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Migration Policy and Social Integration of Southeast Asian Workers

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บทคัดย่อ

ในปัจจุบัน   แรงงานข้ามชาติจากเอเชียตะวันออกเฉียงใต้เป็นประชากรที่เพิ่มมากขึ้นในประเทศญี่ปุ่น เพราะการเปิดรับแรงงานข้ามชาติไม่เฉพาะแรงงานทักษะสูงแต่ประเทศญี่ปุ่นได้เริ่มเปิดรับแรงงานที่มีทักษะต่ำ ด้วยในทุกวันนี้   มีการปฏิรูปกฎหมายหลายครั้งควบคู่ไปกับจำนวนผู้อพยพที่เพิ่มขึ้นก่อนและระหว่างการ ระบาดใหญ่ของโควิด-19 (คำถามที่ว่า) อะไรทำให้เกิดการเปลี่ยนแปลงทางกฎหมายเหล่านี้ หรือ ชุมชนท้องถิ่น พยายามที่จะรวมแรงงานข้ามชาติดังกล่าวในการพัฒนาเศรษฐกิจและสังคมของตนอย่างไร และการบูรณาการ ทางสังคมของผู้ย้ายถิ่นและครอบครัวเกิดขึ้นได้อย่างไร   บทความนี้แสดงให้เห็นว่าประชากรจากเอเชีย ตะวันออกเฉียงใต้ขยายตัวอย่างไรในประเทศญี่ปุ่นร่วมสมัยที่การแก่ชราและภาวะเจริญพันธุ์ลดลงอย่าง รวดเร็วร่วมกับการติดตามการปฏิรูปกฎหมายคนเข้าเมืองและกรณีใหม่ๆ ที่เกิดขึ้น ในระดับท้องถิ่นแล้วผู้นำ ทางสังคมในประเทศมีการวิพากษ์วิจารณ์รัฐบาลว่าขาดนโยบายการย้ายถิ่นฐานที่เหมาะสม ในขณะเดียวกันก็ คาดหวังการแก้ปัญหาการขาดแคลนแรงงานอย่างมาก ในระดับสากลประเทศต้องเผชิญกับข้อเรียกร้องที่จะมี ส่วนร่วมในการพัฒนาภูมิภาครวมถึงการจัดหางานสำหรับการเติบโตของคนงานรุ่นใหม่ในส่วนอื่นๆ   ของ ภูมิภาคเอเชียได้อย่างไร   ด้วยเหตุนี้   ความคาดหวังทางสังคมทั้งในระดับท้องถิ่นและระดับโลกจึงเกิดขึ้นใน ประเทศที่จะมีการเปลี่ยนนโยบายในการรับแรงงานข้ามชาติมากขึ้น   จนถึงขณะนี้   ประเทศญี่ปุ่นถูก วิพากษ์วิจารณ์ว่ามีแรงงานจำนวนมากภายใต้วีซ่าประเภทฝึกหัดหรือผู้สมัครวีซ่าซึ่งเป็นรูปแบบหนึ่งของการ

แสวงประโยชน์จากแรงงาน ดังนั้นการประเมินการเปลี่ยนแปลงทางสังคมและกฎหมายไปสู่สังคมที่มีความหลากหลายทางวัฒนธรรมมากขึ้นถือเป็นกรณีสำคัญในการคำนึงถึงการบูรณาการทางสังคม ความไม่เท่าเทียมกัน และความยั่งยืน การศึกษานี้ให้ความกระจ่างแก่ผลลัพธ์เหล่านี้โดยอิงตามวรรณกรรมเกี่ยวกับการย้ายถิ่นและการทำงาน โอกาสในการจ้างงานที่เท่าเทียมกัน และเพศและความเป็นพลเมืองในโลกาภิวัตน์

