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# Can they Call Japan Home? Japanese Nationalism and Unskilled Labour Immigrants

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## **Abstract**

Japan is currently facing a demographic crisis with a labour population that remains exclusive against immigrants. Japanese national identity, based on homogeneity of race and culture, has informed immigration policy. While the Technical Intern Trainees Program (TITP) provides an immigrant labour supply in the primary sector of industry, it has been criticized as a human trafficking system under the guise of international development. In 2019, the government introduced a new visa status called Specified Skilled Workers (SSW), allowing the possibility of legitimised settlement in Japan for immigrant workers and their families. This historical shift enables those in the TITP to extend their working period with a legal transition to SSW. Nevertheless, there are concerns that SSW may share similar problems with TITP. Consequently, although SSW represents a major shift in immigration policy, it does not necessarily represent a change in the government's fundamental stance and attitude towards unskilled labour immigrants. This paper therefore aims to further examine current attitudes in immigration policy to determine whether unskilled labour immigrants can call Japan home.

**Keywords:** Unskilled labour migrants, Homogeneity, Japan, Nationalism

## Introduction

In 2021, Japan hosted the 2020 Tokyo Summer Olympics with an emphasis on inclusivity: “Unity in Diversity: Accepting One Another” (The Tokyo Organizing Committee of the Olympic and Paralympic Games, 2021). However, the pervasiveness of this value remains questionable in light of Japan’s exclusive attitude towards foreign labour immigrants (Morita, 2015, p.1).

As many scholars have argued, for immigrants, home can mean both their place of birth or origin as well as their immigration destination (Christou and King, 2006; Lewin, 2001; Muggeridge and Dona, 2006). However, in Japan, immigrants are seldom treated as residents (Davidson and Castles, 2000). Accordingly, foreign labour migrants may feel less inclined to invest and integrate themselves into society due to experiences of social and spatial exclusion, which in turn may strengthen their attachment to their country of origin and prevent them from seeing Japan as their home (Slany and Malek, 2005; Parrenas, 2010). Indeed, immigrants living in Japan tend to be marginalized by society, partly due to ideas of Japanese national identity which exclude non-Japanese people.

Historically grounded in ethnic homogeneity, Japan’s national identity has been considered problematic when it comes to the exclusion and discrimination of foreign residents (Morita, 2015, p. 2). However, more recently, Japan has begun to face demographic challenges of aging populations and low birth rates (Morita, 2015; Song, 2020). Consequently, while the aging society remains hostile towards non-Japanese people, in 2019 the Japanese government opened the door to unskilled labour migrants and created a new status of residence called *tokutei-ginou* (Specified Skilled Workers; SSW) with a possibility of permanent settlement for migrants and their families. SSW is a status applicable to those who complete *ginou-jisshu-seido* (Technical Intern Training Program; TITP) – an international cooperation scheme offering foreigners from developing countries job

training for a fixed-term in Japan (JITCO, 2021). Enacting SSW to tackle the labour shortage has provided a new pathway through which foreign workers can continue working in Japan after completing TITP with the possibility of settling as home residents.

Despite sounding promising, the U.S. Department of State (2021, p. 320) has raised concerns regarding SSW, and TITP has been similarly condemned for violating the human rights of technical intern trainees under labour law. TITP has also been accused of filling temporary labour shortages rather than pursuing the objective (Takaya, 2019; Nakanishi, 2018), as evidenced by its utility in the Tokyo 2020 Olympics, whereby TITP workers were employed to meet the rapid construction demands.

In light of the above, the current paper will discuss whether Japan can become a home for unskilled labour migrants. To answer this question, Japanese national identity is examined to understand how foreign immigrants are interpreted within the concept of Japaneseness. Japan's post-war immigration policy is overviewed to provide a backdrop to TITP and SSW, the features, differences, issues and impact of which are explained in the context of the government's stance and remarks on immigrants. Overall, this paper argues that even under the current demographic crisis and need for migrant workers, exclusive attitudes towards unskilled labour migrants deeply rooted in Japanese nationalism still remain.

