

Japan in the “Global War for Talent”: Changing Concepts of Valuable Foreign Workers and Their Consequences

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Summary

In recent years, under the influence of the “global war for talent,” labor immigration policies in more developed economies (MDE) have been characterized by a dichotomization regarding foreign workers’ skills. While the immigration of highly skilled foreign workers is now being actively promoted, low-skilled immigration is being curbed by increasingly restrictive regulations. According to official immigration policy, Japan is an example par excellence of this pattern among MDE. However, in contradiction to its official immigration policy and like many other MDE, Japan has been experiencing a continuous inflow of non-highly skilled foreign workers and is structurally dependent on them today. This paper analyzes changing concepts of valuable foreign workers in Japan over the last three decades and their consequences. Who exactly a “valuable” foreign worker is is a highly contested question. It lies at the heart of Japan’s immigration policy debates and is embedded in changing ideational perceptions of immigration. Three reform periods in immigration policy and their long-term consequences are analyzed here: (1) the plan for increasing the number of foreign students as part of Japan’s internationalization in the 1980s; (2) the first reform debate in reaction to new irregular immigration around 1990; and (3) the second reform debate in view of Japan’s long-term demographic development in recent years.

Keywords: Japan, immigration, immigration policy, highly skilled workers, foreign students, foreign trainees, *nikkeijin*, entertainer visa

1. Introduction

We are currently living in the age of the “global war for talent.” Highly skilled workers are a crucial resource needed in order to survive in the face of worldwide competition. Companies and governments are forced to seek them regardless of their nationality or ethnicity. Certain experts want us to believe this, at least, and their efforts have been very successful so far (Brown and Tannock 2009: 378–382). Promoting the Anglo-Saxon economies as models worth copying, their argument has been especially influential in continental Europe in recent years (Doomernik, Koslowski and Thränhardt 2009: 4–7). In Japan, too, the importance of accepting highly skilled foreign workers is common sense in policy making (Iguchi 2001: 18; Kamibayashi 2006: 172).

This “global war for talent” has led to an increasing convergence in the immigration policies of more developed economies (MDE). In a general perspective, labor immigration policies in MDE are characterized by a dichotomization regarding foreign workers’ skills. Highly skilled workers are welcome, and many governments have introduced new programs and legislation aiming to increase their intake.¹ In contrast, foreign workers who are not considered to be skilled enough are being prevented from immigrating by ever-more restrictive regulations. According to official statements and the Immigration Control and Refugee Recognition Act (ICRRA, *Shutsunyūkoku kanri oyobi nanmin nintei-hō*), Japan is an example of this par excellence, for its basic immigration policy is to encourage highly skilled foreign workers to come and live in the country and to ban any other foreign workers whose skills are of little benefit.

The economic rationale for a pro-active, high-skill immigration policy is that the economic and fiscal benefits are higher than the costs. In contrast, unskilled foreign workers not only cause higher costs than benefits, but their inflow also hinders innovation and productivity. Because employers can rely on low-paid, unskilled foreign workers, they have no incentive to invest in new technologies and training. Immigration of unskilled foreign workers is also said to have adverse effects on the native workforce. These arguments may be rather too simple, however (Ruhs 2008: 407–408); the economic and fiscal effects of immigration are still contested among specialists. Empirical research and complex economic model calculations have led to contradicting results (Borjas 2003; Card 2001). Moreover, despite their increasingly restrictive low-skill immigration policies, most MDE have a continuous inflow of non-highly skilled foreign workers. In fact, many MDE are structurally dependent on foreign workers who are willing to take on those jobs that are shunned by native workers. Again, Japan is a prime example of this contradiction between official immigration policy and actual immigration movements. Today, about 80 percent of all foreign workers in Japan work in jobs that the ICRRA defines as low skilled—and from which foreign workers are officially excluded (Bungei Shunjū 2008: 295).

This paper analyzes changing concepts of valuable foreign workers in Japan over the last three decades and their consequences. Who exactly a “valuable” foreign worker is is a highly contested question. It lies at the heart of Japan’s immigration policy debates and is embedded in changing ideational perceptions of immigration. Three reform periods in immigration policy and their long-term consequences are analyzed: (1) the plan to increase the number of foreign students as part of Japan’s internationalization efforts in the 1980s; (2) the first reform debate in reaction to new irregular immigration around 1990; and (3) the second reform debate in view of

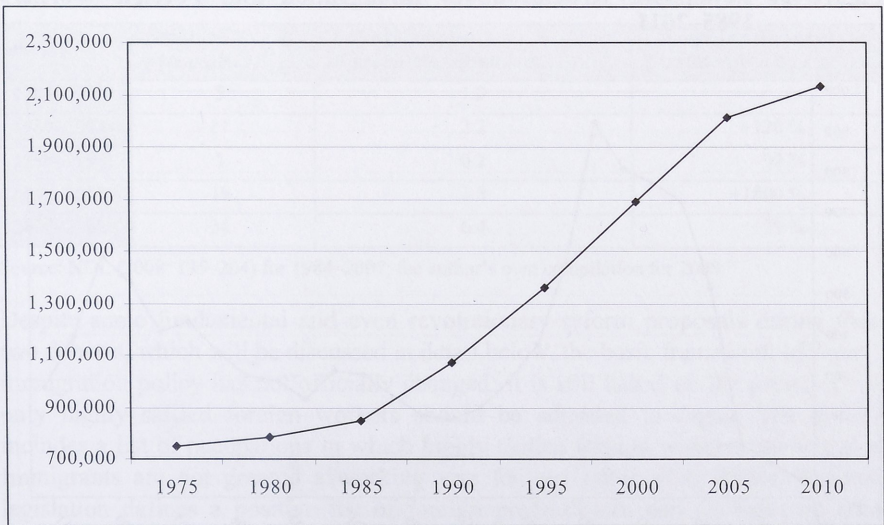
¹ Beyond these general congruencies, recent research has identified variations in the high-skill immigration policy of MDE according to differences in their political economy (Cerna 2009; Menz 2011).

