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# An Analysis of Japan's Immigration Policy on Migrant Workers and Their Families

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**An Analysis of Japan's Immigration Policy on Migrant Workers and Their Families**

**By: Malissa B. Eaddy**

**A Thesis**

**A partial fulfillment of the requirements for the Dual Degree Master of Arts in the Asian Studies Program of The Department of Languages, Literatures and Cultures, and The School of Diplomacy & International Relations at Seton Hall University, South Orange  
New Jersey  
2016**

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THESIS TITLE:

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BY

Malissa B. Eaddy

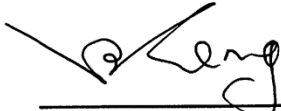
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**THIS THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
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## **Abstract**

This thesis attempts to provide an analysis of Japan's immigration policy on migrant workers and their families. I am interested in exploring the interactions between the Japanese government and foreigners during 1960-2014. I have three research questions: (1) What is the Japanese government policy for migrant workers? (2) What is the education status for the children of migrant workers to assimilate into Japanese society? (3) How are migrant workers and families treated by the Japanese government in terms of the human rights and their national rights? I have selected four books as the primary sources for my thesis, and analyzed quotes from the different authors to seek answers to my questions.

I have learned that Japan is avidly attempting to diversify its country, and to break away from the homogenous stereotype but it is a slow process. During Japan's economic rise in the 1980s as well as the first series of the lost decade in the 1990s, Japan's interests shifted to welcoming more foreign migrants and immigrants. However, many Japanese officials and citizens still show slight hostilities when such a radical change has the potential to impede on their "Japanese-ness" (Japanese Identity).

There is a growth of migrant workers and immigrants from 2003-2014 in terms of accepting anyone with a working proficiency in Japanese, based on The Immigration Refugee Acts in 1995-2004. In 2014, The United Nations worked with the Japanese government on ending inequality in Japan for immigrants and migrant workers.

**Key words:** *immigration, migrant workers, national policy, education, discrimination*

## **Introduction**

Japan is known as a country with a rich background in spirituality via Shinto and Buddhism, honor via the samurai code, entertainment via the Geisha, and Imperial majesty via their imperial system (Bary, Gluck, and Tiedemann 2006, 129-259). After Japan opened its doors in 1854, and modernization during the Meiji Era in 1868-1912, Japan's exposure to world politics and western influence has prevailed, and has influenced the Japanese people to have the idea of broadening their borders in terms of trade and government, in order to be as successful as western powers. Many Chinese and Korean immigrants or ex-colonials lived in Japan. "The Japanese history and multiethnic Japan are coeval: Many Japanese continue to believe that Non-Japanese migrants whom either be of Chinese or Korean descent are considered foreigners" (Lie 2001, 171). Over the years after World War I, World War II, and the Okinawa occupation, many Americans began to settle in Japan. Some veterans had started families or began establishing a permanent residence for themselves in the wake of the post war era Japan.

Foreign migrant labor became Japan's next source of low-wage workers from 1960s to 1980s. Japan's economy began to thrive in the 1970s and 1980s as more foreign labor began to enter Japan (Douglass and Roberts 2003, 6). This time period (1976-1989) was known as the Japanese Economic Bubble. However, that bubble burst in 1990-2000 and again in 2001-2010, which are known as the lost decades or Lost Twenty Years. The First Lost Decade of 1990-2000 ushered in a time of economic instability because of internal economic issues after the collapse of the Economic Bubble. In 2001-2010, Japan suffered a second economic decline (The Second Lost Decade) due to failures of domestic trading laws, and the instability of the U.S economy in 2008 during the U.S. Recession economic fall. Japan suffered the most in 2009 because the U.S.



was one of Japan's number one trading partners (Yoshino and Farhad 2014, 5). "Internally, the most salient factors underlying the demand for foreign labor are found in the way in which Japan's demographic trends are woven into its economic success" (Douglass and Roberts 2003, 9).

Now that Japan has allowed foreign immigrants and foreign migrant workers into the country, how does the Japanese government protect the interest of migrant workers, as well as foreign residents? This thesis attempts to explore three questions on how the Japanese government, immigrants and migrant workers and their families interacted between 1960 and 2014:

1. What are the Japanese government policy implications for migrant workers?
2. What is the education status for the children of migrant workers to assimilate into Japanese society?
3. How are migrant workers and families treated by the Japanese government in terms of the human rights and their national rights?

The goal is to have a better understanding of the state of Japan's immigration issues within its policies. My research has shown that the Japanese government welcomes immigrants, and migrant workers to Japan, but only for a limited time to ensure that they return to their home country. Japan is open to hosting people coming to visit, or live temporarily. Due the policy implication of "being temporary," the education in Japan for foreign children has become a difficult issue. Before Japan can seriously consider admitting a large number of migrants, there are several important issues that must be dealt with, one of which is language education policy...the barriers that exist in Japan's language education policies hinder immigration which is becoming a greater reality in the immediate future (Chapple 2014, 10). Once Japan changes its

education policies for immigrant children, it will become easier for them and their parents to adapt to Japanese society, through their language skills. Japan still needs to accept the basic principles of human rights for their immigrant residents and migrant workers. It is necessary to adopt specific legislation to outlaw racial discrimination, in particular legislation in conformity with the provisions of articles 4 and 5 of the Convention Against Racial Discrimination (hereinafter RD) (Hosoki, Sato, and Okamoto 2010, 7). The definition of “migrant workers” in this thesis is that they are people who go to work in Japan for a short period of time but eventually move back to their country of origin, whereas “immigrants” has the intention of living the remainder of their lives in Japan.

## **Literature Review**

### **Post World War II History Immigration Recap 1945-1951**

When Japan surrendered in August 1945, ending World War II, the country was left ridding on the waves of their once prosperous nation. The most serious problem in the country after WWII was the lack of raw materials produced in Japan to continue to generate profit for Japanese industries and markets. The steel production industry and the copper refining, lead and aluminum markets still kept a high supply and demand after the war, however the textile companies suffered. Takafusa (1994, 124) says: “After the war, the subcontracting method remained the practice, the automobile industry being the stereotypical example.” The term subcontracting means that “a business carries out work for a company as part of a larger project... it was during the war that this practice became institutionalized” (ibid., 125). Before the war, most companies didn’t like to outsource or subcontract because they wouldn’t know the quality of work being done. Japan also still had rations on its main staple diet of rice. Rice and

material rationing was a processed used throughout the country because of the war and eventually became the national standard lifestyle from 1937-1945 (ibid., 131). After the war, the rations on rice were still in effect; however, the production of rice was slow, as well as less profitable since the nuclear bomb attacks. “Life was hard, the future was uncertain, and no-one, of course, knew what policies the occupation forces might have in store. The Japanese Governmental authority was nil, and society was in a state of disorder” (ibid., 131).

