CHAPTER FORTY-TWO

IMMIGRATION POLICY:
FRAMEWORK AND CHALLENGES

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1. Introduction

Changes in Japan’s migration policy are occurring, both in response to Japan’s recent economic restructuring, and in response to a more heightened sense of urgency for national security after the 9/11 attacks. Perceived increases in crimes by migrants in Japan, abetted by disproportionate focus in the media in recent years, also affect the policy framework. Furthermore, the spectre of the impending population decline also influences migration policy discourse. Governmental agencies as well as economic organizations realize that migration policy must react to these trends, but there is as yet little consensus around what exactly a new vision should be. That the old framework is flawed and inadequate to meet current concerns is obvious. The Ministry of Justice (MOJ) has stated as much in the 9/26/2006 report of a project team related to the reception of foreigners in the future, later analyzed in this chapter. The Ministry has also recently published a 3rd edition of the Basic Plan for Immigration Control, in which they state, “The time has come to decide what the role of Japanese administration of immigration control should be in this age of population decline” (MOJ 2005: 216).

In this chapter, I will first acquaint the reader with the general trends in migration to Japan from the late 1980s onward, and then turn to the question of how Japanese intellectuals and others have responded to the suggestion that low birth rate projections should be compensated for by increased migration. In the final section, I will discuss the latest government responses toward changing the migration policy framework. Due to spatial limitations, it is impossible to cover the migration policy framework in all its intricacy, but I would urge the interested reader to

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2. CURRENT MIGRATION TRENDS AND POLICY

Before the 1980s, the majority of “foreign workers” in Japan were South Korea and North Korea-affiliated Koreans, as well as some Taiwanese, who, as a legacy of Japan’s imperialist past, had remained in Japan after WWII and whose relationship to the Japanese state as citizens of the Empire had been nullified. They were given the status of “special permanent resident” (tokubetsu eijūsha). In 2005, 451,909 special permanent residents remained in Japan (MOJ 2006a). These peoples are often referred to as “old-comer” residents. The number of people in this category is shrinking steadily in recent years as those who seek to become naturalized citizens increases.

The status of “permanent resident” (eijūsha), is granted only after the person has lived for a period of time in Japan, generally at least ten years, although this is now being revised. Granting of the status is at the discretion of the MOJ. This group of people has been increasing as “long-term residents” (teijūsha) seek a status that will allow them to remain and work in any occupation permanently in Japan, without rescinding their citizenship in their homelands. There were 349,804 permanent residents in 2005 (MOJ 2006a).

Legal benchmarks leading to new immigration were made when MOJ revised the Immigration Control and Refugee Recognition Law (Shutsunyūkoku Kanri Oyobi Nanmin Ninteihō) in 1989, allowing peoples of ethnic Japanese descent, mainly from Brazil and Peru, to come to Japan with their families to work in any category (including unskilled work) for periods of up to three years. This coincided with extremely high inflation in Brazil, so there were many Brazilians desirous of seeking out job opportunities in Japan, where the yen was very strong, and it seemed possible to accumulate funds even given Japan’s much higher cost of living. Many of these people became employed in the auto parts and automobile industry, as well as in welfare care-giving work. This group of people comes into Japan under the status of “long-term resident” (teijūsha), numbering 265,639 registrants in 2005 (MOJ 2006a). Japanese nationals who had been stranded in China at the end of WWII (zanryū koji and zanryū fujin) who repatriated to Japan, and persons granted asylum as refugees, also are included in the long-term resident category.