### Japanese Identity

To understand how immigrants living in Japan are recognised, it is first essential to examine Japanese identity – or *Nihonjinron* – and ask: ‘who gets defined as Japanese and who does not?’ (Burgess, 2010; Dale 1986, p.119).

*Nihonjinron* refers to Japanese post-war identity and reflects the attempt to rebuild a sense of nationalism after the empire regime was lost and Japan was still home to Korean residents and those of other ethnicities

(Burgess, 2010). Japaneseness focuses on purity of race and homogeneity of culture, with ‘blood ties’ and ‘Japanese blood’ comprising a significant symbol of national identity amongst policymakers and citizens alike (Liu-Farrer 2020, p. 4; Takenaka 2003, p. 222; Vogt, 2021). Indeed, Japan’s immigration policy “is consistent with the image that the Japanese have formed of themselves as a racially and culturally homogeneous people” and there is a general belief that that non-Japanese living in Japan should follow the Japanese way (Carvalho, 2003; Morita, 2015; Kashiwazaki, 2011). This inherent ideology has contributed towards anti-immigration attitudes and created a psychological distinction between “us” and “them”; accepting “them” is seen as a threat to Japan’s homogenous culture and race (Burgess, 2010; Goodman et al., 2003).

This exclusive attitude is also reflected in public opinion regarding immigration policy. For instance, in a survey conducted by Pew Research Centre (2018), approximately 60% of Japanese individuals believed that Japan should keep the current level of immigration, while 23% believed an even *stricter* immigration policy was needed. In this way, Japanese immigration policy has solely followed the hypothesis that people from other countries will not be able to assimilate Japanese society’s unique culture and race (Goodman et al., 2003; p. 3). This anti-immigration stance is also evident in government, whereby requests from Japanese companies to accept more foreign workers have not been addressed due to a perceived threat to Japanese national identity and culture (Holbrow and Nagayoshi, 2018; Strauze, 2019; Song, 2020).

As a result of Japanese nationalism cultivating anti-immigration attitudes, it is also uncustomary to discuss immigrants in government discourse. As Roberts (2018, p. 89) indicates, even the term ‘immigrant’ has become taboo in Japanese politics due to the government’s unwillingness to accept foreign workers and explains why the former Abe administration (2017-2020) denied SSW as a part of immigration policy. Indeed,

expressions such as *Gaikokujin-roudousha* or *Gaikoku-jinzai* (meaning foreign workers or foreign human resources), rather than *Roudou-Imin* or *Imin* (meaning labour immigrants or immigrants), are frequently used in Japanese mainstream media and policies. In this way, the Japanese government has tended to view labour immigrants as *resources* rather than humans (Higuchi, 2019, p. 24). As Max Frisch mentioned on the guest worker in Germany, “[w]e asked for workers, but human beings came” (qtd. in Koikkalainen, 2011). Strausz (2019) argues that foreigners are seen as *workers* rather than immigrants in Japan, whereby the absence of a developed immigration system prevents their residency and citizenship (Capobianco, 2021; Strausz, 2019).

According to the UN (2021), an international migrant is

someone who changes his or her country of usual residence, irrespective of the reason for migration or legal status. Generally, a distinction is made between short-term or temporary migration, covering movements with a duration between three and 12 months, and long-term or permanent migration, referring to a change of country of residence for a duration of one year or more.

Based on this definition, foreign workers under TITP and SSW should be considered immigrants as they work for more than one year. However, the former Abe prime minister claimed they were *not* immigrants but foreign workers (2019, Prime Minister’s Office of Japan) – a contradictory remark made to provide compromise between Japanese extreme right-wing groups and Japanese business communities requesting immigrants (Higuchi, 2019; p. 23). Abe’s denial, despite the acceptance of labour migrants through TITP and SSW, demonstrates the way that immigrants remain problematic and taboo in Japan, and again, reflects the anti-immigration attitudes rooted in Japanese identity.

