentiation based on skill-levels</li> </ul>	
Low skilled workers	Recently launched the official programs targeting low skilled migrants	Continue adjusting and tightening admission criteria with restricted rights granted to them <ul style="list-style-type: none"> <li>- Especially Canada develops several migration channels targeting specific low skilled migrants</li> </ul>
Highly skilled workers	Aims to increase the number of highly skilled workers (by relaxing admission criteria and giving them better entitlements)	Tightening admission criteria, but still with generous rights and benefits granted after the arrival <ul style="list-style-type: none"> <li>- In Australia and Canada, permanent settlement program is replaced more and more by temporary programs with the right to renew the permit</li> <li>- In Singapore, admission criteria is tightened to encourage citizen’s employment in higher skilled positions</li> </ul>

Migration policy elements	Japan	Australia, Canada and Singapore
Quota/levy	Not used as a tool to restrict the inflow of migrants	The governments often set restriction on the number of foreign migrants by sectors or permit categories. Levy (fees) are imposed on employers upon hiring foreign migrants.
Labor market test	Not used	Required in many cases. <ul style="list-style-type: none"> <li>- Singapore also decided to require employers to take labor market test recently</li> </ul>
Occupation list	Only used under TITP and Specified Skilled Worker program	Used as an important tool to select prospective migrants, often updated reflecting the labor market’s situation
Point-based system	Yes. But used to offer highly skilled migrants preferential treatments	Used in Australia and Canada (not in Singapore). <ul style="list-style-type: none"> <li>- Used as one of the eligibility criteria for admission.</li> </ul>
Entrepreneurs	Yes. One may obtain “business manager” permit. Also preferential arrangements under NSSZs	Yes. <ul style="list-style-type: none"> <li>- Rights and benefits granted to entrepreneurs and investors in Canada and Australia are more generous than those in Singapore and Japan.</li> </ul>
Regional program	NSSZs (accepting foreign domestic helpers, entrepreneurs and agricultural workers)	Used in Australia and Canada (not in Singapore). <ul style="list-style-type: none"> <li>- The local governments are authorized to plan and facilitate migration programs to suit local communities’ needs.</li> </ul>

In the next chapter, I will look into future prospects of Japan's labor migration regime. First, I will analyze if there is any limitation on Japan's current labor migration framework, and then elaborate on which policy elements may be relevant or realistic to adopt in the case of Japan, including the above mentioned elements that does not play a significant role in the current Japan's labor migration policies. It will focus on how Japan's labor migration policy can be attractive for foreign labor migrants in terms of the long-term settlement.

## 6. Future Prospect of Japan's Labor Immigration

So far this thesis has looked at Japan's labor migration policy development over time and also Japan's current immigration policy framework by comparing them to the three immigration countries in order to understand how the state seeks to initiate and control the flow of working immigrants. In this chapter, I will first discuss if Japan's current policy framework is able to actually attract and retain foreign nationals. In other words, I attempt to identify any limitation of the current policy, if there are any. Then, I will elaborate on whether the migration policy elements used in the three large immigration countries might be adoptable in the case of Japan or not. Finally, I will mention future prospects of acceptance of foreign labor migrants to Japan, focusing on the question "whether the country looks attractive enough to stay for the long term" from the migration system theory perspective.

### 6.1. Limitations of Japan's Current Labor Immigration Policy

While I went through academic literatures and news coverages regarding Japan's recent policies, I noticed that there are several cases that has not managed to take in as many foreign nationals as expected. In the case of Japan's point-based system, the number of foreigners who obtained the status of residence under this program was unexpectedly lower than the goal in this program's first year. For that reason, the officials were urged to relax some admission criteria and to offer better incentives (Kondo, 2015; Sato, 2013). The new program for *Nikkei* 4<sup>th</sup> generation is struggling to take in youngsters as well. Against the goal or quota set by the Ministry of Justice, 4,000 per year, it was only 43 people who came to the country under this program after one year of the program start. Now the officials are considering to revise the admission criteria to make the program more attractive (Jiji Press, 2019a). This applies to the foreign domestic helpers as well. It has been two and a half years since the program launch. So far it was 950 foreign nationals who used this program, while the accepting companies are hoping to welcome 2,000 more domestic workers for the coming year (Takao & Fujii, 2019). When it comes to the newest program, Specified Skilled Workers program, the number of foreign workers who came to the country through the program was only 300 after a half year since the program start, while the government has expected to take in a maximum of 47,000 workers during the first year (NHK, 2019). Lastly, the migration program for foreign candidates under EPA has been failing to fill up the yearly quota. Moreover, there was a year when about one thirds of foreign nurse candidates left the country even before finishing the program (Carlos, 2013). Thus, it shows that there is a substantial gap between the expectation and the reality.

Considering these results, it can be argued that there are not enough “pull” factors in Japan and the current system has some limitations despite the government’s expectation.