In September 1945, United States led the Allied Powers in the occupation and rehabilitation of Japan, from autumn of 1945 until April 1952. The man in charge of this reform was General Douglas MacArthur, who was the supreme commander for the Allied Powers. He and the allied powers came up with two major policies to present to Japan after the war. The first was “U.S Initial Post Surrender Policy for Japan,” and the second was “Basic Initial Post Surrender Directive to the Supreme Commander for the Allied Powers for the Occupation and Control of Japan.” The policies were to enable military, political, economic and social reforms for the Japanese government. Specific examples include the demilitarization of the Japanese military, and enactment of a democratic reform. The ultimate objective of the polices and occupation was to ensure that Japan would not again become a menace to the United States or the peace and security of the world” (ibid., 133). The production of artillery was prohibited, and limitations were on heavy industry and merchant shipping (ibid., 133). General MacArthur’s initial plan was divided into three parts. The first part involved necessary change for the Japanese government and the Japanese society. “The Supreme Command of Allied Powers (SCAP) dismantled the Japanese army and banned former military officers from taking roles of political leadership in the new government. In the economic field, SCAP introduced land reform, designed to benefit the majority tenant farmers and reduce the power of rich landowners...broke

up the large Japanese business conglomerates, as part of the effort to transform the economy into a free market capitalist system (U.S Department of State, Office of the Historian 2015, 1).

However, in late 1947 until early 1950, there was an economic crisis emerging in Japan, along with the concerns of the potential spread of communism. The communist victory in China's civil war seemed that the likelihood of the future of East Asia would turn to communism. This began a reconsideration of the occupation policies and economic rehabilitation which ignited tax reform and controlling inflation (ibid., 1).

“In the third phase of the occupation, in 1950, SCAP deemed the political and economic future of Japan established and set about securing a formal peace treaty to end both the war and the occupation. The final agreement allowed the United States to maintain its bases in Okinawa and elsewhere in Japan, and the U.S. Government promised Japan a bilateral security pact (ibid., 1).” Once the treaties were signed and American troops started living in Japan. Lives for Japanese immigrants were not particularly easy. In the year of 1951 The Japanese Government created the Immigration Control and Refugee Act. Article 1 states, “The purpose of the Immigration Control and Refugee Act is to provide equitable control over the entry into or departure from Japan of all persons and to consolidate the procedures of recognition of refugee status” (International Bureau of Japan 1951, Article 1-2). Article 2 states, “An alien may reside in Japan only under a status of residence determined by the permission for landing, the permission for acquisition or permission for any changes thereof, except as otherwise provided by the Immigration Control and Refugee Act or other laws” (ibid., Article 1-2).

#### Post World War II 1950s-1960s

After the Economic Boom in the late 1950s to the 1960s, immigration policy in Japan started changing with more demands being given to those who wished to work in Japan and was

of Japanese ancestry. Two major mini recessions happened within Japan's economy. The first was in the late 1950's and early 1960's. The Bank of Japan had an insufficient balance of international payment, which forced the government to tighten their credit. Once the deficit was paid off, in 1965, the market trade balance of Japan still stayed the same; however, in 1967 to 1972 the Bank of Japan's accounts for the export and import goods had strengthened and the economy began to grow. "The Great Oil Crisis of 1973," The Post War Recession of 1973-1975, and the Dollar crisis of February and March 1973, are examples of events where Japan experienced economic decline (Takafusa 1994, 250). These issues affected Japan as a nation because they were so heavily dependent on imported petroleum, manufacturing output and their fixed exchange rate. The issues started to correct itself once Japan changed its' fixed rate to the dollar to a floating exchange rate. By the late 1970's into the 1980's many Japanese industries shifted from using oil based energy to semi-conductor units and micro-circuitry that required less energy in the productions of new consumer electronics such as computers (ibid., 250).

#### Market Expansion, Migrant Workers, Immigration Policy 1970s-1980s

In the latter half of the 1970s the Japanese government focused on economic growth. The key was to break the energy conservation and the rationalization of production policies. Though Japan still experienced slow economic growth from the mid-1970s, the domestic demand of technological goods and domestic consumption and exports into the late 1980s sustained an economic boom for Japanese industries. This development involved reconstructing the economic value, which moved the dependence of Japanese exports to the reliance of domestic demand of goods and a "floating exchange rate" which allows the currency to fluctuate in response to the foreign exchange market (Takafusa 1994, 140). With incomes and wages rising the stage was being set for foreign migration into urban Japan. From 1960s to 1980s, foreign migrant labor

became Japan's the source of low-cost workers. More foreign labor began to enter Japan, and native Japanese workers started to leave the country (Douglass and Roberts 2000, 6). The Japanese wanted to have migrant workers and immigrants come into the country only if they were from Japanese ancestry (ibid., 7). The term "emigration" means to leave one country and live in another for a time period, "immigration" means to leave one country and live another country permanently (ibid., 7). The reason why native Japanese workers started to leave the country was because there were increasing labor scarcities as well as the value of the yen rising against the dollar. The native Japanese workers wanted to be paid more, especially those in small to medium-sized manufacturing and construction industries. These industries had difficult problems of reducing costs to compete in foreign and domestic markets (ibid., 7). Japan began to prosper because of the cheaper foreign labor, while native Japanese workers went to countries that would pay them more, and then brought the money back to Japan to distribute into the Japanese economy (ibid., 57). At the same time, "Ethnic Japanese returning from China, where they had been raised as war orphans after World War II, brought over their Chinese family members for settlement in Japan. Foreign residents gradually secured a range of social rights as a result of activism by resident Koreans, on the one hand, and legal changes following Japan's ratification in 1979 of the international human rights conventions on the other" (Akaha and Kashiwazaki 2006).

These factors have led to the formation of the "economic bubble" within the Japanese economy through the years of 1980-1989. The Economy was at its premium height. During the Economic Bubble, the Japanese government implemented stringent tariffs and policies for the people to save their money, and not to spend frivolously on items not needed, and only spend when necessary (Takafusa 1994, 241). Having more money in the banks, domestic loans, credit,

and investments were easier to attain, compared to foreign competitors, which made the Japanese yen more valuable than many other countries. With the investments in stock by Japanese companies the price reduction of Japanese-made goods widened the trade surplus even more (ibid., 141). The Japanese government had major debates on migrant workers in Japan as it was becoming more of an ageing society. The debate was about whether migrant workers should be accepted in the country and whether they could secure the country's economy. Taichi Sakaiya, former Minister of the Economic Planning Agency reported that, "Japan would definitely need more people to secure the country's economy" (Douglass and Roberts 2000, 57). When the Japanese economy was successful, more migrant workers were encouraged to come to Japan. "These factors point to the demand for labor continuing to create more opportunities for workers from abroad to come to Japan. Foreign workers in such occupations as waitresses, cooks and transportation workers are already beginning to account for increasing shares of visa over stayers" (ibid., 9).