## Japanese Post-War Immigration Policy

The history of Japanese immigration policy demonstrates the ways in which post-war-Japan has been restrictive against unskilled labour migrants and illustrates the gradual transition towards acceptance as a result of pressure from the business community.

Prior to World War II, Japan was an emigration state, with many Japanese individuals traveling to North and South America in response to the labour demand and the government's attempt to control overpopulation and economic instability (Ishikawa, 1997; Yorimitsu, 2002, p. 6; Lone, 2001, p. 57). After the war, Japan resumed emigration to South America from 1952 and remained an emigration state until 1972 (JICA, 1991; Ishikawa 1997; Yorimitsu, 2002, p. 11).

Post-war, and up until the 1970s, Japan did not need labour immigrants for its rehabilitation and economic development. By mobilising its domestic labour population, the associated recovery and development strengthened Japanese identity, making it challenging to accept unskilled labour immigrants. Indeed, Japan did not intend to take labour immigrants for economic reconstruction and growth in the post-war period to prevent its population from being 'contaminated' by them (Goodman et al. 2003, p. 1; Peach 2003, p. 23). Additionally, Japan had a large labour force returning from previous colonies (e.g., Taiwan, Korean Peninsula, Manchuria, Mainland China and South-Asia East) and flexible labour resources in the form of women and the elderly (Goodman et al. 2003, p. 1; Peach 2003, p. 27). This labour circulation and the resultant economic growth led to an increased belief in Japanese cultural homogeneity and purity based on group-oriented ties with self-sacrifice in the national interest (Goodman et al. 2003, pp. 2-3).

It wasn't until the 1970s and onwards that Japan shifted to an immigration country and began to take-in highly skilled foreign workers due the increased domestic demand and post-war growth (Yorimitsu, 2002). The

government began accepting male workers from overseas to make up for the labour shortages and aid in the later economy boom – or “bubble economy” (Goodman et al. 2003, p. 3). These overseas immigrants were mainly descendants of Japanese emigrants from South America – the so-called *Nikkeijin*. The Japanese government justified the acceptance of *Nikkeijin* by means of common ancestry – *Nikkeijin* were deemed preferable to other foreign workers due to a shared understanding of Japanese culture beyond their geographical and experiential differences (Roth, 2002).

In the advent of the bubble economy, the number of illegal foreigners also increased. This was largely due to small and medium-sized companies hiring foreign tourists who visited Japan from places such as the Philippines, Pakistan, Bangladesh, Thailand and Iran without work permissions (Yorimitsu, 2002, p. 20). Companies wanted to keep human resources to run their businesses regardless of whether or not they were legal (Yorimitsu, 2002, p. 20). To address this illegal pathway to work, in 1988, the Japanese government clarified its stance on foreign workers by stating that it would actively seek *highly skilled* workers and experts from overseas while *unskilled* foreign labour would not be recruited (IPPSS, 1988, pp. 11-12). Japanese politicians adopted this stance after reviewing the failures of immigration policies of temporary labour migrants in Western Europe in the post-war period (Capobianco, 2021).

In 1990, the Japanese government further reformed immigration control to prevent the settlement of unskilled foreign workers by penalising employers of illegal migrants (Takaya, 2019; Yorimitsu, 2002, p. 23). However, despite this, a strong labour demand still remained even after the collapse of bubble economy because the Japanese workforce were reluctant to take on arduous jobs with low wages at demanding, dirty, and dangerous workplaces – the so-called the three Ds (Yorimitsu, 2002, p. 29; Peach, 2003, pp. 30-31; Song, 2020, p. 617).