Employers, especially employers of low skilled workers, insist that low skilled migrants who have lived and worked in Japan for a certain number of years should be allowed to extend their stay (Takao & Fujii, 2019). Otherwise, employers have to take in new foreign workers regularly. It costs time and money to train them from scratch, especially considering the language and cultural differences compared to the three comparison countries. First of all, while Canada, Australia and Singapore are all English-speaking countries, it is crucial to be able to speak a certain level of Japanese language to work in Japan. Secondly, as well as the language, Japanese culture is unique and sometimes difficult to understand for non-natives. Because of that, it could be more time-consuming and costing to train new-comers in Japan compared to in those English-speaking countries. This applies to prospective foreign workers as well. When choosing destination, they might consider to some extent a fact that they need to invest time and energy to learn the new language and culture before starting the job and while working. On the other hand, it is most likely that they are able to engage in work immediately after migration as long as they are capable of English in Canada, Australia and Singapore. Prospective foreign workers in all skill-levels who are interested in work in Asia are tend to be more attracted to Singapore or Hong Kong because of the language and more westernized society (Oishi, 2018; Takahata, 2015). With regard to push-pull theory, this is a big cultural “push” factors. (I will come back to this later). To cover this negative point, it might be necessary for Japan to extend the entitled length of stay for low skilled workers, though this is not a trend in other liberal migration countries. In the case of Japan, it might benefit both employers and migrants in terms of longer future prospect.

#### 6.1.1. The Government’s Attitude on Immigration

Nevertheless, it is foreseeable that this would be an extremely difficult decision for Japanese officials since it conflicts with the government’s rigid attitude toward settlement of foreigners. Prime Minister Abe has been intentionally avoiding to use the term *imin* (immigrants) when referring prospective foreign workers (Akashi, 2014). The government has been clearly reluctant to the permanent settlement of foreigners. During discussion regarding launch of the Specified Skilled Workers program, Abe mentioned on November 1<sup>st</sup> 2018, “we are not adopting a policy on people who will settle permanently in the country, or so-called *imin* (immigrants)” (Murakami & Osaki, 2018, p. 2). From the government’s repeated messages,

Oishi (2018) points out that foreign labor migrants in Japan are seen only as medium to long term temporary laborers, not as permanent settlers. Hence, Japan's labor migration policy can be viewed as non-migration policy and merely a tool to support Japan's labor-structure and economic development (Oishi, 2018; Takahata, 2015).

As long as many prospective foreign workers are willing to work in Japan even temporary, the government's premise on the labor migration policy might not be a problem. However, as mentioned, it is obvious that Japan is struggling with "pulling" foreign workers into the country. In addition, this situation can be estimated to be more severe considering that more developed countries are going to recruit foreign workforce: looking for low and talented highly skilled workers to fill labor shortages, and also importantly to stimulate a continuous development of knowledge industries. Further, the main origin countries of foreign migrants are often overlapping. For example, Japan's top three origin countries of inflows of foreigners in 2016 were from China, Vietnam and Philippines (OECD, 2018). Whereas, that of Australia in the same year was India, China and New Zealand, followed by Southern Asian countries. As for Canada, India, Philippines and China together covered 66% of the all labor immigrants in 2016 (OECD, 2018).

Noteworthy is that the origin countries of foreign workers, such as China, Taiwan and the Republic of Korea, have been rapidly transforming into immigration countries (Ogawa, 2018; Oishi, 2013). Not only aiming to retain their own citizens, but they have also reformed labor immigration policies to attract foreign workers, especially highly skilled with generous rights granted to them (Ruhs, 2013). Under such circumstances, it would be necessary for Japan to face the reality: struggle in attracting foreign workers and severe global competition for a foreign labor force. Thus, Japan's immigration policy needs to offer more "pull" elements/incentives to both employers and would-be foreign migrants. Easing the strict temporary policy might be a good "pull" card to start with; for instance, giving even low skilled workers an opportunity to renew their status of residence on a condition that they have reached a certain income-level. It will give them more future prospect in staying in Japan. In most cases, all highly and medium-skilled foreign workers may renew their permit as long as they have a job upon renewal. However, they are required to reside in Japan for a minimum of ten years to be eligible to become a permanent resident under the current rule, except for highly skilled professionals under the point-based system. Giving them a shorter access to permanent residency under certain conditions might encourage them to consider permanent settlement.

## 6.2. Adoptable Policy Elements for Japan

Keeping in mind that Japan is urged to introduce more “pull” policy elements, I would like to consider whether if policy elements used in the three comparison countries would be adoptable for Japan to be a more successful immigration country.

### 6.2.1. Labor Market Test

In Canada and Australia, labor market test to prove unsuccessful recruitment of locals is required in many work-visa categories. This has never been a requirement in Japan’s labor migration programs. As the government avoids permanent settlement of labor migrants, being afraid for losing political support from certain groups/organizations, a labor market test might function as a legitimate tool to approve acceptance of foreign nationals. Reflecting on the citizens’ concerns, labor market test was also recently introduced in Singapore. In Japan, skilled workers can obtain residence permits as long as they have a job offer and a certain education-level. Opponents to open labor migration policy often mention that it would have a negative impact on the work environment and the employment rate for locals, saying “foreigners take the jobs away from the citizens”. To make sure that it is not the case, two steps might be introduced. Firstly, when an industry faces labor shortage, wages should be raised. It has been pointed out by OECD report (2017a) that the employment rate among the youth in Japan is relatively low, and they are not willing to take especially low-paid jobs. This is a big concern considering the dwindling labor force in the future. However, it might give locals incentives by raising standard wage. In case that the job vacancy is not filled by locals even after raising wage and public announcement, then employers will be allowed to hire foreign nationals. This might lead to more engagement of locals and give a legitimate reason to accept foreign nationals against the concern and criticism.