คำสำคัญ: การโยกย้าย; การเปลี่ยนแปลงทางกฎหมาย; การบูรณาการทางสังคม

Abstract

Migrant workers from Southeast Asia are a growing population in Japan today. The country has begun receiving not merely highly skilled professionals but low-skilled workers as well in its recent history. A number of legal reforms took place alongside the increasing number of migrants there before and during the Covid-19 pandemic. What brought these legal changes? How do local communities attempt to include such migrant workers in their socioeconomic developments? In what ways is social integration of migrants and their families taking place? This paper shows how the Southeast Asian population has expanded in contemporary Japan where rapidly aging and fertility declining, tracing its immigration legal reforms and emerging case stories. Locally, social leaders critiqued the government for lacking decent immigration policy, whilst solving the labor shortage was strongly anticipated. Internationally, the country faced demands to contribute toward regional development as well by providing jobs for growing young workers in other parts of Asia. Accordingly, both locally and globally, social expectation emerged for the country to change its policy towards receiving more migrant workers. Thus far, Japan is criticized for having many of those workers under a trainee or candidate visa category as a form of labor exploitation. Evaluations of the socio-legal transformation toward a more multicultural society provide an important case to contemplate social integration, inequality, and sustainability. This study illuminates these results based on the literature on migration and work, equal employment opportunities, and gender and citizenship in globalization.

Keywords: Migration; legal change; Social integration

Introduction

Migration is a growing trend in the world. In the "age of global migration" (Castles & Miller, 2009), social and legal transformations have been taking place in Asia, just as in the rest of the globe. Workers from Southeast Asia to Japan are a rapidly emerging group and comprise over 30% of the immigrant population of the country today (Immigration Services Agency of Japan, 2022).

The country was once hesitant to receive migrant workers; however, it has officially opened its door to both highly skilled and low-skilled workers from abroad. Japan's constant growth of immigration occurred along with a series of legal reforms. In what way are legal reforms and social integration of migrants taking place in the country which was once known for its rigid legal restrictions against immigration (Douglass & Roberts, 2000)? While older groups of immigrants from the country's colonial history have documented their generational transformations of ethnic identity (Kim, 2003), what issues have emerged with the growing new population from Southeast Asia since before and during the Covid-19 pandemic? Are these social developments sustainable for both immigrants and their host society?

Migrants encounter a variety of work and family related challenges in their destination country. While new institutional approach indicates institutional structures become isomorphic across modern nation-states in globalization (Meyer & Rowan, 1977; Meyer et al., 1997), migration infrastructure or the structure of social actors either promoting or restricting migration flows (Xiang & Lindquist, 2014), has yet to be investigated holistically nor theorized comprehensively in Japan. This paper illustrates how the Southeast Asian population has expanded, examining its immigration trends with related legal and structural changes with case stories in contemporary Japan. Two major pathways for Southeast Asian workers to move into the country today are as intern trainees in a variety of workplaces and as care worker candidates or assistants for elderly care homes and hospitals. The country is one of the most rapidly aging society in the world. Twenty-nine percent or over 36 million people of Japan's population (124,947,000 in 2022) are the elderly, 65 years old or older (Japanese Ministry of Internal Affairs and Communications 2022). In addition, since 1974, the total fertility rate per woman has been below the replacement level of 2.1 babies per woman in the country. Not surprisingly, the youth population has shrunk since then, while senior citizens have grown further as the post-WWII baby boomers began aging and joined the elderly population group. This demographic structural change has led to an increased demand for young migrant workers, as a result. Japan's labor shortage due to the demographic transformation, with rapid aging and fertility decline, and diplomatic relations pushed the government to take steps toward increasing acceptance of workers from outside.