## TITP

In 1993, the creation of a job training program for foreigners provided a new visa status that later became TITP (Kamibayashi, 2017, p. 1). According to JITCO (2021), the aim of TITP is

to transfer skills, technologies, or knowledge [...] accumulated in Japan to developing and other regions and to promote international cooperation by contributing to the development of human resources who can play roles in the economic development of those developing regions.

TITP enabled unskilled foreign workers to work in Japan legally by being categorizing as trainees, thus bypassing the restrictions against unskilled immigrant workers (Goodman et al., 2003, p. 31). Considered a side-door immigration policy, TITP offers interns nine months of training followed by skills tests before they can go on to become entitled workers (Carvalho, 2003, p. 81; Koido, 2019).

Trainees in the TITP come from different Asian countries after they pay fees and deposits to sending agencies. Figures show that around 36,500 companies have now hired trainees across a variety of different fields, including agriculture, fishery, food processing, assembly and welding, and construction (OTIT, 2020). Over the last ten years, the number of trainees has steadily increased (MHLW, 2020). As of 2020, there were 378,200 technical intern trainees in Japan, accounting for 13.1% of all foreign nationals – the second largest foreign proportion in Japan (Immigration Service of Association of Japan, 2021a). Although TITP does not allow trainees to bring their families to Japan, the program authorized by the ministry of law currently offers trainees job opportunities for up to 5 years (after completing 2 months of training and associated exams), during which they are paid and protected as workers under the labour law (OTIT, 2021; MHLW, 2018). Thirty years on, TITP has been reformed several times and is still in effect with the objective of international cooperation; however, in

practice, it functions as a key supply of unskilled labour migrants (Song, 2020, p. 618).

Despite the creation of TITP, the labour shortage has not been resolved. The UN (2001) estimates that to regain the labour population they had in 1995, Japan would need to take-in an average of 609,000 immigrants every year for the next 55 years – 33.5 million immigrants in total. Indeed, *Nippon Keidanren* (the Japanese Business Federation) has been lobbying the former Abe administration since the 2000s to open the door to more unskilled labour immigrants in order to meet the strong demand from the Japanese business community (Song 2020, p. 624; Japan Time, 2008). During talks with the government, *Keidanren* suggested that unskilled labour immigrants with a maximised stay of up to five years should be employed to make up for the serious lack of labour force within the construction and shipbuilding industries (Keidanren, 2008, pp. 17-18).

## SSW

Introduced in 2019, SSW is a response to the serious labour shortage and is eligible for experienced foreign workers with ‘some skills’. Song (2020) argues that the government emphasizes the requirement of ‘some skills’ in order to avoid blame for accepting ‘unskilled’ labour migrants. By defining a level of required skill, SSW can be differentiated from TITP and is described as a foreign labour resource scheme rather than an immigration policy. SSW is generally considered a significant step forward, with the Japanese government officially accepting labour immigrants as a solution for the lack of labour force for the first time. SSW is available to those who have completed TITP and enables employers to hire their trainees afterwards.

SSW has two types of residential status: Specified Skilled Worker I and Specified Skilled Worker II. SSW I allows foreign workers to work within 14 fields for up to 5 years but does not allow family unification. In contrast, SSW II is limited to the fields of construction and shipbuilding but allows

families to accompany workers without any regulation on their period of stay (Immigration Service Agency of Japan, 2022b). As of September 2021, primary data from the Immigration Service Agency of Japan (ISA) shows there are 38,337 workers with SSW I status from different Asian countries, while data on SSW II is not yet available (ISA, 2021b).

While SSW requires immigrant workers to have a certain level of Japanese language and other skills-based expertise, those who have completed TITP do not have to complete SSW's associated training and exams (ISA, 2020). Accordingly, TITP provides a path towards further employment and the possibility to settle in Japan after transferring to SSW. Indeed, Okumura (2021, p. 63) argues that the introduction of SSW as a solution for the labour shortage shows that Japan is finally beginning to accept its dependency on unskilled foreign labour.