### 6.2.2. Foreign Entrepreneurs

Labor migration programs targeting entrepreneurs have been launched and reformed in many OECD countries (OECD, 2018). This was also the case in Canada, Australia and Singapore. Japan has started some special arrangements for prospective foreign start-ups to a smaller extent. Focus at the moment is more on foreign students who are already in the country. It is understandable and a reasonable measure since those who are already in Japan and have high education/skills might be easier to retain than foreign entrepreneurs who do not have any

relation to Japan. However, all the special arrangements are limited in designated areas under the NSSZ framework. Considering both Canada and Australia have permanent migration schemes for foreign entrepreneurs on the national level and other countries are also refining their start-up programs (OECD, 2018), there is a risk for Japan to be left behind in the competition for attracting innovative foreign migrants. In a such situation, Japan might want to expand the preferential arrangements nation-wide and give foreign entrepreneurs more incentives.

### 6.2.3. Regional Migration Program

Regional programs have been utilized in Canada and Australia for the last 20 years. More equal distribution of new-arrivals has been a key immigration aspect also in Sweden, England, the United States to avoid population concentration in Metropolitan areas (Ishikawa, 2014). First of all, it is a question if Japan needs a regional program since geographically Japan is not as big as Canada or Australia. However, although the number of foreign nationals has increased in Japan, most of them settle in the Tokyo metropolitan areas or in other big cities (Iguchi, 2012). Ishikawa (2014) points out that settlement of foreign nationals cannot be observed in the areas where the population decline is critically severe. Population aging and labor shortage is more severe in small towns and in the countryside (Iguchi, 2012; Ishikawa, 2014). For that reason, as Ishikawa (2014) suggests, introduction of regional programs might be able to ease labor shortage and further to stimulate local economic development in rural areas. In order to “pull” foreign nationals into smaller cities, rather than to the big cities, some extra preferential treatments will be necessary. For example, loosening eligibility criteria, longer entitled length of stay, the right to accompany family members, or less taxes/economic incentives can be considered.

Another characteristic of regional migration program in the case of Canada and Australia is that the local governments are authorized to manage the program. Local governments decide which occupation to be filled by foreign migrants and eventually choose who will be accepted to their community. As mentioned earlier, the NSSZ framework in Japan looks like a regional migration program, but it is different from the cases in Australia and Canada. NSSZs are specially appointed municipalities to test out new projects including migration programs guided by the national government, which will eventually be expanded on national-level. But, by giving local governments the authority to manage their own migration scheme to a greater extent, it would

allow them not only to customize a program based on their needs, but also to support and assist foreign migrants more closely.

At the same time, to show that the recruitment of foreign nationals is necessary in rural areas, an employer could first increase the standard wage and take labor market test as suggested. Regarding the regional program in Australia and Canada, it has been a challenge for local communities to retain them in the long-term. Foreign workers tend to move to other (bigger) cities after fulfilling settlement requirement in a designated area (Hugo, 2008a; Ishikawa, 2014). This would be a big concern for local governments in Japan as well, as the local young generation also tend to leave the small towns. Therefore, it would be necessary for the national and local governments to seriously consider how to retain new comers in the long-term in a designated area. Without preferential treatments for foreign workers, it would be difficult to keep a sustainable inflow of foreign nationals to regions. In the research of Manitoba PNP, it was pointed out that not only economic incentives but also having a social connection in the community was a key aspect to retain new comers, such as family reunion, existence of ethnic-cultural community and also general ties to the local community (Carter et al., 2008). Nonetheless, if a regional migration program can manage to retain foreign workers in a small town in Japan, it would contribute to ease labor shortage and reverse the stagnation of the local economy and community activity.

### 6.3. From a Migration System Theory Perspective

As mentioned earlier, Japan's immigration policy has been viewed as restrictive (Akashi, 2014; Hollifield & Wong, 2014) Having said that, Oishi (2012) views that it has been relatively generous when it comes to acceptance of highly skilled workers since Japan does not set numerical quota, use occupation list or labor market test. Even so, in reality, the proportion of foreign workers who settle in Japan is considerably small compared to that of other developed countries as shown in table 2. Oishi (2018) claims that it is because of Japan's social systems and the fact that there is a gap in expectation on working culture and working standard between Japanese employers and foreign migrants. To answer one of the research questions, "does Japan look attractive enough for foreign workers to stay in long-term?", I will look at not only policy elements but also social and cultural elements including the above mentioned cultural elements from the migration system perspective. The migration system framework views migration as a part of a wider social system where the flow of people, goods and information, social attitude toward immigration/immigrants and strategies by individual, household, business and



governmental organization influence migration sustainability and vice versa (Bakewell, 2013). Ruhs (2013) also notes that there can be many pull or push factors outside the legal framework that influence foreign migrants' decision on destination and duration of stay when many countries are eager to attract foreign laborers with good quality. I will look into cultural and social "push" elements that needs to be changed in order to make the Japanese society more attractive.

Most foreign workers in Japan are, on paper, entitled to and required to join the welfare systems. However, in practice, there are cases where foreign workers could not receive any benefits. For example, in order to be eligible to receive retirement pension, a worker needs to pay a monthly pension saving fee for at least ten years. Foreign nationals who decide to move out from Japan after working for, let's say, eight years, cannot benefit from the pension system (except for a few countries that have pension agreement with Japan). In this case, one may receive a compensation fee. However, the amount of money they receive as compensation is much smaller than the actual amount they have paid (Horie, 2019; Oishi, 2018). This type of information is not publically open or clear for prospective foreign migrants. Nevertheless, these experiences could spread and it might discourage them from choosing Japan as destination, as "feedback mechanism" works.