Japan’s long-term demographic development in recent years. Before going into these points, an overview will be given of recent immigration to Japan and the contradiction between the country’s official immigration policy and what has actually been happening among migrants.

2. Japan: A New Immigration Country

For many decades, migration specialists pointed to Japan as a textbook example of a non-immigration country with a very restrictive immigration policy and no significant immigration movements to speak of (Bartram 2000; Zolberg 1989: 405). Japan was transformed into an immigration country in the second half of the 1980s, however. Due to new immigration movements, the number of foreign residents started to increase significantly (see Figure 1). Although the share of foreign residents is still small in an international comparison, namely about 1.7 percent, this figure has more than doubled in the last twenty years. According to the Organisation for Economic Co-operation and Development (OECD 2008: 49), Japan is one of the most important migration destinations among MDE measured in terms of the net inflow of immigrants per year.

Figure 1: Registered Foreign Residents in Japan, 1975–2010

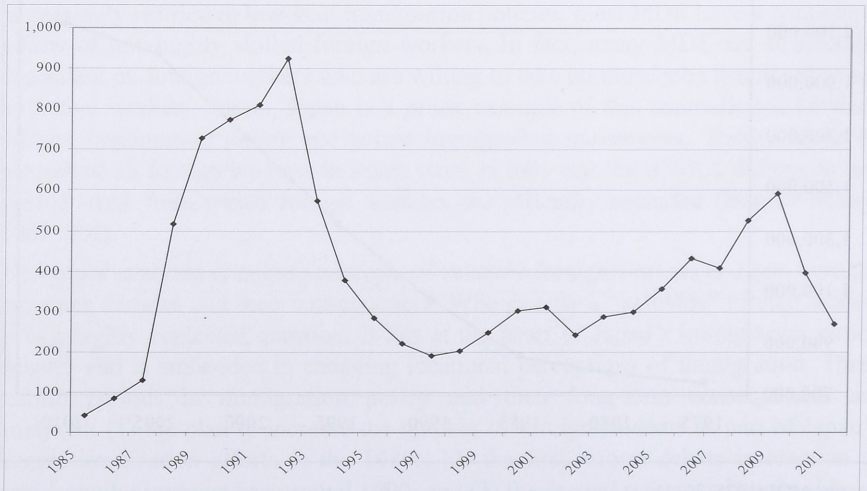


Source: MOJ (1975–2011)

These new immigration flows led to heated debates about immigration and immigration policy in Japan. By analyzing the number of articles on immigration published in the two daily newspapers with the largest circulation (*Asahi Shimbun*

and *Yomiuri Shimbun*) and the leading daily economic newspaper (*Nihon Keizai Shimbun*), two public debates can be distinguished: a first debate around the year 1990 in view of new immigration and a second debate from the late 1990s up to the economic crisis that started in 2008. The second debate can be separated into a preliminary phase up to 2004 and a main phase from about 2004 onwards (Figure 2). In reaction to new immigration movements, the average number of articles on immigration published each year sky-rocketed from approx. 85 (1985–1987) to over 720 (1988–1993) in the three newspapers. However, after the collapse of Japan's bubble economy in the early 1990s, public debate on immigration faded significantly, the number of printed articles plunging to around 250 (1994–1999). Although Japan's economic stagnation continued up to 2003, public debate on immigration already started to intensify again around the year 2000. In the period from 2000 to 2005, some 300 articles on immigration were published every year. The main phase in this second immigration debate started, however, after the return to economic growth in 2003/2004. In the period from 2006 to 2009, nearly 490 articles on immigration were published per year. The latest economic recession, which is due to worldwide financial and economic problems and has lasted since 2008, has led to a decrease in the public debate on immigration; the number of articles on immigration has been dropping since 2010 (Figure 2).

Figure 2: Newspaper Articles about Immigration and Foreign Workers, 1985–2011



Source: The author's own compilation based on research with the keywords "foreign worker" (*gaikokujin rōdōsha*) and "multicultural society" (*tabunka kyōsei*) in the electronic databases Kikuzō (*Asahi Shimbun*), Nikkei Telekom 21 (*Nihon Keizai Shimbun*) and Yomidas Rekishitan (*Yomiuri Shimbun*).

These two main debate periods are also identifiable in immigration policy making. In Table 1, the number of substantial reform proposals in immigration policy by political parties and politicians, ministries and state institutions and interest groups is listed from 1984 to 2008. The average number of proposals per year more than doubled in the years of the first immigration debate (1989–1993) in comparison to the five-year period before that (1984–1988). However, immigration policy disappeared almost completely from the policy-making agenda between 1994 and 1998, with only one substantial proposal being recorded. While the second immigration debate was not as intense in public as the first immigration debate, in policy-making circles the intensity significantly increased from the late 1990s onwards: from 1999 to 2003, the number of proposals per year increased by a stunning 19 times. And during the main phase of the second immigration debate (2004–2008), it increased again by about 80 percent. During this period, a substantial new proposal was published once every two months, which is three times as many substantial proposals in comparison to the first immigration debate (1989–1993). Since 2008, immigration policy has been fading from the policy-making agenda again. The new government led by the Democratic Party of Japan (DPJ), for example, has not published a single substantial proposal on immigration policy since taking power in September 2009.