#### Economic Decline 1990-2010

The bubble deflated between the end of 1989 and beginning of 1990. This is known as the Lost Two Decades of 1990-2000 and 2001-2010. The cause of the deflation was because the Japanese Corporations and Japanese banks had a relationship in which banks would lend out loans and not have a specific policy for collecting the loan back at a specific date and not charging an interest rate for late payments (Takafusa 1994, 142). As an attempt to save themselves from impending debts, these banks raised inter-bank lending rates which inevitably caused the deflation of the economic bubble in which, the industries that invested or borrowed couldn't pay the bonds and loans back to the banks. The financial institutions in this debt were bailed out through infusions from government funds, cheap credit from the central bank (Bank of

Japan) and the ability to postpone the recognition of losses, turning them into “Zombie banks/firms,” which have an economic net worth less than zero but continue to operate because their ability to repay debts due to implicit or explicit government credit support (ibid., 295). The term was first used by Edward Kane in 1987 to explain the dangers of tolerating a large number of insolvent savings and loan associations and applied to the emerging Japanese crisis in 1993 (ibid., 295). “Zombie banks can continue to operate and even to grow as long as creditors remain confident in the relevant government's ability to extract the funds needed to back up its promises from current or future taxpayers” (ibid., 295). Although the Zombie banks did not make the economy thrive, the Japanese government did not close these companies (Yoshikawa and Stewart 2001, 75). Not only were banks affected but also there were more problems with having a clear consistent immigration policy. A major turning point in terms of immigration policy later came in 1989, when the Japanese government began to reform the Immigration Control Law in response to growing cross-border population movements and a sharp rise in the number of visa over-stayers. The government reorganized and approved only the visas of immigrant professional and skilled personnel and Japanese ancestry while still not accepting "unskilled" foreign labor (Akaha and Kashiwazaki 2006). Employer sanctions were also introduced to discourage "illegal" employment. In the early 1990s, there was a difference in specific occupations and immigrations status of men and women, entering Japan as migrant workers or permanent immigrants. Women were recruited for the sex industry and entertainment industries; however, they started to be recruited for the factories and other service sector work. “There has been records that undocumented Korean women find jobs outside the sex and entertainment industry through their networks for Korean relatives who reside in Japan. A vast majority of women are also coming into Japan as spouses for foreign male workers and native Japanese men (Douglass and Roberts



2003, 7). On the contrary men are exposed to more of a range of occupations, such as: construction and manufacturing, hotel hosts, restaurant work and other service jobs (ibid., 7). The hope for this method of enticing immigrants into the country was to bring an increasing likelihood of a family and community formation, as a result children being born to immigrant households will signal an advent of a much more multicultural society than Japan has experienced in history (ibid., 7). The effects towards the foreign migration impact worked in some ways but backfired in others. For example, the opening of immigration to migrant workers and immigrants of Japanese descent resulted in around 200,000 migrants from Latin America coming to Japan. The back fire was, The Japanese government closed their policy of immigration and migrant workers to other potential countries of immigrants such as Bangladesh, Iran and Pakistan, which shows drops as the Japanese government temporarily abolished bilateral visa waiver agreements. On the other hand the numbers of immigrants from China and Korea, as well as women from the Philippine, have continued to increase. The effects of the recession have slowed the immigration of some groups but overall immigration still continues at historically high level (ibid., 7). The Japanese government initiated two programs in order to assist the “unskilled labor.” One was the trainee system, which subsequently expanded with the launching in 1993 of the Technical Internship Trainee Program. As time progressed the program succeeded and later in 2004, there were over 75,000 foreign workers in Japan under the Technical Internship Trainee program, which marked the largest attendees ever. The participants found opportunities in agriculture, fishery, construction, food manufacturing, textile, machinery and metal, and other industries (Akaha and Kashiwazaki 2006).

By the late 1990s Japan’s position in global migration had been fundamentally transformed. By 1995 an economic structure had been re-established and profits started to restore

to how it was before the war (Takafusa 1994, 175). The change that happened to Japan's economy was a divide to focus on the development of domestic resources or to concentrate on exporting those manufactured products for importing and keeping home businesses. "Without anyone having made any public commitments, a national agreement had emerged that Japan would attempt wealthy again without becoming a military power" (ibid., 175).

The system changed the migration streams of Japanese emigrants from low-wage workers to managers and corporate elites. The outcome of these trends is a new pattern of north- and south migration in Japan. The Low wage workers move north to Japan in response to widening gaps of income between Japan and countries in the south, while Japanese technicians, managers and administrators move in the reverse direction under the impulses of the penetration of foreign markets by Japanese products and direct foreign investment relocating low-technology, labor intensive production (Douglass and Roberts 2003,8).

#### Immigration Policy Implication 1995-2012

By 1995-2000 Japan had been hiring temporary workers which they provided them with that having little job security and fewer benefits. In the turn of the 21<sup>st</sup> century, having migrant workers and immigrants became more of a desirable asset not only for Japan's economy but also for Japan's population, especially since it started to become noted as an aging society (Krugman 2009, 110). Especially by the late 1990s there was around 300,000 visa expired over-stayers, which was more than three times that number of legal migrants with work permits were estimated to be in Japan, most of them of Japanese descent from Latin America, "trainees," entertainers and foreigners working outside their permitted occupations (Douglass and Roberts 2003, 7).

As a way to combat the failing economy, former Prime Minister Keizo Obuchi held a conference of the Design of Japan in the 21<sup>st</sup> Century in 1998. The reason for the conference was for the purpose of discussing the future of Japan, it was mentioned that Japan would need to establish an immigration policy which will attract more foreigners and have a specific permanent resident system to encourage foreigners to live permanently in Japan so that they can contribute to Japanese society (Goodman et.al 2003, 57). If there is an official integration and surplus of migrant workers, it can change the structure of the domestic population, such as the ethnic composition and the economic positions of certain groups. The Immigration policy is designed to control these changes. The current Japanese policy as of 1999 admits foreigners only for restricted lengths of time and accepts only technically specialized workers and those who can bring in special skilled that native Japanese might not possess, and then they can learn from. (ibid., 57). Japan has had a system that accepts foreign workers who have specific qualifications of the knowing the Japanese language and culture to fully assimilate to Japan. In March of 2000 the Ministry of Justice made a report called “The Second Immigration Control Basic Plan,” that pointed out the necessity to lessen the strict qualifications in admitting foreigners and to expand the range of categories (ibid., 59).

Scholars Douglass and Roberts (2003, 219) point out that “The background of migration policies can be found in labor policies which the government had followed since 1985, encouraging life-time employment for a small number of core employees and increasingly using temporary and part-time workers with limited-term contracts. In 1996 the number of these employees without proper stability increased.” The Japanese government only accepted immigrants as trainees or Persons who have Japanese ancestry, because the Japanese government thought this would help the foreigners better acclimate to Japanese society, because of their

ancestry and language skills. “Furthermore the government approved policies deregulating labor laws and labor administration. The cornerstone of government migration policy was and remains that of limiting the stay of migrants and assuring their return to their home countries after two or three years” (ibid., 219).

In the beginning of the 1990s, Japan had two features of immigration policy related to employment, to ease the conditions for allowing foreigners of Japanese descent to reside in Japan with no restrictions against worker and to promote the expansion of industrial trainee program (Milly 2014, 10). Japan is the primary example of advocacy-promoting governance, in which scholar Deborah Milly explains is when Japanese civil society groups lacked strong effective inclusion nationally before devolution but have worked in cooperation with local and regional authorities to produce a foundation of emerging practice, policies and institutions that have become the basis for effective national advocacy for immigration (ibid., 13).