Feedback can be both positive and negative, and it can be not only about how difficult it is to get visa or what rights are granted to foreign workers, but also about information about daily life in general: how smooth the life transition goes; how the society accepts them and so on. Those feedbacks will be told to families, friends in their origin countries and even on the internet. This type of feedback might be a more decisive "push" or "pull" factor for some people than eligibility requirements for visa and rights; for instance, the Japanese language is a big hurdle. Communication ability is such an important skill for work performance for both foreign workers and employers. Even if a foreign worker has great skills and experiences for his/her job, it is frustrating if he/she cannot perform as much as he/she can or if his/her performance is under-evaluated because of communication ability. According to human capital theory, labor migrants see migration as an investment in human capital (Sjaastad, 1962). Some choose their destination based on their long-term career path and plan regarding skill improvement to gain return in the future. This tendency was confirmed among highly skilled foreign workers in Japan through Oishi's qualitative research (2018). However, against their motivation, there were cases where promotion processes or skill developments are unclear in Japanese companies.

In some companies, promotion tests are conducted only in Japanese even though there are foreign candidates (Oishi, 2018). Also, Japanese companies are reluctant to recognize skill certifications received in other countries (Kondo, 2015). For foreign workers, especially for highly skilled ones, it does not seem to be a great place to create their career path. In addition, Japan is also well known as a long-hour work society and lack of work-life balance. It is also a problem that Japan stays behind when it comes to gender equality (Oishi, 2013). This situation is discouraging motivated foreign workers from choosing Japan. This means that Japan is losing highly motivated workers. Thus, looking at the working environment in Japan, there are several social and cultural factors that push foreigners away. The government, the industries and company leaders need to take initiative in improving the work environment, so that Japan will be a good work place for foreign employees.

Unpopularity of Japan as a destination country is confirmed among Filipino nurses and nursing students by Carlos (2013) and Carlos, Sato and Caragay (2008). Their studies showed that Filipino nurses and students tend to view salary-level as one of the key aspects when choosing their destination countries. Standard salary for a nurse in Japan does not stand out compared to other large immigration countries. Among Filipino nurses, another important aspect to decide destination country was communication. It was not only the language but also intercultural communication that made them unsure about working in Japan (Carlos, 2013).

Regarding social inclusion of foreigners in Japan, many scholars (Ishikawa, 2014; Kondo, 2015; Oishi, 2012) draw attention to the fact that there is no national-level integration policy, including language education. The level of language support or integration measures are left on local governments' shoulders (Yamawaki, 2008). Some communities offer language class for foreigners. However, it is often organized by volunteers. In my home town, language class is organized only on Sundays, and all the "teachers" are volunteers. OECD (1994) recommends that a migration policy includes not only a migration admission program, but also integration policies and measures to ease emigration pressures on foreign nationals. With respect to that point, the Japanese government has been avoiding the latter two points. According to Kritz and Zlotnik (1992), integration policies tend to be ignored when a migration policy is seen as a temporary settlement measure. This applies to the case of Japan, considering the government's premise on migration policies. While integration is understood as a mutual adaptation process for both new-comers and the host society to some extent, assimilation is more or less on one-way adaptation for new-comers to blend themselves in with the host society (Castles et al.,

2014b). Ager and Strang (2008) analyzes that an ethnic homogenous society is more likely to expect new-comers to assimilate themselves. Haines (2007) points out that Japan offers little supports or measures for foreigners in terms of social inclusion, despite this expects them to be culturally and socially assimilated to the society. These two points help to explain why the Japanese government has been reluctant to build a national integration policy. Firstly, the government has seen foreign workers as a temporary labor force, not a future permanent resident or citizen. Secondly, if a foreign national happens to reside in Japan in the long-term, it was expected that the new-comer makes all the efforts to become a part of the society.

Integration measures are needed by any accompanied family as well. Spouses of foreign workers are often marginalized in the society, having no place to belong. Spouses of highly skilled workers are often also highly educated with skills. However, because of the language barrier and/or difficulty to find a job, some families end up leaving the country. Similarly, children of foreign migrants tend to be left alone in the society (Oishi, 2018). One of the reasons is that children of foreign nationals are not obliged to attend school. Even if children go to school voluntarily, there are not many support systems for children who cannot speak the language (Haines et al., 2007; Hein, 2012). Thus, it is important that Japan puts extra efforts in integration policy since the Japanese language is a big hurdle hindering foreign nationals from social inclusion, and it often leads to a decision to leave the country.

Considering the feedback mechanism, it would be difficult for the Japanese society to attract more and more foreign migrants in the future as the former- or current foreign workers' experiences spread, unless the government soon include social inclusion as part of its labor migration policy. Hugo (2008b) notes that local municipalities and communities started to actively be involved in the assistance of foreign migrants after the introduction of the Australian regional migration program. Local communities have developed formal and casual social programs to support their new life, such as providing practical information, supporting children of foreign migrants and invitation to local events. This is a positive spillover of the regional migration program, and this might be an alternative to any national integration scheme. Although national-level financial support and basic framework regarding language education and integration measures is necessary, an integration program led by local communities might offer better support for foreign migrants. Moreover, it might give economic migrants and their families a stronger connection to the local community. In this regard, Australian/Canadian style of regional migration program could be a key migration policy element in the future in Japan.