Table 1: Substantial Reform Proposals in Immigration Policy, 1984–2008

Period	Number of proposals	Average number of proposals per annum	Change in relation to the previous period
1984–1988	5	1.0	–
1989–1993	11	2.2	+120 %
1994–1998	1	0.2	-92 %
1999–2003	19	3.8	+1800 %
2004–2008	34	6.4	+79 %

Source: NDL (2008: 195–204) for 1984–2007; the author’s own compilation for 2008

Despite some fundamental and even revolutionary reform proposals during these two debates, which will be discussed in detail below, the basic framework of Japan’s immigration policy has not officially changed; it is still based on the principle that only highly skilled foreign workers should be admitted to Japan. The ICRRA includes a list of occupations in which highly skilled foreign workers are accepted. Immigrants are not granted a working visa for any other jobs. Hence, Japanese legislation defines a positive list of foreign professionals and excludes all other foreign workers. However, in clear contradiction to this basic principle and the ICRRA, four-fifths of all foreign workers in Japan are not actually active in any of these occupational fields at all, but have less-skilled jobs (Bungei Shunjū 2008: 295). In fact, Japan’s economy has become structurally dependent on non-highly skilled foreign labor. Today, not only low-pay sectors with bad working conditions

that are shunned by the native workforce are structurally dependent on foreign workers, but Japan's export industries are as well (Chiavacci 2011: 159–174). Despite their only constituting a small share of the labor market, non-highly skilled foreign workers are now an indispensable part of Japan's car and consumer electronics industries.

3. Foreign Students: Japan's Expansionist Policy and Its Unintended Consequences

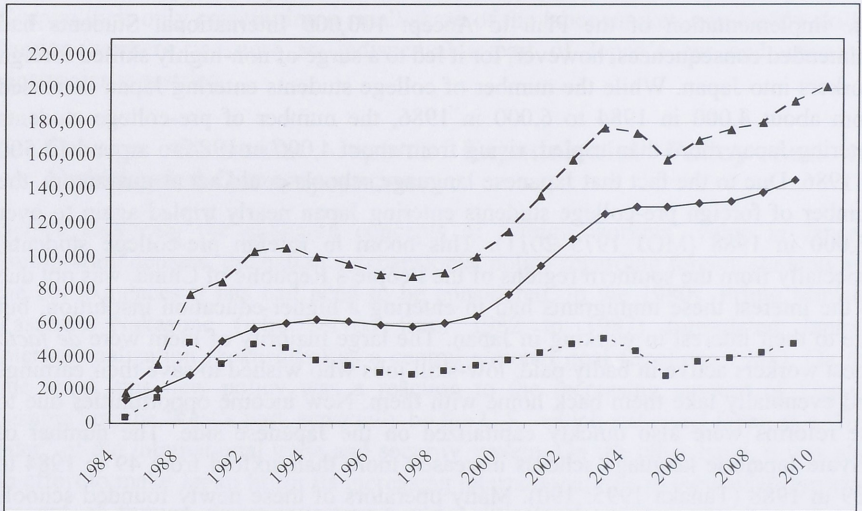
Before analyzing the changing concepts of foreign workers' value in Japan's immigration debates, the nation's expansionist policy regarding foreign students and the consequences it has had need to be considered. In the 1980s, Prime Minister Yasuhiro Nakasone (who served from 1982 to 1987) formulated Japan's internationalization (*kokusaika*) as a central national goal (Scolinos 1988). On the one hand, this new policy was a reaction to the increasing amount of "Japan-bashing" on the West's part, especially by the U.S., which criticized Japan as a "free rider" of the international trade and security system. On the other hand, it was also an effort to make Japan fit for its increasing international role in view of its growing amount of foreign direct investment and political relevance in the international community. The plan to allow 100,000 foreign students into Japan was a central element of this policy agenda. These foreign students were expected to return home upon graduation and act as bridgeheads facilitating Japan's economic and political outreach.

The origin of this plan was Nakasone's official trip to Southeast Asia in May 1983. When he asked former exchange students who had studied in Japan if they planned to send their own children to Japanese universities one day, he was shocked to hear their negative answers (Tanaka 1995: 182). Although the slogan had not yet been born, in Nakasone's view, Japan was losing in the "global war for talent." Upon his return, he immediately started to personally take care of the internationalization of Japan's higher-education system. He formed a political commission for foreign students in the 21st century under his direct leadership. In June 1984, the government adopted the Plan to Accept 100,000 International Students (*Ryūgakusei ukeire 10man nin Keikaku*) based on the recommendations made by this body. The number of foreign students was meant to quadruple to 40,000 in 1992 and further increase to 100,000 by 2000 (Tanaka 1995: 184). According to the plan, the large majority of these foreign students would come from developing countries and finance their studies in Japan themselves. Hence, foreign holders of student visas were granted permission to work up to twenty hours per week in order to cover their daily expenses and pay for tuition. Moreover, prospective foreign students were granted the opportunity to study at private Japanese language schools in order to prepare for the entrance exams held by higher education institutions. The procedure for obtaining a visa as a college or pre-college student was greatly simplified. From

May 1987 onwards, educational institutions were also allowed to serve as guarantors for foreign college and pre-college students (Ishikawa 2006: 10–11).