Primarily the prefectures of Ota and Oizumi have the highest Brazilian community percentage of 3.3% which is about 261,000 between both locations. Gearing back towards policy implications, in the mid- 2000s there have been some policy changes. Japan’s uncoordinated national policy framework has left sub national governments some discretion to take initiative depending on the policy. The reason for this Milly explains is that “Japan’s civil society has been more clearly excluded at the national level because of dominant elites and governmental structures. National civil society advocates have tended to frame their positions in terms of human rights, and conceptions of community development at local levels” (Milly 2014, 13). Despite the policy changes in the 2000s the migration by skilled professionals that spoke Japanese, had Japanese ancestry or would only live in the State for a limited time were more attractive to the Japanese government, which tallied broadly relevant visa statuses which

indicated that this group was only 6.6% of registered foreign residents in 2000 and 2011 (ibid., 10). “Unquestionably, Japan’s politics concerning immigration and immigrant policy and political parties have largely failed to lead public discussion, on a national level” (ibid., 60). By 2009, many of temporary workers made up more than a third of the Japanese work force. Factor Endowments of Japan today, are still technology items from Sony and Toyota, Movies under Sony such as the Spider Man, and Japanese Anime, manga books and assorted pop-culture items. However, many of the Japanese- based companies are now over-seas the money still went back to the Japanese Banks (Krugman 2009, 110).

#### New Immigration Reforms and Economic Success 2003-2014

New Immigration reform agenda has taking place from 2003 and ongoing to today 2014, in order to involve more specific criteria about immigrants here for employment or other (Milly 2015, 75).

After 2012 when Prime Minister Shinzo Abe was re-elected to reform the Japanese economy, he is also promoting to change the immigration policies on a national level. Openly voicing concerns about foreigners settling in Japan, the prime minister has favored one-time three- to five-year working visas for immigrants to “work and raise incomes for a limited period of time, and then return home.” While Abe has never advocated physical segregation, Japan’s linguistic and cultural barriers – insurmountable to most in only a few years – may do the job anyway. Japan may not adopt an aggressive form of apartheid but a more passive caste system based on a revolving door of migrants is easy to imagine (Moreshead 2014, 1).

Like the issues with policy implication with Immigrants, what can be done to help them acclimate to society, my next question is how does Education enable migrant workers and immigrants to have a smooth transition into Japanese society? Scholar Julian Chapple points out

that “before Japan can seriously consider admitting a large number of migrants, there are several important issues that must be dealt with, one of which is language education policy, and the barriers that exist in Japan's language education policies that hinder immigration becoming a greater reality in the immediate future” (Chapple 2014, 23 ). The lack of education to properly assist immigrants and migrant workers and their children is a serious issue, as pointed out in Chapple’s quote. Although, Japan does have free education from K-12 grades, the policy only applies to recognize Japanese Citizens. (ibid., 24) The decision for creating accommodating education for foreign residents have been left to local governments, based on their communities. Local governments are more receptive toward children of immigrants and responsive in implementing innovative policies to fill their needs than the national government. The various literatures on immigrant children’s education in Japan have a plethora of unique local programs tailored to meet specific demands of foreign residents in localities within education (Chitose 2009, 12).

The Basic Policy on Employment that the Ministry of Health, Labor and Welfare established in 2008, has stated to the Committee, that the Japanese government maintains its stance that “the acceptance of foreign workers in professional and technical fields should be more actively promoted,” and that “with respect to the matter of accepting workers for so-called unskilled labor,” there are some “concerns” (Hosoki 2010, 4). In its 2004 “Action Plan for the Realization of a Society Resistant to Crime” the Japanese government set a goal to reduce the number of “illegal foreigners” by half within 5 years.

As a result of these policy changes, between 1990 and 2008, the number of non-Japanese nationals of Japanese descent also known as nikkeijin; mostly from Brazil and Peru have increased from 71,000 to 370,000, and individuals with “training” and “designated activities”

residence statuses, including “trainees” and “technical interns,” increased from 3,000 to 121,000. These individuals became known as “unskilled foreign workers” in Japan. During the same period, the total number of migrant workers increased from 260,000 to 900,000, and came to compose 1.4% of Japan’s total working population of 66,500,000 (ibid., 8).

Issues that are still in Japan are racial discriminatory acts, which remains unconstitutional and unlawful under the International Convention on the Elimination of All forms of Racial Discrimination (ICERD), yet is not illegal. Japan has had more than a decade since 1996 to pass a criminal law against Racial Discrimination. Its failure to do so can only be interpreted as a clear violation of ICERD Article 2(1): “States Parties condemn racial discrimination and undertake to pursue by all appropriate means of resolution without delay a policy of eliminating racial discrimination.” We urge the Committee to make the appropriate advisements to the Japanese government to pass a law against racial discrimination without any further delay (ibid., 9).

According to the School Education Act of 2008, for a school to become recognized as an accredited school, it must implement the designated subjects set forth in the curriculum guidelines created by Ministry of Education, Culture, Sports and Science (MEXT), for the purpose of educating Japanese nationals; must use MEXT-approved Japanese textbooks. Due to this, it is impossible to adequately teach languages other than Japanese and English in regular classes. Therefore, such international schools that offer courses in other languages like Chinese, Korean, Spanish or Portuguese are not recognized as accredited schools. Even if a student were to graduate from one of these schools, his/her graduation credential would not be recognized as an accredited one. As a result, many students encounter various disadvantages when they try to enroll in Japanese schools or take national examinations (ibid., 12).

In 2010, there are about 200 schools for non-Japanese national and ethnic minority children that offer general education in languages other than Japanese. These include 100 national and international schools such as North Korean, South Korean, and Chinese schools that were established before World War II or during the early years post World War II. In the 1990s there were about 100 more schools established for Brazilian, Peruvian, and Filipino migrant workers and children (ibid., 9).

Author Hosoki offered a recommendation that the Japanese government should “establish an education policy to secure the right to education for non-Japanese national and ethnic minority children in Japan. The content of the policy should first and foremost, respect the children’s identities and ensure the right to learn minority languages and cultures; and secondly, it should ensure the right to learn Japanese if a child’s first language is not Japanese” (ibid., 14).

He also states that, in order to establish a concrete education policy, the voices of non-Japanese national and ethnic minority residents themselves should be directly involved in the local governments and that a nationwide survey should be carried out on the realities of language development, rates of non-attendance, acceptance rates into top tier schools, costs of educational fees, economic situations of the parents, etc., and disaggregated by nationality, ethnicity, sex, and age (ibid., 14).

The final suggestion that author Hosoki suggested was that, “in order to ensure the right to education for non-Japanese national and ethnic minority children, and in particular, the right to learn one’s language and culture, the government should allow these children to actually exercise choice between Japanese schools and schools for non-Japanese national and ethnic minority children by recognizing these schools as a type of “officially accredited” ordinary school (and not as “miscellaneous category schools”) and allowing the recognition of these schools’



graduation credentials as ones that are equivalent to those of Japanese schools while providing these schools” (ibid., 16).