#### 6.4. Chapter Summary

This chapter first examined limitations of Japan's current labor migration policies. It appeared that Japan is having difficulties in attracting potential foreign migrants to the country. Then, the following section looked into labor migration policy elements Japan could possibly adopt for sustainable and self-perpetuating long-term immigration. I have argued that the government should view labor migration based on the premise that foreign workers will settle in the long-term and become a part of the society, not merely as temporary labor force recruitment. Regarding policy elements, I mentioned the use of labor market tests, more open entrepreneur programs and regional programs in the Japan's migration policy framework. In order for both perpetuating migration flow and for retaining foreign workers in the country, Japan is urged to take actions to remove "push" elements both in the migration policy regime and in societal and cultural contexts. With regard to social and cultural "push" factors, I have touched on the unbeneficial pension system for foreign migrants, undesirable working environment, and most importantly difficulty of understanding the language and culture, which is strongly connected to the lack of a national integration policy.

As one of the possible future alternatives, I have suggested that an implementation of a Canadian and Australian style of regional migration program might contribute in easing the severe labor shortage and the economic stagnation in the local communities in Japan. It might also encourage better social inclusion of foreign migrants to the local communities. However, I have to mention here that all the three comparison countries are English-speaking countries. They have more international and much more socially inclusive contexts than Japan. Furthermore, they have large ethnic communities, which often assist and support new-comers' settlement in their destination communities (Carter et al., 2008; Castles et al., 2014b; Hugo, 2008b). Although the Canadian and Australian regional migration programs have been successful in distributing foreign laborers more evenly across the country to some extent, there are still improvements to be made to retain foreign migrants in smaller cities even under such circumstances. Rural communities in Australia and Canada are not as much multiethnic or multicultural as the metropolitan cities, which means that there are much smaller or none ethnic networks existing in the small areas. Other issues associated with migrant settlements under regional programs are: such as, lack of adequate housing; lack of language or training facilities, difficulty in finding a job that suits their skill and experiences (Carter et al., 2008; Hugo, 2008b). Considering the above mentioned points and the fact that Japan has a homogeneous society, we

may assume that the social and cultural context of migrant reception in Japan would deter successful implementation of regional programs even harder. Nevertheless, some case studies in Japan show that local municipalities have been taking initiatives in organizing social integration measures according to the local communities' situation and needs (Kobayashi, 2010; Yamawaki, 2008). It started with urgent needs as *Nikkeijin* migrants concentrated in cities where many manufacturing factories are located in the 1990s. For example, a share of the registered foreign migrants in Minokamo city in Gifu prefectures is approximately 10% (City of Minokamo, 2019), compared to 2% on the national-level. Minokamo municipality has built facilities focusing on language/communication, support for foreign children at school and raising awareness of multicultural community building among the locals and so forth. There even exists an ethnic community organization, which functions as support for *Nikkeijin* families and a bridge between the migrants and the locals (Kobayashi, 2010). Furthermore, municipalities that have a relatively big share of foreign residents established an organization to discuss social integration measures in 2001. Since then, they have worked on multicultural community building as they consider foreign resident as a member of their communities (Kobayashi, 2010). Thus, it can be said that local governments have been more proactive than the national government in terms of social inclusion of foreigners in Japan. Although it started with necessity, some local governments have managed to develop social integration measures based on community's situation, involving local industries, schools and citizen's groups. Therefore, implementation of the regional migration program might give a hope for better integration and inclusion of foreign migrants. This might also revitalize local communities.



## 7. Conclusion and Further Thoughts on Labor Immigration in Japan's Context

The aim of this thesis was to explore and get insights into changes in Japan's immigration policy and the state's objectives behind that; and to look at future prospects of acceptance of foreign workers. To answer the research questions, I have conducted two comparative analyses: (1) longitudinal case study on Japan's immigration policy over time; and (2) comparative case study across countries: Canada, Australia and Singapore. This thesis targeted the case of Japan because the country is facing limitations in its restrictive migration policies as the population is rapidly aging and labor shortage is becoming a severe problem. As mentioned in the introduction, many developed countries are also estimated to face a rapid population aging in the near future (OECD, 2017b) (Appendix 2). Therefore, the case of Japan would be an interesting example to see how the state can handle and counter the demographic change in the future.

Data I have collected through the free internet sources was qualitatively analyzed. Data sources used in this thesis were mainly from governmental documents, secondary literatures and reports from well-regarded international organizations. News articles were also used as complimentary sources. For the longitudinal case study, I have organized and categorized data by the following comparison elements; (i) selection method and admission criteria, (ii) entitled length of stay; (iii) the right to acquire permanent residency; (iv) the right to access to citizenship; (v) freedom to change employers; and (vi) the right for family reunification. These comparison elements were created based on Koslowski's (2014) "selective migration policy models and Ruhs' (2013) migration policy comparison index, adjusting elements to Japan's contexts and considering time limitations.

The second part of the case study was based on the thematic analysis approach with an aim to identify emerging similarities and differences across the target countries. In this study, analysis was done through the push-pull theory framework. Push-pull theory was used to see the migration process not only from a migrant's perspective, but also from a policy-maker's perspective. It enabled me to look at policy changes and adjustments as the states play cards to purposely select migrants with a specific skill under a specific condition, so that labor immigration would contribute to achieve the national objectives. Human capital theory was used as complementary to the push-pull framework. Also, I found that migration system theory

was helpful to identify further Japan's social and cultural "push" factors. It made it possible for me to look at Japan's future prospects of labor immigration.