### Structural Immobility and Economic Vulnerability

Critics of TITP do not necessarily denounce its every aspect, and indeed, there are cases where the skills learnt from the programme have contributed to developing countries and helped trainees to start new businesses upon their return. However, the way TITP is operated in practice poses many problems for trainees and has been criticised by the international community.

Over the last few decades, TITP has treated trainees as economic resources for the purposes of sustaining an ageing society, despite claims that it 'shall not be conducted as a means of adjusting labour supply and demand' (OTIT, 2021; Song, 2020). Indeed, TITP was relevant to Tokyo 2020, wherein the government accepted temporary foreign workers to aid in the construction of facilities related the Olympic and Paralympic Games (JFBA, 2018, p. 83). Due to the increased demand, the number of second year TITP trainees in the construction sector rose from around 5,000 in 2014 to 9,000 in 2015 (Institute for Human Rights and Business, 2017, p. 9). In

2015, the government established the Foreign Construction Worker Acceptance Programme to further recruit construction TITP workers and those who have completed TITP in the sector (MLIT, 2014).

The U.S. Department of State (2017, p. 227) has also said that TITP deviates from its original objectives as it does not develop participants' technical skills under the guest worker system. Indeed, a Vietnamese worker contracted to help in the construction of the National Stadium's foundation, reported in an interview with *Manichi Newspaper* that he learned nothing applicable to construction in Vietnam, where bricks are more common than concrete (Sekiya, 2021). In this way, the TITP has been criticised for missing the objective and providing foreign workers with unrelated technologies and skills (Nakanishi, 2018; Sano, 2002). The UN (2014, p. 6) has also raised concerns regarding the "large number of reports of sexual abuse, labour-related deaths and conditions that could amount to forced labour in the technical intern training programme." These statements demonstrate the structural deficiencies of TITP and the vulnerabilities that trainees are exposed to as a result of their legal immobility and financial burden.

TITP does not allow trainees to change jobs unless external reasons such as company bankruptcy or law breaking occur (ISA, 2020). Workers in the scheme do not have the freedom to access other occupational choices even if their workplaces are exploitative and incompliant – a further barrier towards equality between trainees and employers (JFBA, 2018, p. 82). This legal inflexibility means that the trainees' presence in Japan is only legitimate as long as they remain working for the company they were contracted to prior to their arrival in the country. Consequently, trainees who try to escape their harsh and abusive workplaces in the search of better jobs effectively become illegal immigrants as their intern visa status does not permit such mobility (Takaya 2019, pp. 78-79). According to the Immigration Service Agency of Japan (2020), approximately 5,885 trainees disappeared in 2020, with 27,002 estimated to have disappeared between

2015 and 2018 (ISA, 2022a). While fleeing the scheme occasionally results in more freedom and mobility, trainees who disappear risk overstaying and illegal working in potentially even worse conditions (Roberts, 2018, p. 94).

In addition to the above, the financial responsibilities of trainees can further increase their vulnerability in Japan. Individuals under the scheme often find themselves in significant debt as a result of the exorbitant fees and deposits charged by sending agencies and brokers. Consequently, many trainees spend their first few years in Japan saving up money for repayments and are fearful of violating their contracts and/or losing their deposits, which in turn puts them at the liberty of their employers and risks further control and exploitation (JFBA, 2018, p. 82). Indeed, financial burden is often a key factor in a trainee's decision to flee their employers, where extremely low wages and a lack of overtime work payment make it impossible to repay debts.

To help tackle the root cause of the problem and regulate the unreasonable fees and deposits charged by sending agencies and brokers, the government introduced the Memoranda of Cooperation (MOC) with partnership countries (U.S. Department of State, 2021, p. 317). However, as the government does not have the power to ensure that sending countries are accountable for their business morals and ethics, the MOC has not worked well (U.S. Department of State, 2021, p. 317). In 2019, the *Asahi* newspaper reported that 8,796 trainees were missing – 1.8 times as many as in 2014 – with 6,105 of these coming from Vietnam, the biggest sending country (Asahi, 2021).