The implementation of the Plan to Accept 100,000 International Students had unintended consequences, however, for it led to a surge of non-highly skilled foreign workers into Japan. While the number of college students entering Japan increased from about 4,000 in 1984 to 6,000 in 1986, the number of pre-college students entering Japan more than tripled, rising from about 4,000 in 1984 to around 12,500 in 1986. Due to the fact that Japanese language schools could act as guarantors, the number of foreign pre-college students entering Japan nearly tripled again to over 35,000 in 1988 (MOJ 1975–2011). This boom in foreign pre-college students, especially from the southern regions of the People’s Republic of China, was not due to the interest these immigrants had in entering a higher-education institution, but due to their interest in working in Japan. The large majority of them were *de facto* guest workers active in badly paid, low-skill jobs who wished to save their earnings and eventually take them back home with them. New income opportunities due to the reforms were also quickly capitalized on the Japanese side. The number of private Japanese language schools increased more than sixfold from 49 in 1984 to 309 in 1988 (Tanaka 1995: 190). Many operators of these newly founded schools were not interested in offering good language tuition to studious students, but were fully willing to act as guarantors for foreign students and to overlook absenteeism from school as long as these “students” paid their school fees. Some impostors even acted as intermediaries for non-existing Japanese language schools and claimed large brokerage fees. In October 1988, Chinese who had been deceived by such imposers demonstrated in front of the Japanese Consulate in Shanghai.

In view of these problems and a potential increase in the number of foreign pre-college students, the Japanese authorities decided to take action. They started to regulate language schools more strictly and checked students’ visa applications again more carefully. The increase in foreign pre-college students ended as suddenly as it had started in the early 1990s (Figure 3). However, the number of foreign college students also stagnated in the 1990s, remaining at a level of approx. 60,000 students (Figure 3). The goal of accepting 100,000 foreign students by the year 2000 receded into the distance. In the late 1990s, the Japanese authorities therefore took new measures to simplify the immigration procedure for foreign students and to increase their working opportunities (Ishikawa 2006: 14–15). Subsequently, the number of foreign students started to increase again. The numerical goal of 100,000 students was eventually reached in 2002, with a lag of two years (Figure 3).

Figure 3: Foreign College and Pre-college Students, 1984–2010

Source: MOJ (1975–2011)

In July 2008, the Japanese government adopted a new plan concerning foreign students in the context of the second immigration debate (MEXT *et al.* 2008): the number of foreign students was to be further increased to 300,000 by the year 2020 (300,000 International Students Plan, *Ryūgakusei 30man nin Keikaku*). Moreover, unlike the plan of the 1980s, the large majority of these students were to stay and work in Japan after graduation. It would be too simple to describe these foreign students and graduates as prime examples of highly skilled foreign workers, however. In order to finance their studies, many of them work in low-skill jobs in the service sector. In urban Japan, many restaurants, cafés and convenience stores (*konbini*) would no longer be in business today if it were not for the foreign students they employ (*Asahi Shimbun* 2006/08/05; *Nikkei Bijinesu* 2006). Research on Chinese students in Japan—who are by far the largest ethnic group, making up two-thirds of all the foreign students in the country (MOJ 1975–2011)—shows that upon graduation many of them have to content themselves with a job in a small Japanese company, with little remuneration or long-term employment security and poor career prospects (Liu-Farrer 2011: 100–101). Large, well-known Japanese companies, in contrast, prefer to hire Japanese graduates and do not rely on foreign students as a source of global talent.

4. The First Immigration Debate: “Simple” Workers Are Unwelcome (with a Few Exceptions)

Foreign “students” were not the only new inflow that led to the transformation of Japan into an immigration country. In the late 1980s, irregular immigration started to increase as well. The number of immigrants who were registered as overstaying their visa multiplied and reached approx. 100,000 persons in 1989, 160,000 persons in 1991 and nearly 280,000 persons in 1992 (Tanaka 1995: 221). While the increase in the number of foreign “students” was a result of policy reforms (which was partially unintended), the increasing amount of irregular immigration was not due to any change in immigration policy. The main factors that led to this rise were the labor shortage in Japan during the bubble economy and, first and foremost, the institutionalization of East Asia as a migration region and Japan’s embeddedness herein. Japan had actually experienced a much more severe labor shortage at the end of its high-growth era around 1970, but this had not resulted in irregular immigration. At the time, East Asia was still a non-migration region and Japan was regionally rather isolated. In the late 1980s, however, Japan was strongly linked to East Asia and international migration had been re-established as a behavioral pattern in the region (Chiavacci 2005). Hence, Japan’s renewed labor shortage triggered an inflow of foreign workers, who usually entered with a tourist visa and then deliberately overstayed it.

As seen in section 2, this new bout of irregular immigration led to a huge public and political debate about immigration and immigration policy. The main question was how Japan should react in view of the new, ongoing immigration. A general consensus emerged that the categories for highly skilled foreign workers should be amended in the ICRRRA in order to attract more foreign professionals. The question of whether to accept other types of foreign workers as well, who were referred to as “simple workers” (*tanjun rōdōsha*) in the debate, grew highly controversial (*Chūō Kōron* 1987; Nishiō 1989). The debate was embedded in two major discussions: first, the pros and cons of admitting foreign workers were discussed from a labor market perspective, namely what the consequences would be of accepting (“simple”) foreign workers, and second, how Japan should react to increasing international immigration in view of its role as a contributing member of the international community. So perspectives on Japan’s international role and duties also influenced the debate.