### 7.1. Recent Policy Developments in an International Comparative Perspective

The longitudinal case study showed that considerable changes have been made in Japan's labor migration regime. While the country was not interested to take in foreign labor force for a couple decades ago, now the government looks at immigration as one of the key political agendas. The official migration channels for low skilled workers were created recently. The government develops not only programs targeting low skilled migrants, but also (very) highly skilled migrants are considered as a crucial migrant group. As the migration channels were opened up for all skill-levels, it also revealed the government's clear treatment differentiations among different skill-levels. Low skilled migrants are allowed to stay and work only temporarily often without opportunity to renew their permit; they are not allowed to bring their family with them. Whereas, highly skilled workers obtain residence status with an opportunity to renew their permit indefinitely; they may accompany their family members with them; some of them are entitled to even quicker access to permanent residency.

Japan has been known as a country with a restrictive migration policy. However, rights and benefits granted to low skilled foreign workers were improved to some extent in the past few years. For example, de facto guest workers, TITP trainees, are now protected under the law, Act of Proper Technical Intern Training and Protection of Technical Intern Trainees, and it is now possible, on paper, to change employers. In addition, their maximum length of stay is extended, and even preferential treatment to change residence status to the first category of Specified Skilled Worker is arranged for them. In this way, a trainee under TITP may stay in Japan for up to ten years by changing their status of residence from Technical Intern Training to the first category of Specified Skilled Worker. This, on the other hand, contradicts the original purpose of TITP, as it aims to contribute economic development in developing countries by transferring skills and knowledge from Japan. It appears that skills and knowledge they gained through TITP is going to be used in Japan to fill the labor shortage.

Diversification of labor migration programs was also seen in the cross-country case studies as well. In the two traditional immigration countries, Australia and Canada, migrant workers



traditionally meant permanent settlers. However, the recent migration policies in both countries, especially Canada, intend to recruit more temporary foreign migrants. Their labor migration framework is shifting from entry as a permanent settler to entry as a temporary worker, at least at the time of arrival. Also, they draw clear distinction among foreign workers, deciding who can be a permanent settler and who are going to leave the country after a temporary stay. Both Australia, Canada and Singapore are refining admission categories regardless of skill-levels, and qualification criteria are getting more tightened. In this regard, Japan's labor migration policy does not look extremely restrictive on policy-basis compared to the other comparison countries. At the same time, Japan's labor immigration policy does not look generous either.

This thesis has also pointed out that Japan is struggling to “pull” foreign workers into the country. I have suggested that the government might need to offer low skilled migrants an option to renew their permit with combination of the use of a labor market test. Such policy relaxation might be necessary since Japan does not look as an attractive destination for foreigners from the migration system theory perspective. It is evident that the Japanese language and culture could be a big hurdle, preventing foreign migrants from smooth transition and settlement to their new life in Japan. Moreover, Japan's unique working culture, gender inequality, unbeneficial social welfare system for foreign nationals in practice could be considerable social and cultural “push” factors. Most importantly, the lack of national integration policy is making foreign nationals' social inclusion even more difficult. On the other hand, some local municipalities have been taking initiatives in measures to support migrants and to involve local communities and industries for multicultural community building while the national government has been reluctant to work on integration policies. It shows that people, on the community-level, are starting to recognize foreign nationals as members of the society (Yamawaki, 2008). Therefore, I suggested that implementation of a regional migration program might give hope as one of the possible solutions for a better social integration of foreign residents and for easing severe labor shortages in rural areas.

## 7.2. Migration Drivers and Japan's Future Migration Policies

Looking at Japan's labor migration policy scheme and the society with regard to push-pull plus theory (Van Hear et al., 2018), Japan lacks several migration drivers for prospective foreign migrants. There is a labor shortage and demand for more labor forces in Japan (economic proximate driver). Nevertheless, the Japanese language can be a big social and cultural barrier discouraging prospective and current foreign migrants from long-term settlement (cultural

predisposing driver). Although the government works on relaxing the immigration policies to some degree in order to attract more foreign workers, it does not stand out as a generous migration policy compared to migration policies in other developed countries (precipitating driver). Furthermore, the Japanese society is not well prepared to socially include foreign residents, such as lack of integration policies (social mediating drivers). Looking at these elements from this perspective, it is again obvious that Japan does not have strong positive migration drivers for foreign nationals both in policy contexts and social and cultural contexts. In this situation, even if Japan manages to take in foreign migrants to the country, it would “push” them back to home or another country after a short while due to the social and cultural “push” factors (Carlos, 2013; Carlos et al., 2008; Oishi, 2018).

The Japanese government has reformed and relaxed its labor migration admission criteria, while discussion about building national integration policy has always been in a shadow. When the Specified Skilled Worker program was launched, the government stated that it has an intention to take measures to welcome and support foreign workers (Jiji Press, 2019b). Having said that, it seems that the government’s premise on the migration policy that foreign labors are only temporary resident has not been changed. In fact, those measures meant by the officials were such as putting multilingual signs in public areas and investment in infrastructure (Ministry of Foreign Affairs of Japan, n.d.; Yamawaki, 2008), not building a national integration program. Integration measures have not been the government’s priority. That is because, firstly, the government has viewed foreign workers as a temporary labor force, not as a future permanent member of the society. Secondly, it was expected that the new-comer makes all the efforts to be included as a part of the society. These two attitudes explain why Japan has been reluctant to build up a national integration policy.