#### Immigration Policy Implication 2012-2014

Though in the years of 2012-2014 there are more programs developed for education for foreign resident children. The rate for foreign national children enrolled in schools were estimated to be 10%, however it was predicted that the variation in the non-enrollment rate is large, depending on region and nationality and that there are differences in educational policies across municipalities. Japanese scholar Chitose (2009, 13) points out “municipalities differ in (1) acceptance of children of undocumented immigrants into Japanese public schools, (2) acceptance of children aged 15 or older in compulsory schooling, (3) sending notice to would-be junior high school entrants for the coming year, and (4) hiring bilingual teachers, this implies that the model.” As time continues to progress and new policies more researches have proposed new hypotheses is regarding assimilation process of the children of new immigrants. Chitose (ibid. 15) states “according to the hypothesis, not all immigrant children will be successful in stepping up the socioeconomic ladder.”

For example, the impressive educational gains of Chinese and Koreans are well-recognized, while children of Mexicans and Central Americans tend to confront educational handicaps” (ibid., 15). As increasing language requirements continue to fluctuate for the required educational level and corresponding academic motivation of Japanese students, there are contributing factors that are held by Japanese Universities.

Chitose (2009, 17) noted that many Japanese universities are not well prepared to deal with students who do study abroad in terms of providing academic recognition of their study. The growing number of students that study abroad has a disadvantage to finding employment in

Japan given the narrow and limited recruitment timeframe and differences in academic calendars. “In short, the attitude towards study abroad - and indeed career planning itself today in Japan - is in flux resulting in a growing gap between societal (particularly parental) expectations and those of the business world.”

The Japanese government needs to nationalistically implement a policy that demands for all regions/ prefectures to support foreign resident children, and local civil societies can debate whether they will offer night classes to foreign resident adults or parents. But why is there such a hassle for children whom are multiethnic, foreign or biracial, and or their parents have so many various issues when it comes to proper assimilation within Japanese society? What is the treatment in terms of human rights and national rights for migrant workers, immigrants and their families?

When addressing the general synopsis of foreign residents suffrage debate in Japan, we need to refer back to the beginning when the US and SCAP started rebuilding Japan 1945-1953. Another thing we must place into factor is to evaluate and place awareness the contemporary issues of foreigners, not only the legal/constitutional and normative aspects of the issue, but also a sense of intra-party and inter-party political contestation. Stephen Day says that “the arguments that are raised in Japan and in other countries in relation to attempts to widen the boundaries of alien suffrage at the local level highlights how the initial development of a post-World War II Japanese state, in the shadow of the Occupation and the Cold War, nurtured an atmosphere within which the lack of civil, social and political rights for resident non-nationals was not deemed problematic. This changed from the 1970s onwards, bringing the issue under greater scrutiny" (Day 2009, 21). The issues continued to manifest itself in campaigns against foreign electoral rights in until the early 2000s.

In 2001 Committee on the Elimination of Racial Discrimination (CERD) suggested to Japan to adopt specific legislation to outlaw racial discrimination within their country. However, eight years later the Japanese Civil or Criminal Code still has now law specially outlawing Racial Discrimination (Hosoki, Nobuyuki, and Masataka, 2010). In January of 2008 the topic of Racial Discrimination again entered center-stage as the main opposition party. In 2008 the Democratic Party of Japan launched an intra-party discussion on the voting rights for both special permanent and permanent residents at the local level. The Democratic Party of Japan leader at the time, Ozawa Ichiro, advocated for foreigners having the right to vote in local elections. Scholar Day Stephens points out several other factors. “While there is general support across the smaller parliamentary parties, for instance the Japan Communist Party (JCP) and the Social Democratic Party, the Liberal Democratic Party (LDP) and the Democratic Party of Japan (DPJ), continues to oppose each other. Overall, one serving politician claimed that the parliament (The Japanese Diet) was split three-ways: one-third in support, one-third indifferent and one third opposed” (Day 2009, 18).

Although some local governments have taken measures to deal with discrimination in housing, hotels, rentals, etc. The first local government to pass a local ordinance in 2005 that explicitly criminalized and punished Racial Discrimination (Tottori Prefecture) found that they had to repeal the ordinance in 2006. The reason was because the public and the media theorized that too much power was being consolidated in human rights enforcement groups. There was a similar bill earlier in 2002 that guaranteed human rights on the national level, and was repealed in 2003 and again in 2006. Unfortunately due to the alarmist counterarguments and publications that giving human rights to non-Japanese would enable them to abuse their power over the Japanese people as of 2009. In the current time, there have been laws on the local level that do

deal with human rights for foreign residents and migrant workers, however unfortunately it is still not national rights, that even foreigners can benefit from (Hosoki, Sato, and Okamoto 2010, 5).

### **Methods**

I have selected four books as the primary sources for my thesis. They touch upon the key research questions that I am interested in exploring. The following are a brief summary of these primary sources.

Milly, Deborah J. 2014. *New policies for new residents: Immigrants, advocacy and governance in Japan and beyond*. New York: Cornell University Press.

Milly's book discusses the history of policies in Japan, as well as Italy, Spain and Korea in a comparative perspective. I have come to discover that Japan has a national policy, but the temperament and treatment of immigrants depend on the prefecture. Each prefecture has local and regional authorities to produce a foundation of emerging practice, policies and institutions, which in term become effective enough for national. Her book focuses on two prefectures: the Ota prefecture and the Oizumi prefectures which have a high Brazilian population as well as Filipinos, Chinese, and Koreans between 1990 and 2011. It has been mentioned in the previous chapters in this paper, that, since the early 1990s that many Latin American and South American countries have had immigrants live in Japan. There is an evolution of policy changes in the 1990s, the early 2000s, and 2011. Deborah Milly is an associate Professor at Virginia Polytechnic Institute and State University. Her primary focuses are political science on policy reform, Japanese policy, and East Asian Studies. I selected her book because it talks about the current events of Japan's immigration policy implication of 2011-2014. Through researching her book, I was able to understand that Japanese policies on immigration are based on local governments or civil society, and not a national, one rule documentation or creed.

Tsuda, Takeyuki. 2009. *Japanese-Brazilian ethnic return migration and the making of Japan's newest immigrant minority, Japan minorities*. 2nd ed. New York; London: Routledge.

Tsuda's book describes Japan's policies on immigration in a different approach. It is an edited book with Japanese chapter authors imputing their own research and experience as well as non-Japanese authors including a chapter from Deborah Milly. I am able to explore the public education in Japan for Immigrant families. Tsuda is an associate director of Immigration Studies at University of California. He concentrates on contemporary Japanese society and "transnationalism" and globalization. Through Tsuda's book, I not only started to understand the earlier positions that Japanese local governments took on immigration but I also learned about how immigrants/migrant workers learning the Japanese language can help them better integrate into Japanese culture. I am able to learn the Japan's immigration issues from a Japanese scholar.

Gottlieb, Nanette. 2012. *Language and citizenship in Japan*. New York: Routledge.