The first immigration debate was marked by conflicting positions, but also by the absence of many actors whom one would have expected to participate in such discussions (Chiavacci 2011: 116–123). The main political actors in this debate were ministries. The Ministry of Foreign Affairs (MOFA) argued from a foreign policy perspective and in view of the international criticism of Japan acting as a “free rider” in the international systems. According to MOFA, it was time for Japan to overcome its egoistic stance and take on its international role. Being a more developed

economy, Japan had the duty to contribute to the economic development of less developed East Asian economies by accepting their “simple workers”, so it was argued. It has always been a normal development in human history for workers from less developed regions to emigrate to better developed regions. Japan, one of the leading MDE worldwide, could no longer act as if it was an isolated island. The Ministry of Labour (MOL),² on the other hand, was in favor of maintaining a restrictive immigration policy. From a labor market perspective, it argued that the acceptance of “simple workers” was never fully controllable, it would lead to higher costs than benefits, and it would have negative impacts on Japanese workers as well. The Ministry of Justice (MOJ), which is in charge of immigration policy, also argued in favor of maintaining a restrictive immigration policy and against admitting “simple workers.” Various other government bodies also took a clear position in the debate. The Economic Planning Agency and the Ministry of Transport (MOT) both took a pro stance, for instance, while the Ministry of Construction (MOC) adopted a contra stance on accepting “simple workers.” The Ministry of International Trade and Industry (MITI)³ did not take a clear stance itself due to internal factions disagreeing on the issue of accepting such workers. The Liberal Democratic Party (LDP)—the dominating party in power for decades—was conspicuously absent in the debate and did not take a clear public stance either, as it was internally split concerning the immigration issue. Almost all the other parties also took ambivalent positions due to internal differences. In fact, only the Japanese Communist Party (JCP) had a clear stance—in favor of admitting “simple workers.” As for the various interest groups, the Japan Business Federation, *Keidanren*—the most influential economic interest group of all—was also practically absent from the debate; it published a position paper in favor of accepting more foreign workers only at the very end of the first immigration debate. Labor unions and Japan’s employer association *Nikkeiren* were of the same opinion for once, opposing any admittance of “simple workers.” Still, in view of the severe labor shortage, the influential business association *Keizai Dōyūkai* and the associations of small and medium-size enterprises (SME) were in favor of a fundamental reform and of opening the Japanese labor market to “simple workers” from abroad as well as to more highly skilled persons.

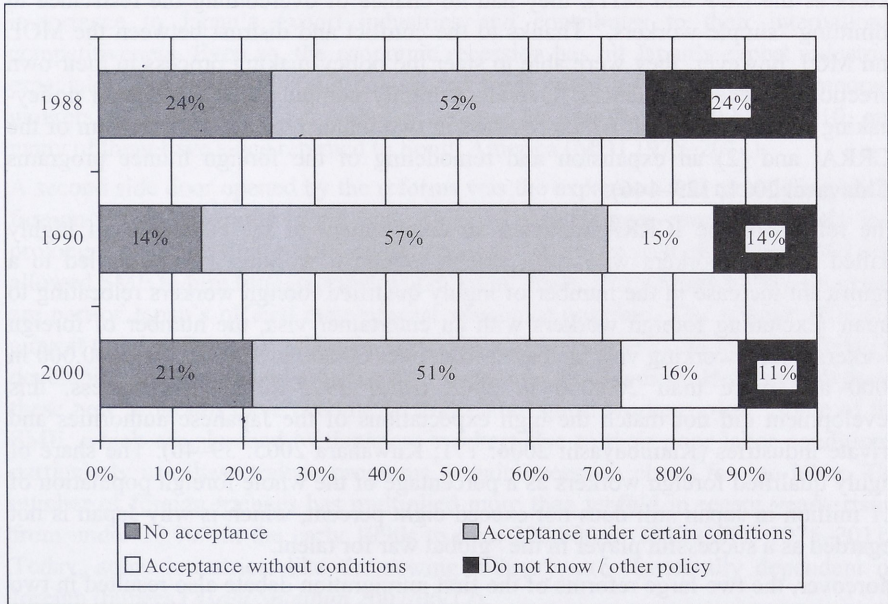
Representative surveys conducted by the Cabinet Office in Japan (CAO, *Naikakufu*) during the first debate document a relatively positive attitude among Japan’s population regarding the immigration of foreign laborers—even “simple workers” (Figure 4). Fewer than one in four respondents felt that foreign workers should not be admitted without any high skills. More than half of the persons questioned were in favor of accepting “simple workers” under certain conditions. In fact, a general

² The MOL was merged with the Ministry of Health and Welfare in 2001 and is now named the Ministry of Health, Labour and Welfare.

³ In 2001 the MITI was merged with other government agencies to form the Ministry of Economy, Trade and Industry (METI).

consensus existed among the population that a fundamental reform was necessary in immigration policy that included the admittance of “simple workers.”

Figure 4: Preferences Regarding the Admittance of “Simple Workers,” 1988, 1990 and 2000



Source: CAO (1988, 1991, 2001)

Overall, as in many MDE, the first immigration debate concerning “simple workers” was marked by coalitions of strange bedfellows who normally would not share policy positions. The MOFA, MOT, Economic Planning Agency, JCP, associations of SME and *Keizai Dōyūkai* were all in favor of opening Japan to “simple workers.” Those who were against this idea included the MOL, MOJ, MOC, labor unions and *Nikkeiren*. Moreover, due to internal antagonism, many influential political actors like the LDP, *Keidanren* and MITI did not position themselves clearly in the debate. In view of this initial point, one would have expected a clash in the policy-making process between the two coalitions for and against accepting “simple workers.” However, the main clash in policy making was actually between the MOL and MOJ. The fierce public conflict between these two ministries was not about their policy goals, which were actually very similar, but about the control of immigration policy

as a policy field. According to the MOJ, the MOL had invaded “its” immigration policy field with its proposal to introduce an employer permit system.⁴

The coalitions of those groups who supported an opening of the Japanese labor market soon came to realize that in view of the missing support of such influential actors as the LDP and MITI, they had no chance of overcoming the resistance to admitting “simple workers.” Thanks to the conflict and distrust between the MOL and MOJ, however, they were able to steer the policy-making process in their own direction in several instances. Overall, a highly complex and convoluted policy-making process emerged, which resulted in two major reforms: (1) a reform of the ICRRA; and (2) an expansion and remodeling of the foreign trainee programs (Chiavacci 2011: 123–146).