Why does Japan cling to the premise that foreign workers are only temporary labor force? According to Ruhs (2013), nation-states adjust foreign migrants’ entitled rights and benefits to find a good balance between attracting migrants and achieving the following four policy objects: (1) economic point of view; (2) not harming working condition for citizens; (3) maintaining national identity and social cohesion; and (4) security point of view. With respect to that, it appears that the Japanese government attempts to balance between acceptance of economic migrants for continuous economic development and maintaining the social cohesion and cultural homogeneity. Even though the share of foreign nationals in the total population has doubled in the last twenty years (from 0.87% in 1990 to 1.68% in 2019) (Ministry of Justice

of Japan, n.d.-a; Statistic Bureau of Japan, 2019), the proportion is still much smaller than that in the large immigration countries and it is also under the world average (Table 2). With this small proportion of foreign residents, it is difficult to argue whether if the current labor migration channels are actually contributing in economic and demographic needs. Moreover, it is arguable if this relatively small share of foreign migrants would be a huge threat to the society. Therefore, it can be said that Japan is still attaching too much weight to concerns related to increase of the influx of foreign migrants and not focusing enough on the needs of foreign workers from a demographic and an economic point of view.

The government might not have any intention to overhaul the premise and develop integration policies. However, it has been agreed among scholars (Kritz & Zlotnik, 1992; Massey, 2005; Ruhs, 2013) that there is no guarantee that temporary migrants will be temporary residents after all. In history, many temporary foreign workers became officially or unofficially permanent resident. As Japan opens more immigration channels for foreign laborers, they need to consider the long-term consequence of becoming an immigration country as well. For example, it has been pointed out that children of *Nikkeijin* migrants are struggling with the language and culture even after living in Japan for many years due to the lack of a national framework in the education of children of foreign migrants (Hein, 2012).

Looking at the future prospect of acceptance of foreign laborers to Japan, we may argue that a regional migration program might be a solution for both regional severe labor shortage and social inclusion of foreign nationals. Regional migration programs are one of the popular migration channels in Canada and Australia, which gives the local governments authority to organize the program according to their local community and industries' demand. By giving the local government authority, it enables them to take initiative not only in recruitment but also in post-arrival support and social integration of foreign migrants. Although I need to emphasize that the basic integration policy on national-level is necessary, the local community's authority and flexibility in customizing their migration program based on needs would lead to better and closer assistance and social inclusion of foreign workers. Regional migration program also might help the community and citizens to recognize foreign migrants as a member of the society.

### 7.3. Future Research

This thesis is a result of a desk study. Although I have attempted to collect and analyze data thoroughly reflecting different aspects of the migration process, this thesis was limited by time. Since I have focused to get an overview and analyze the labor immigration framework as a whole in this study, not focusing on a particular labor migration program, some elements and aspects could not be elaborated further. For further research, for example, interviews of migration policy experts, government officials, prospective foreign migrants and current foreign residents in Japan can be conducted. It could give deeper insights on the migration process and might reveal other elements that influence migration policy and migration itself than I was able to identify in this thesis. Also, Japan's new labor migration policy has just started, and it is important to note that a policy can be interpreted and implemented in a different way than the policy design's original intentions (Kritz & Zlotnik, 1992; Ruhs, 2013). Therefore, it would be of relevance to observe how the policies function in reality, how the policies influence the immigration flow in the country, and vice versa. Moreover, it will be interesting to follow how Japan's future migration policy will develop further and interact with larger international structures as actors, drivers and as many different aspects keep changing globally.

Finally, this study has contrasted labor immigration policies of Japan with those in Australia, Canada and Singapore, which are all multicultural, multi-ethnic and international large immigrant-receiving countries where English predominates. For that reason, they do not constitute the similar "pull" and "push" context for immigration and integration than in Japan; it means that the policy elements that have led to successful immigrant recruitment among them might not necessarily succeed in Japan. In order to view Japan's labor migration framework from a different perspective, I chose those three large immigration countries from the diverse case selection point of view. However, future research should also look at what other traditionally non-migration and more ethnically homogeneous countries have done to attract and retain immigrants.

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- 労働基準法 [Labor Standards Act], (1947).
- 国籍法 [Nationality Act], (1950).





## Appendices

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## Appendix 1: Transition of the Population in Japan from 2000 to 2015

(単位 千人)

(Thousand persons)

年次 Year	総人口	Total population	日本人人口	Japanese population
	男女計	Both sexes	男女計	Both sexes
平成12年 2000 <sup>1)</sup>	126 926	126 926	125 613	125 613
13年 2001	127 316	127 316	125 930	125 930
14年 2002	127 486	127 486	126 053	126 053
15年 2003	127 694	127 694	126 206	126 206
16年 2004	127 787	127 787	126 266	126 266
17年 2005 <sup>1)</sup>	127 768	127 768	126 205	126 205
18年 2006	127 901	127 901	126 286	126 286
19年 2007	128 033	128 033	126 347	126 347
20年 2008	128 084	128 084	126 340	126 340
21年 2009	128 032	128 032	126 343	126 343
22年 2010 <sup>1)</sup>	128 057	128 057	126 382	126 382
23年 2011	127 834	127 834	126 210	126 210
24年 2012	127 593	127 593	126 023	126 023
25年 2013	127 414	127 414	125 803	125 803
26年 2014	127 237	127 237	125 562	125 562
27年 2015 <sup>1)</sup>	127 095	127 095	125 319	125 319

\* With intercensal adjustment.