Gottlieb's book is about the importance of language education for migrant children and them learning Japanese customs. It coincides most with both Tsuda and Yoder's books, and discusses in detail what language programs different prefectures have for migrant/immigrant children, as well as the negative perspectives some might have with immigrants being welcomed in society. Her main focus is educational goals for Immigrants, and what impact it has immigrant society.

Yoder, Stuart Robert. 2011. *Deviance and inequality in Japan: Japanese youth and Foreign Migrants*. USA and UK: The Policy Press.

Yoder's sheds light on my question of the treatment of migrant workers and affects to multiracial children and families. Yoder describes the hardships that foreign migrants face. Yoder breaks up the book into sections that specify conflict theory of inequality and forms

potential solutions that could better Japan in the future, as well as human right activist groups formed by nongovernmental associations. This book allows me to see the good and the bad effects the Japanese government has on migrant workers. Dr. Yoder has taught in different American and Japanese universities, such as University of California and Sophia University in Toyko. His concentration is equality of Japanese citizens, and the concern for inequality for youths and immigrant treatment in Japan from 1995 -2011, by studying his book; I began to ask what is the treatment/ human rights policy for immigrants in Japan? Because this topic is still being discussed in 2015, there have yet to be books on this issue published in English that are available to the public from the years 2013-2014.

## **Findings**

### Japanese Government Policies on Migrant workers

Author Deborah Milly has a plethora of quotes that I have selected because I believe it highlights my question of: “What are the Japanese government policy implications for migrant workers?”

#### *Overcoming Obstacles*

As we have read the history of immigrants in Japan from post- World War II and presently, we can start to understand why Japan is having a hard time with fully accepting migrants into the country. Japan was a closed off nation to self-preserve its culture. It did not want to become like China, in regards to having its economy used and its culture and land taken (through respective points in History by Europeans). The following quotes highlights Japan overcoming obstacles in the mere acceptance of migrant workers/immigrants

“Until the mid-2000s, political obstruction of public debate in Japan relegated these issues to a vertically segmented bureaucracy. Party-driven reform effort, while not totally absent, remained largely in the back ground and involved working quietly with bureaucrats on specific policies” (Milly 2014, 60).

“Despite national political blockages and vertical segmentation of policy jurisdictions, changes have occurred in a gradual and low-key way through the efforts of local governments and less so national civil society advocates, and through political-institutional openings that enabled some of these groups to insert their agenda into national elite policy discussions”(ibid., 61).

“In relatively covert processes spanning many years, local and national nongovernmental advocates and local governments, at times separately and at times in cooperation, developed a body of practices and policies, forged new networks of cooperation, and engaged specific agencies. As the central government placed more emphasis on inclusion of citizen voices, decentralization and deregulation, both sets of advocates improved their standing and were able to bring their innovations and demands to the newly created cabinet-level forums” (ibid., 61).

These three quotes are the beginning process of answering my first question. The Japanese government is making strides towards helping migrant workers and their families, but it is primarily the local and national non-governmental agencies that take care of immigrant/migrant workers interests. Throughout the process of creating laws in each prefecture, Japan is able to maintain some consistent relations with its immigrant and migrant worker communities. Japan does have a national law that controls the security of the Japanese people and the limited rights of immigrant and migrant worker citizens. National Japanese law covers who and how many individuals can come into the country, how long they can stay, and whether

or not they will assimilate to survive for the temporary time they are in Japan. These policies by the Japanese government are in the form of Visa entries, landing questionnaires, and Custom services. However, for the Japanese government, by leaving domestic policy decision for immigrants and migrant worker citizens to a local prefectural level, can cause the question of is it appropriate to just leave the laws in the hands of different various prefectural councils?

### *Demand for Policy Consistency*

Though, the Japanese government doesn't have to worry about making national policy on immigration, it is still in high demand for producing policy consistency. Migrant workers, immigrants, and even Japanese citizens are demanding that the Japanese government creates a national policy for all prefectures to follow.

“The process of national policy change for foreign residents and immigrants in Japan, which highlights the ways that advocacy by local governments and civil society groups has been effective in raising issues with national policymakers and in some cases producing policy change” (Milly 2014, 61).

“By the 2000s, disparate societal groups and local government groups were promoting proposals for comprehensive changes that finally reached the national agenda through political openings provided by the Koizumi Administration” (ibid., 61).

“For Japan, two features of immigration policy related to employment have especially contributed to its changed profile: a change at the beginning of the 1990s to ease conditions for allowing foreigners of Japanese descent to reside in Japan with no restrictions against working, and the expansion of the industrial trainee program over the past two decades in which Chinese have predominated. Even though there have been some policy changes since the mid-2000s to make migration by skilled professionals more attractive. Japan's foreign-resident population has



shifted. The newer foreign residents who experience very different problems is a presence that needs to be taken into account for several reasons...this group has been responsible for bringing serious local attention to the problems of discrimination and exclusion of foreigners, and they have challenged national policies, often by beginning at the local level. Moreover many national policy changes have also applied to other foreign residents or led to controversies over whether to give equivalent treatment to other foreign residents” (ibid., 11).

These three quotes not only give a better explanation as to why Japan needs to have a unified consistent vote on one National law for immigrant, but also provide examples of why it works. A national level policy and law for immigrants and migrant workers could be used as guidelines for the individual prefectures, instead of the prefectures all having different policies for different residents. There is still a demand that immigrants be treated fairly and need to be seriously considered for basic citizen rights. By also understanding Japanese history, Japan has always been for the betterment of their people, however as globalization continues, Japan needs to begin to assimilate towards un-bias diversity.

#### *Groups that Promote Advocacy*

Until the Japanese Government decides to unify its policies for immigration and migrant workers, some prefectures have taken it upon themselves to advocate for these individuals and groups.

“Japan exemplifies advocacy-promoting governance, in which civil society groups lacked strong effective inclusion nationally before devolution but have worked in cooperation with local and regional authorities to produce a foundation of emerging practice, policies and institutions that have become the basis for effective national advocacy for immigration” (Milly 2014, 13).

“The general patterns of policy advocacy and governance have been associated with different patterns of policy change for immigration and immigrants. Under advocacy-integrated and advocacy-reinforcing governance, early political inclusion of advocates at the national level produced a nationally specified system of both governance relationships and policy standards to support immigrants; the national framework of standards has encouraged the spread of immigrant supports but also constituted a brake at times on restrictive local policies. Japan identifying alternative means of advocacy is especially important because of the weakness of humanitarian civil society organizations in national politics of the country” (ibid., 13).

“Japan has lacked strong national political inclusion of humanitarian civil society groups, and its development of models for immigrant policies has occurred in governance processes that have been discontinuous with national policy and processes” (ibid., 32).

“Japan’s tiered structure of governmental authority includes forty-seven prefectures, twenty cities with populations over five hundred thousand with more autonomy than a municipality but subordinate to a prefectural government and municipalities” (ibid., 32).