The reform of the ICRRA included an enlargement of the categories of highly skilled foreign workers who were able to obtain a working visa. This led to a significant increase in the number of highly qualified foreign workers relocating to Japan. Excluding foreign workers with an entertainer visa, the number of foreign workers with a working visa increased from over 60,000 in 1992 to over 100,000 in 2000 and more than 200,000 in 2008 (MOJ 1975–2011). Nonetheless, this development did not match the high expectations of the Japanese authorities and private industries (Kamibayashi 2006: 171; Kuwahara 2005: 39–40). The share of highly qualified foreign workers as a percentage of the whole foreign population of 2.1 million in Japan still does not exceed eight percent, which is why Japan is not regarded as a successful player in the “global war for talent.”

Moreover, the two large reforms of the first immigration debate also resulted in two important side doors opening for foreign workers in jobs that were not defined as highly skilled by the ICRRA. The new ICRRA included exceptional treatment of *nikkeijin*, that is Japanese emigrants and their descendants up to the third generation. They were granted the right to come back to Japan with a special visa, which allowed them to take up any kind of job. This exceptional treatment was proposed by the MOJ and was not actually intended as a labor market policy at all (Chiavacci 2011: 128–133; Kajita 2002: 21–25). However, it resulted in a significant return migration of *nikkeijin* to Japan: their number tripled to approx. 75,000 in 1990 and continued to increase over time, rising to over 175,000 in 1992, to over 250,000 in 1998 and reaching over 350,000 in 2005 (MOJ 1975–2011). The large majority of these *nikkeijin* are indirectly employed as temporary blue-collar workers in low-skill jobs in the Japanese export industry. Over the last decade, they have become a crucial factor in increasing the flexibility of the production systems of Japan’s consumer electronics and car industries and contributed to the renewal of Japan as an industrial production site between 2003 and 2008. As Chieko Kamibayashi

⁴ The MOL proposed to introduce an employer permit system, which was to be controlled by the local employment offices of the MOL, instead of a worker permit system for foreign workers (1988: 43–44). Such a system would have had the advantage of being much easier to control.

(2004: 66) accurately points out, their example contradicts the currently dominant perspective on low-skilled foreign workers and productivity. It is normally argued that low-skilled foreign workers are used as cheap labor in internationally uncompetitive sectors and hinder technological innovation and rising productivity. However, the temporary and highly flexible *nikkeijin* workforce is of central importance to Japan’s export industries and contributes to their international competitiveness. Even so, the economic recession has hit Japan’s export industries especially hard since 2008 and has caused many *nikkeijin* employed as temporary workers to be laid off. Their number dropped to less than 300,000 in 2010, and many of them have since returned to South America (MOJ 1975–2011).

A second side door opened by the reforms was the expansion and remodeling of the foreign trainee programs in the early 1990s. These changes resulted not only in a prolongation of the sojourn of foreign trainees in Japan to up to three years, but also allowed SME to hire foreign trainees and “train” them. The foreign trainee programs are part of Japan’s official development assistance program. The scheme officially aims at training foreign workers in Japan in order to transfer skills and knowledge to developing economies and enhance their economic development. However, *de facto*, these new programs have become an undeclared guest worker policy. Some of the SME, which are shunned by Japanese workers due to their poor labor conditions, particularly use these trainee programs to gain access to cheap foreign labor. The number of foreign trainees has multiplied more than tenfold in recent years, rising from under 20,000 in the early 1990s to over 200,000 in 2008 (MOJ 1975–2011). Today, some industries, like the sewing industry, are structurally dependent on foreign trainees (*Asahi Shimbun* 2007/06/17).

5. The Second Immigration Debate: Comprehensive Proposals and Minor Reforms

When the latest economic downturn began in the early 1990s and the labor shortage consequently ended, immigration stopped being such an important topic in Japan (see Figure 2 and Table 1). However, the second immigration debate began to develop soon after that, namely in the late 1990s during the ongoing period of economic stagnation. In its intensive phase from 2004 to 2008, this second debate was marked by comprehensive reform proposals regarding immigration policy, which can truly be called revolutionary. However, the debates eventually ended with limited reforms concerning a more restrictive entertainer visa policy and the inclusion of health workers in the Economic Partnership Agreements (EPA) between Japan and Southeast Asian economies.

Two ideational contexts framed the second immigration debate. On the one hand, new demographic prognoses made in the late 1990s showed that fertility would remain at a very low level in the long term. This would cause the size of Japan’s

population to drop sharply and lead to an imbalance in the total dependency ratio.⁵ Hence, the starting point of the second immigration debate was the argument that Japan needed an active and open immigration policy in the long term in order to maintain its economic wealth and strength (Iguchi 2001: 10–14). This new argument changed the country's perception of immigration: it was no longer a problem from abroad to which Japan had to react the same way it had done in the first immigration debate. In fact, immigration was now identified as a crucial element in Japan's long-term strategic development (Hirowatari 2005).

On the other hand, public security became another important topic in public discussions. The widespread perception of rising crime and of falling clearance rates by the police led to a veritable "crime panic" in which the degree of decreasing public security was highly exaggerated (Hamai and Ellis 2006). Immigrants were identified as one of the main causes of rising crime rates. Foreign residents in general and the new immigrants of the late 1980s in particular had been regarded as a security issue ever since the early post-war era. From the late 1990s onwards, however, the identification of immigrants and foreign residents as a security threat reached a new level. This security perspective became the main argument against an active and open immigration policy in the second immigration debate. It was argued that an increase in immigration would lead to a breakdown of public security in Japan.