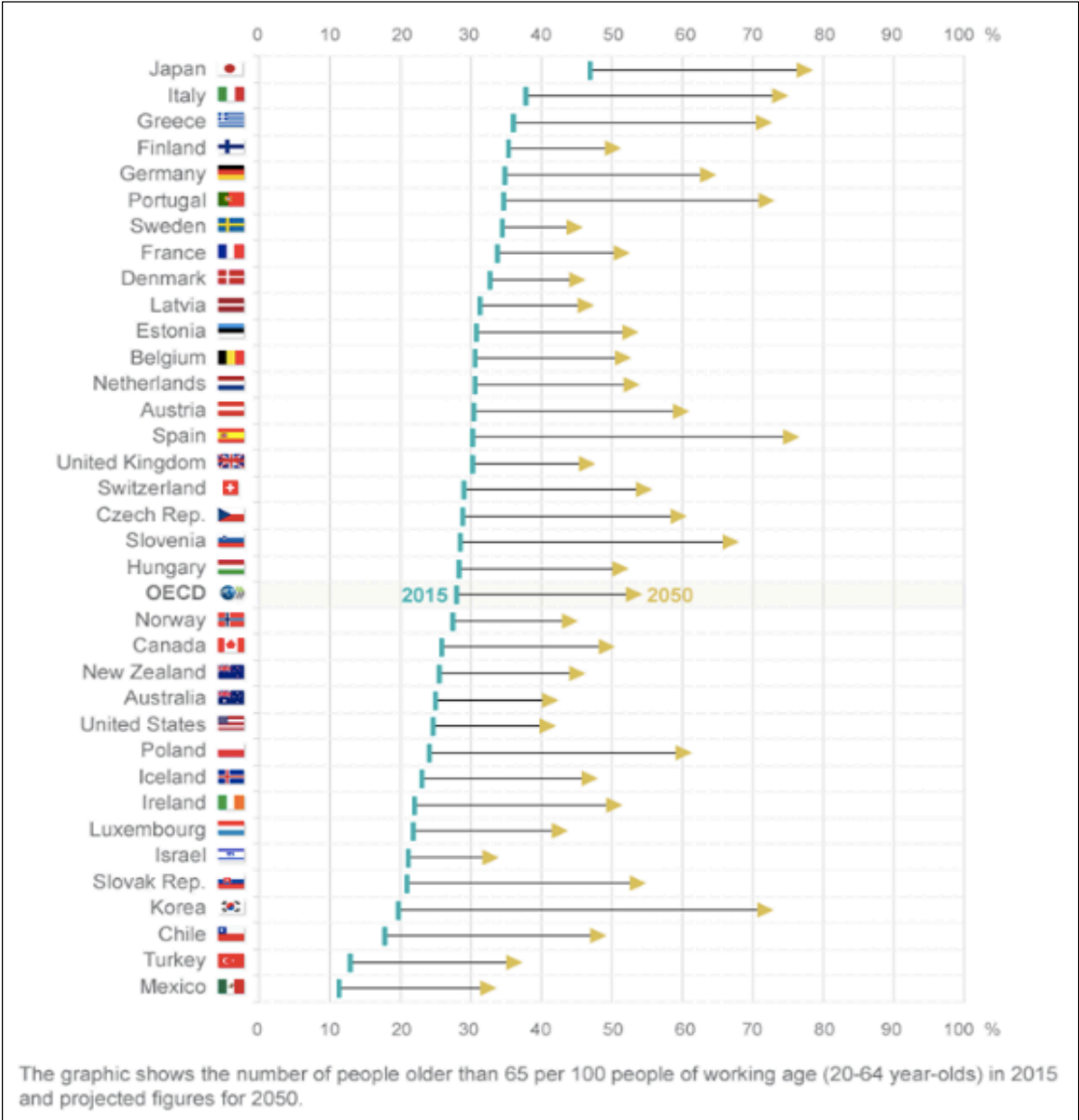
Note 1) The Census population.

Japanese population includes a portion of persons with unknown nationality who are counted as Japanese based on the proportion of the Japanese to the total population.

Note:

- Appendix 1 is retrieved from Portal Site of Official Statistics of Japan [https://www.e-stat.go.jp/en/stat-search/files?page=1&layout=datalist&toukei=00200524&tstat=000000090001&cycle=0&tclass1=000000090004&tclass2=000001051180&stat\\_infid=000013168601](https://www.e-stat.go.jp/en/stat-search/files?page=1&layout=datalist&toukei=00200524&tstat=000000090001&cycle=0&tclass1=000000090004&tclass2=000001051180&stat_infid=000013168601)
- Blue shows a reduction from the previous year; red marks the peak of the total population (edited by myself)

**Appendix 2: Population is Aging Fast in OECD Countries**



Note:

- Appendix 2 is retrieved from OECD (2017), Preventing Ageing Unequally, Fig. 3.3 <http://www.oecd.org/social/preventing-ageing-unequally-9789264279087-en.htm>