“Decentralization of government responsibilities, along with measures that promote greater accountability by officials to citizens, has contributed to an apparent strengthening of the roles of local governments and of citizens in politics. Initiatives for decentralization of government began in the early 1990s and despite initial reluctance, local governments gradually took a more proactive role in using the opportunities to innovate. In 1999 the Omnibus Decentralization Law, produced a shift toward a more equal relationship between sub national and central governments...by the 2000s, local governments, often informally as groups of prefectural governors were coordinating in response to demands of local citizens for a greater role in decision making” (ibid., 33).

We now have an example about social societal groups in forty-seven prefectures. Each Prefecture has a different set of rules and regulations for their citizens and immigrants to follow. It could be speculated that each prefecture having its own form of government affairs on how to accommodate immigrants, might seem appealing. The appeal could be from the fact that, each prefecture answers to their own citizens and laws.

#### *History of Policy progressions*

“The intense debate in Japan over foreign-labor migration in the late 1980s ended with a forced compromise that never resolved basic tensions. Despite the pressures for opening Japan to immigration, not only was discussion of allowing foreign-labor migration effectively halted, so too was discussion of possible policy changes needed to support foreign migrants, their families or possible permanent settlers” (Milly 2014, 62).

“For irregular immigrants, during the 1990s, problems associated with family and settlement came to overshadow work-related problems of laborers and policy changes occurred primarily in administrative implementation and practice as a response to court decisions, administrative pressures, media pressures, and even interest group pressures” (Milly 2014, 63).

“By the late 1990s the core issues had shifted from labor protections and access to health care options for regularizing one’s own and one’s family’s status, access to social protections, and children’s education” (ibid., 66).

“When it came to labor protections for migrants during the 1990s and well into the 2000s, policy modifications occurred in the form of clarifying the labor rights of migrant workers and trainees along with increase monitoring of the treatment of trainees” (ibid., 68).

“The Immigration Bureau’s second Basic Plan for Immigration Control of 2000 dealt mainly with the need for tighter enforcement and the importance of employment of highly skilled

professionals, an emphasis characteristic of the established policy direction of the 1990s. By the early 2000s civil society groups and the local governments were trying to stimulate a national discussion that would address failings in policies for both immigration and immigrants” (ibid., 70).

These quotes express the historical recount of Immigrant Policy Implications progress from the 1980s-2000. In here we see the diversity of how societal groups have progressed in their demands of immigrants and migrant workers.

### *Improvement Still Needed*

With any new quota or agenda within government, there will always been improvement needed. The following quotes explain this perception and give a view as to why it is necessary.

“The inclusion of members of both an advocacy organization for foreign migrants and a representative of city officials with a vested interest is a strong statement of how governance and advocacy had become intertwined in national policy discussions. If local governments have tilted toward an advocacy that serves governance efforts, advocates have tilted toward governance initiatives that serve their national advocacy agenda” (Milly 2014, 110).

“Elite divisions in Japan have more completely impeded efforts both nationally and locally to ensure equal and equitable treatment of foreign residents.

The political situation in Japan suggests that continuing division among elite and public attitudes may well contribute to processes of continued quiet incremental changes in national immigration and immigrant policies while individual communities continue to develop their own approaches to including immigrants” (Milly 2014, 111).

“The fact remains that the obstacles to national policy change for immigration and immigrants, permitting only change at the margins, are emblematic of the general state of national

leadership in Japanese politics... the frequent paralysis of leadership over many central issues for the Japanese people as left citizens and local governments to fend for themselves while trying to have a national political impact (ibid., 203-204).

These final quotes elaborate the fact that Japan still needs a lot of improvement within their Immigration policies; however, they are progressing quicker each year. As a whole, the above quotes imply that Japan is constantly going through and rise and fall cycle of their national public policy for immigrants and migrant workers. The push to have a concrete national policy is still in the making for the year of 2015-2016. For the years of 2010-2014 specifically, Japan still lacks the necessary unification of ideas to set a concrete national policy. On the positive side, Japan has more citizens involved in the process of making their own rules in order to handle immigrants in their specific prefectures. The problem is, that there are no defined rules on discrimination for workers, permanent residents and or students (children of immigrants).

This analysis shows that Japan is a homogenous society and not privy to immigration in general. However, Japan is not completely homogenous because of ethnically Chinese or Korean citizens living in Japan pre- and post-World War II. Despite Japan not being homogenous, it seems as if it likes to hold on to the notion of its Japanese-ness. Meaning that they are fully Japanese, and Japan belongs to the ethnically native Japanese people. The steps to diversity and acceptance seem to be moving at a slow pace if at all. My analysis indicates to me that it is important to have both solid and unified national law as well as laws varying on the different prefectures. I would think that it would be easier and more uniform if there was one unified national law; however each prefecture has their own laws but they all must respect the constitutional rules that apply for humanitarian treatment of immigrants. Currently Japan and the US are discussing their laws on immigration and border controls.

## Education of Immigrant Worker Families

Quotes from Takeyuki Tsuda and Nanette Gottlieb's works may answer my second question: How does education enable migrant workers and immigrants to have a smooth transition into Japanese society?

### *Issues within the Public and Private Education System: Non Acceptance and Japanese Language*

Coming back to my previous comment, about how Japan has control of who comes into the country, who stays, and who assimilates to survive. We have these following quotes that show, in a way, that Japan might not explicitly want people to learn and understand the language and culture. The local governments at least try to help where they can.

“By 2002 many cities had private specialized schools such as “Brazilian schools” where classes are taught in Portuguese and credits can be transferred to schools in Brazil upon return” (Tsuda 2006, 101).

“Most municipal boards of education do not recruit foreign children to the public schools... immigrant parents cannot afford the tuition at these schools” (Tsuda 2006, 100).

“Education of immigrant children is important because it helps them with their language skills and is the foundation of societal accommodation” (ibid., 101).

“Citizens from local prefectures, many of them women, have organized to teach Japanese to immigrants and to help their children in their school studies” (ibid., 99).

We see that Japan is still struggling to assimilate non- Japanese into their society. There still seems to be a “cold hand” being dealt to immigrants or migrant workers who aren't of Japanese descent. Luckily many women have started to step up and help provide for these children, in order for them to get an education.

### *Giving Back: Financial Support and Outreach Women*

Again as stated in the previous collection of quotes, we see that Japan still has a lot to learn in terms of organizing educational rights for immigrants and migrant workers and their families, but here we still that advocacy is still present in the local level, especially amongst women.

“The local governments have helped immigrant parents receive little financial support” (Tsuda 2006, 100).

“To compensate somewhat for their unfamiliarity with the Japanese language and Japan’s school system, immigrant parents began gathering to exchange information about schools customs and also to collect used textbooks, backpacks, and clothing for new arrivals (students). Because most of the parents worked, they had only a few hours in the evenings and on weekends during which to participate in the parent’s networks” (ibid., 107).

“Many mothers in the network also participated in activities organized by Japanese mothers in the school’s parent-teacher association (PTA)” (ibid., 108).

“Achieving greater ethnic diversity within Japan has the potential of broadening the scope of the country’s intellectual creativity and enhancing its social vitality and international competitiveness” (Gottlieb, 2012, 3).