However, both of the main discourses pro and contra an active immigration policy have serious shortcomings and neither reflect Japan's current situation nor depict any future scenarios that can reasonably be expected in Japan. The demographic transformation is not reversible through immigration. Stopping Japan's demographic transformation would mean keeping its dependency ratio constant or not letting it drop below a certain level. However, as the calculations of the United Nations Population Division show, such a policy is simply not sustainable in the long term (Table 2). In order to keep its dependency ratio constant, Japan would need approx. 10.5 million new immigrants every year. This would result in a total population of over 800 million by 2050. To prevent its dependency ratio from falling below 3.0, Japan would still need about 1.9 million immigrants every year. Its total population would then reach nearly 230 million in 2050. These immigration policy scenarios are not feasible options. Moreover, as noted above, Japan is already structurally dependent on foreign labor. Immigration is not just a strategic policy of the future, but is already playing a strategic role in modern-day Japan. The security perspective and its arguments contra immigration are also a distortion of reality. Not only is the perception of rising crime rates completely exaggerated (a prime example of moral panic), but the view of foreign nationals being a major source of rising crime in

⁵ The total dependency ratio indicates a population's share of working age population to non-working age population. The working age population is typically defined as those between 15 and 64 years of age.

Japan is not empirically supportable. The statistical evidence that is often presented in support of this argument is highly questionable, tending to be pseudo-evidence (Shipper 2005: 306–307; Yamamoto 2004: 41–47).

Table 2: Population Projections for Japan, 2000–2050 (in thousands)

	Annual number of immigrants needed	Total number of immigrants, 2050	Total population, 2050
Medium variant with no immigration	0	0	104,921
Dependency ratio not below 3.0	1,897	94,837	229,021
Constant dependency ratio	10,471	523,543	817,965

Source: UNPD (2001: 55)

Despite their weak empirical basis, both discourses have had a strong influence on public opinion. More recent surveys have shown that the majority of respondents are still in favor of admitting low-skilled foreign workers as well as highly skilled ones, especially in surveys framed in the context of demographic change (CAO 2004a; KKC 2004; see also CAO 2001 in Figure 4). However, crimes committed by immigrants are also perceived as a huge problem. According to a survey by a major Japanese newspaper in 2004, for example, over 70 percent of the respondents feared becoming a victim of a foreign criminal (*Asahi Shimbun* 2004/01/27; see also CAO 2004b, 2007).

In the main phase of the second immigration debate, some policy makers proposed fundamental and even revolutionary reforms in immigration policy. The following three proposals were the most comprehensive suggestions and show the amplitude of the debate. In 2006, a project team set up by the MOJ to focus on immigration policy under the leadership of Tarō Kōno (who served as Senior Vice Minister of Justice from 2005–2006) presented its final report (HFKGU-PC 2006). It highlighted the contradictions between Japan’s official immigration policy and the majority of foreign workers active in low-skill jobs. The project team recommended ending the exceptional treatment of *nikkeijin* and those parts of the foreign trainee programs that were being misused as guest worker programs. Instead, new categories of medium-skilled foreign workers ought to be included in the ICRRA, it said. Hence, Kōno’s project team simultaneously proposed closing all the side doors opened to low-skilled foreign workers and lowering the skill level of acceptable foreign workers. In 2007, a second proposal was formulated by Jin’en Nagase (2007), then Minister of Justice (he served from 2006 to 2007). He wanted to introduce a foreign guest worker program to replace the foreign trainee scheme. Foreign workers of all skill levels should be accepted as temporary workers for a maximum of three years if Japanese companies needed them, he said. Nagase therefore suggested terminating Japan’s basic principle in its official immigration

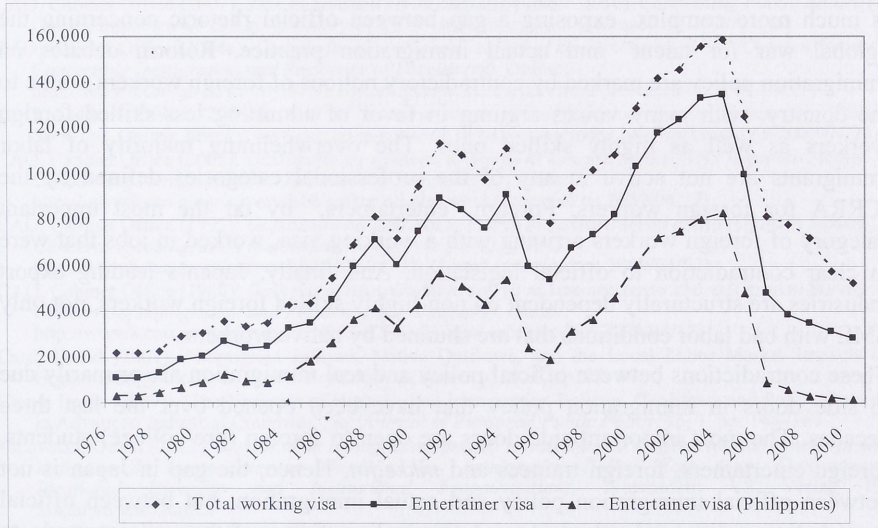
policy of accepting only highly skilled foreign workers. Even low-skilled foreign workers ought to be admitted as temporary laborers. In 2008, a group of some 80 LDP parliamentarians advised by former bureaucrat Hidenori Sakanaka and under the leadership of the influential LDP politician Hidenao Nakagawa came up with an even more comprehensive proposal to change Japan into an immigration nation (LDP GKSGR 2008/06/12; see also Sakanaka and Asakawa 2007): in view of its shrinking population, Japan should accept ten million long-term immigrants over the course of the next 50 years. This opening of Japan to foreign workers and their families should be accompanied by a comprehensive integration policy. The main goal here was not to “import” qualified foreign workers, but to qualify them in Japan after their immigration. An initial goal that was to be achieved by 2025 was to accept one million students of all education levels. This policy proposal required a change of focus—from desired foreign workers to desired long-term immigrants. As was to be expected, other political actors and experts immediately criticized these three proposals in strong terms (*Asahi Shimbun* 2007/05/22; Koike 2009; *Shūkan Shinchō* 2008). Critics often pointed out that public security would be undermined by opening Japan up for immigration. Kunio Hatoyama, for example, who succeeded Jin'en Nagase as Minister of Justice in August 2007 (and served for approx. one year), made clear in his first press conference as minister that the introduction of a guest workers' program had been Nagase's private plan (*Asahi Shimbun* 2007/09/01). Hatoyama rejected the acceptance of low-skilled foreign workers, as it would lead to rising crime rates. Hence, he reintroduced a security perspective on immigration as new Minister of Justice.