The structural shortcomings of TITP put trainees in precarious positions and contribute to their disappearance from the workplace. Indeed, the Ministry of Health, Labour and Welfare investigated companies hiring trainees from 2015 to 2019 and found a 70% rate of Labour Standard Law violation (MHLW, 2020). In 2020, it was announced that many companies were not complying with legal work times, workplace safety or overtime

payment regulations. In the U.S. Department of State's annual report (2017), TITP was condemned for human trafficking and forced labour. The report further criticised the government's lack of response to identify sources of exploitation and prosecute labour traffickers, although recognised that some progress had been made in passing the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (U.S. Department of State, 2017, p. 225). The reports recommend implementing more legal enforcement to prohibit violence, forced labour, confiscation of trainees' passports, and exorbitant fines (USDS, 2017, 2018, 2019, 2020, 2021).

All in all, although 30 years have passed since TITP was first introduced, many problems remain fundamentally unresolved and instances of unlawful activity are increasing while reforms are made to provide trainees with a wider range of legal protection (Okumra, 2021, p. 62).

#### Unchanged Attitudes Against Unskilled Labour Migrants

In spite of the policy change, Japan still views unskilled labour migrants as temporary workers, not residents. Indeed, the reason SSW has been interpreted as a historical shift in Japanese immigration policy is because the government now prioritizes economic benefits over ethnic and cultural homogeneity (Song, 2020). Traditionally, the Japanese government has not considered unskilled migrant workers as a part of its immigrant policy. Indeed, the former Prime Minister Abe, who is conservative and nationalist, argued that the immigration policy of accepting foreigners as settlers with their families is not for temporary foreign workers (Takaya, 2019, p. 8). He further emphasized that his government had no plan to discuss the immigration policies further (Song, 2020). The administration repeatedly denied promoting the immigration policy as accepting temporary foreign workers and intended to prevent their settlement (Takaya, 2019, p. 8). Thus, while the reform of Immigration Control Act in 2018 made a significant expansion of visa status to unskilled foreign workers, it does not fully mean

that they are in a category of immigrants. In fact, conditions for their family unification and settlement through SSW II is only given to those in the fields of construction and shipbuilding. The government in the process of establishing SSW clearly states that the status of residence for foreign human resources is not an immigration policy (Government of Japan, 2018). Furthermore, former Deputy Chief Cabinet Secretary Nishimura emphasized that SSW had nothing to do with immigration policy (NHK, 2018). This illustrates that while SSW legitimises the possibility of settlement, it does not mean that workers will be accepted as residents. Indeed, Song (2020, p. 635) argues that Japan is not on the stage of an immigration country yet, and despite the major policy changes, there is a fundamentally unchanged reluctance to take-in unskilled foreign workers as permanent residents. Overall, while Japan may be more accepting of its need for unskilled labour immigrants, it has not changed inherently, and workers are unlikely to feel at home in such an exclusionary society.

## Conclusion

This paper has examined the exclusiveness of Japan's immigration policy against unskilled labour migrants through the lens of Japanese nationalism. Overall, it has demonstrated the government's reluctance to reform immigration policy and import unskilled foreign labour in light of the perceived threat to Japan's homogenous culture and race. While the aging demographic and rapidly decreasing labour population has led to a historic shift via the introduction of SSW, the fundamental stance towards immigrants has not changed – unskilled foreign workers are seen as human resources rather than members of Japanese society.

Feeling at home in a host country can depend on an individual's sense of belonging within it. However, in Japan, those under the TITP are exposed to several vulnerabilities and must remain immobile if they are to avoid becoming illegal migrants, and while SSW can lead to residential

status, it suffers from similar problems. This unfriendly environment, rooted in Japanese ethno-cultural nationalism makes it difficult for unskilled labour immigrants to call Japan their home.

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