“Within the context of Japan’s increasing immigrant population, there is a worldwide phenomenon, namely the children who are moving beyond national, regional, and linguistic borders at the behest of their migrant parents” (ibid., 12).

It is the women in the prefectural social societies that are helping non-Japanese students and even their parents, with passed down/old textbooks for lessons, as well as to help by teaching them Japanese and encouraging them to continue. The data show that education is an important

asset to assimilation into Japanese society; however, a person can't necessarily grow, when they don't have the resources, funding and location to acquire an education. In Japan, most schools from the years of 2000-2008 do not recruit or accept students who are the children of migrant workers. When a child can't attend school, the child can't attend the school intended to help them better assimilate into Japanese culture. As a result, some children never end up assimilating in the society. Education for immigrant children is important so they can grow in and with Japanese society. Children can come to live in Japan in varying ranges of age, and each of them has a different native language they are proficient. When a child is uprooted from their original country at a younger age, they are able to pick up a new language quickly this can also be known as a Cross Cultural kid or a Third culture kid. The terms were used to describe the children of soldiers post World War II in the 1950s. When a child has moved from their national country to a different county at a young enough age were they remember culture and language norms of both countries. That child becomes a third culture kid. Meaning they fit into countries but at the same time they don't. This can make assimilation easier to them or more difficult but because they are still seen as "foreign" and therefore many Japanese schools will still present issues with these "foreign third culture kid students."(Embassy of Japan, 2015, 3).

### Human Rights and National Rights

I looked for answers from Stuart Robert Yoder's work to my final question: What are the Human rights and National Rights of migrant workers and immigrants in the Japanese government, and how are they treated?

#### *Stereotyping and Inequality*

With any new group of people coming into a society identified as one unit or people, there will be racism and inequality as well as stereotyping. The reason could be media reporting



one or two bad experiences with a certain person from a particular group. Japan is still learning to deal with these social issues.

“Japan does not warrant citizenship based on birth-in-country scenarios. Citizenship is only warranted by nationality of the parent(s). This causes numerous issues such as the result of dual citizenship, and how migrants occupy a semi-lower class position in Japan...migrants are blocked from assimilating into Japanese society except through naturalization, which is nearly impossible and requires a lot of paper work, documentation, five continuous years in the country, financial stability etc” (Yoder 2011, 56).

“When immigrants attempt assimilation into Japanese society, there always is a “stereotypical image by media and the Japanese government. This notion always follows “that” particular foreigner around; based on how media portrays them, and also how Japanese nationals have their own reservations about staying “purely” Japanese” (ibid., 154).

“With discrimination and prejudices, there are no laws protecting them, so finding jobs, even housing can be difficult. Especially if a foreign migrant is looking to be a resident permanently, the hardships can leave a foreigner left powerless. The third point is cultural congruence, which is the different cultural, and how there is a lack of an educational system that helps foreigners better assimilate in Japanese society” (ibid., 108).

“The link between inequality and deviance is that foreigners turn to deviant acts as a quick way to better assimilate to Japanese society, and or deviance is another image that Japanese nationals might peg onto some foreigners which perpetuates more discrimination. This is a cycle because the inequality is within the Japanese system of society, making it almost impossible for a foreigner to be fully incorporated with Japan” (ibid., 154-155).

“The inequality is within the Japanese system of society, makes it almost impossible for a foreigner to be fully incorporated with Japan” (Yoder 2011, 154-155).

Yoder describes the hardships that not only foreign migrants face, but also the youth of Japanese nationals. Yoder gives a negative perspective on the Japanese Government’s policies on migrant workers and Japanese youth. Both face stringent institutionalized controls in Japan. Japan does not warrant citizenship based on birth-in-country scenarios but only warranted by the nationality of the parents. Three societal conditions that categorize migrants in a subordinate status include blockade, lack of protection, and cultural congruence. Migrants are blocked from assimilating into Japanese society except through naturalization, which is nearly impossible and requires a lot of paper work, documentation, five continuous years in the country, financial stability, and so on. No laws protect migrants from discrimination and prejudices in finding jobs and housing. The hardships can leave a migrant worker powerless. The link between inequality and deviance is that foreigners turn to deviant acts as a quick way to better assimilate to Japanese society, and or deviance is another image that Japanese nationals might peg onto some foreigners which perpetuates more discrimination.

Based on my research, the treatment of the youth and immigrants can be described as a “double standard”. It is unfair how there is racial profiling happening in Japan depending on the foreigner, and the assumption that the foreigner would be a waste of time training versus a Japanese native, especially if that foreigner doesn’t “look Asian.” I also question what the human/national rights that immigrants have in Japan that can protect them from such hindering prejudices.

The issue with immigration is deeper than just educational rights, and even policy. If in prefectures there are already negative connotations, immigrants will be treated as the following

way, and when the government has no laws or policies that protect the rights of immigrants, how can an immigrant strive to survive in the country? If immigrants don't have national access to education, their assimilation to Japanese society will not produce desired results. This can cause potential homelessness and create a bigger gap in Japanese society, such as the age gap and rising poverty rate. If the Japanese Government doesn't have official laws on the treatment of immigrants as well as job opportunities and no education, the above quote will be a consequence to lacking all the basic needs for an immigrant to properly assimilate into a society.

### **Conclusion**

The Japanese government policy implications for migrant workers are that anyone is able to become permanent residents despite the ethnic background. Japan does not have a national policy, but various local government organizations have taken responsibility for migrant workers and their families. The modified Government quota for migrant workers is that anyone can become a resident as long as that person or persons know the Japanese language and culture. There are still discrepancies when it comes to acknowledging different socio-ethnic groups such as Brazilian, Peruvian, and other ethnic minorities.

Japan has free education for all Japanese citizens or recognized Japanese citizens from grades Kindergarten to 12<sup>th</sup> grade. Over the years Japan has been changing its school system to better accommodate migrant worker and immigrants' children. Schools and school programs around Japan's prefectures have become more available for foreign migrant and immigrant children through the effort and action of local governmental organizations.

The United Nations has been working with the Japanese government on ending inequality in Japan for immigrants. There is a national acceptance of persons willing to work in Japan, most

Japanese citizens would prefer immigrants and migrant workers to be of East Asian heritage, followed by American, and European. However, most immigrants in Japan are of Latin American decent. Japan still has laws that don't fully accept persons living in Japan for an extensive amount of time. The Japanese government towards migrant workers and immigrants seems to be more of a temporary affiliation.

Having a more nationalistic law regarding equal rights for immigrants could further assist immigrants to assimilate into Japanese society. The affects for immigrants and migrant workers and their families coincide with that of globalization and market expansion. Having official national policies for immigration, human rights of immigrants, and education of immigrant children are important, not only for the people who are already facing these challenges but also for future persons that wish to live in Japan and work there. I believe that Japan has come a long way in regards to its ambition to diversify; although, Japan still has a long way to go. This could possibly sway Japan to finally accept its minorities and immigrants and see the bigger picture, that the world is diverse and that each country has and will have immigration issues. It is the policies that will make or break a country in the ever changing global society.

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