Despite comprehensive reform proposals and intense debates among policy makers, no major reform was finally realized during the second immigration debate because of opposing perspectives on immigration and an institutionally fragmented policy-making process (Chiavacci 2011: 214–237). The main policy actors changed from ministries to politicians in the debate. However, the LDP and other important political parties are still split on immigration. In the end, the whole second immigration debate led to two limited reforms: first, foreign health workers were included in bilateral EPA with Southeast Asian countries, and second (and more importantly regarding the concepts of highly skilled foreign workers), a more restrictive entertainer visa policy was introduced.

According to the ICRRA, the entertainer visa is a type of working visa intended for professional artists and athletes who have engagements in Japan. From the late 1970s onwards, however, the large majority of foreign persons entered Japan with an entertainer visa and most of these were active in Japan's large red-light districts (Figure 5). The most important country of origin by far for “entertainers” was the Philippines. The contradiction between the official regulations on entertainer visas in the ICRRA and the workplace of most foreign “entertainers” was a well-known one (Kajita 2001: 202–203; Sakanaka 2005: 72–95). The number of foreign “entertainers” entering Japan dramatically dropped in 1995/1996, for example, as

the law was implemented more rigorously by the authorities in Tokyo over this period (Figure 5). The number of “entertainers” increased again as of 1997, though, reaching a level of over 100,000 a year between 2000 and 2004.

Figure 5: Foreign People Entering Japan with a Working Visa, 1976–2010



Source: MOJ (1975–2011)

This misuse of the entertainer visa was never a major issue in the first or second immigration debate. In 2004, however, it suddenly became an issue of the highest priority. Japan had already come under international pressure before this due to its entertainer visa policy, which was criticized as leading to human trafficking (Okamura and Ogasawara 2005: 4–5). In 2004, the U.S. Department of State (2004: 96–97) put Japan on the watch list in its yearly report *Trafficking in Persons* because of the country’s lax entertainer visa policy, which was linked to the same type of abuse. This meant that Japan had to introduce new policy measures or it would be included in the 2005 report along with the small group of countries with policies that led to human trafficking, like North Korea and Myanmar. In view of this U.S. pressure, Japan promptly introduced new legislation and measures against human trafficking and also restricted its entertainer visa policy. This led to a steep drop in the number of foreign workers entering Japan with a visa of this kind (Figure 5). The contradiction between Japan’s official policy and actual immigration practice was therefore softened, at least in the case of the entertainer visa. Although the country’s immigration policy was generally marked by immobility during the second immigration debate, foreign-policy considerations did induce some limited reforms, as in the case of the EPA.

6. Concluding Remarks

According to the ICRRRA and its official principles regarding immigration policy, Japan is a prime example of a participant in the “global war for talent.” It promotes and accepts only highly skilled foreign workers, and low-skill immigration is prohibited. However, underneath this neat surface of official statements, the reality is much more complex, exposing a gap between official rhetoric concerning the “global war for talent” and actual immigration practice. Reform debates on immigration policy are marked by contradictory notions of foreign workers’ value to the country, with many voices arguing in favor of admitting less-skilled foreign workers as well as highly skilled ones. The overwhelming majority of labor immigrants are not active in any of the professional categories defined by the ICRRRA for foreign workers. Foreign “entertainers,” by far the most important category of foreign workers arriving with a working visa, worked in jobs that were in clear contradiction to official legislation. And finally, Japan’s leading export industries are structurally dependent on non-highly skilled foreign workers, not only SME with bad labor conditions that are shunned by native workers.

These contradictions between official policy and real immigration are primarily due to side doors in immigration policy that have been opened over the last three decades. The most important side doors are open to foreign (pre-college) students, foreign entertainers, foreign trainees and *nikkeijin*. Hence, the gap in Japan is not between official immigration policy and actual immigration, but between official immigration policy and actual immigration policy. Some of the policies made to attract highly qualified workers had unintended effects. In other cases, the contradiction between theoretical policy and real development was quietly accepted. Nonetheless, it would be too simple to attribute this obvious contradiction to a long-term, unofficial plan made by Japan’s policy makers. The story behind this gap is more complex than that; it is the result of an ideationally and institutionally fragmented policy-making process in which neither those in favor of accepting low-skilled foreign workers nor those rejecting them were able to control and shape the policy-making outcomes.

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