The demands on migrants as a result matched the Southeast Asian nation's wish to secure jobs for their growing younger workers. The political leaders stressed as a public stance that such increased acceptance was "not an immigration policy" but rather an "international contribution", while criticisms of exploitation arose for it taking advantage of young workers as low status trainees or

candidates (Koido & Kobayashi, 2018; Shinohara, forthcoming). In order to grasp the transformation, this study delves into official documents and adopts a trajectory mapping method to analyze the historical sequences of the sociolegal/political outcomes, development patterns, and labor process (Aminzade, 1992; e.g. Burawoy 1985). Social integration and citizenship are challenged in a society receiving international migration (Tarumoto, 2001). Particularly, "rights" issues of such workers and their families should be of concern and should be swiftly resolved. Social developments would not be sustainable, unless inequality issues are faced and resolved.

Migration Trends and Demographic Characteristics

Since the beginning of the millennium, Japan has accepted the largest number of international populations in its history. Table 1 shows the total numbers and percentages of migrants to Japan in 2000 and 2022 based on their countries of origin. The total of such residents from abroad grew from 1,686,444 (2000) to 2,961,969 (2022) over this span of time (Table 1). In other words, over 1 million additional people moved into the country in the last two decades – a 60 percent increase in migrant residents since 2000. While Japan's entire population has declined from 126,926,000 in 2000 to 125,104,000 in 2022, the number of those international residents has grown considerably, as Table 1 shows. It is important to note that the table does not include those over-stayers who are, as a result, illegal migrants. As of January 1, 2022, the number of illegal migrants in Japan are 66,759 (Immigration Services Agency of Japan 2022a). Of those, South Koreans are the largest group (11,631), followed by Thai (7,783), Chinese (7,716), Vietnamese (7,148), Filipinos (5,148), Indonesians (3,450), Taiwanese (3,319), Malaysians (1,693), Suri Lankans (1,314), and Nepalese (977). Close to 40 percent (37.8%) of illegal over-stayers in the country are originated from Southeast Asia. As a trend, the illegal residents in Japan are in decline.

Expanding Southeast Asian Population

What is the state of migration from Southeast Asia to Japan where the population from outside has been increasing today? The largest and fastest growing group in the early 2020s is the Vietnamese, followed by the Filipinos, Indonesians, and Thais (See 2022 in Table 1) . Those from Myanmar are another growing group, although it is not ranked in the largest groups yet. Among the top ten migrant groups back in the year 2000 (See 2000 in Table 1), Southeast Asians were only 210,414 in number, approximately 12% of the entire immigrant population of the country. That population has grown significantly to 905,199, over 30% of the country's migrant population, in 2022.

This is expected to increase even further as Japan's immigration control legal reform in 2021 added new job categories to the specified skills work visa.

Table 1 Migrants to Japan and their Countries of Origin 2000-2022

2000		2022*	
Countries of Origin	TOTAL N (%)	Countries of Origin	TOTAL N (%)
1. Korea	635,269 (37.6)	1. China	744,551 (25.1)
2. China**	335,575 (19.8)	2. Vietnam	476,346 (16.1)
3. Brazil	254,394 (15.0)	3. Korea	412,340 (13.9)
4. Philippines	144,871 (8.5)	4. Philippines	291,066 (9.8)
5. Peru	46,171 (2.7)	5. Brazil	207,081 (7.0)
6. U.S.A.	44,856 (2.6)	6. Nepal	125,798 (4.2)
7. Thailand	29,289 (1.7)	7. Indonesia	83,169 (2.8)
8. Indonesia	19,346 (1.1)	8. U.S.A.	57,299 (1.9)
9. Vietnam	16,908 (1.0)	9. Thailand	54,618 (1.8)
10. U.K.	16,525 (0.9)	10. Taiwan***	54,213 (1.8)
Others	143,240 (8.4)	Others	455,488 (13.7)
Southeast Asia		Southeast Asia	
4.+7.+8.+9.	210,414 (12.3)	2.+4.+7.+9.	905,199 (30.5)
Total	1,686,444 (100)	Total	2,961,969 (100)
Data: Immigration Services Agency of Japan (2000 & 2022b). Author created this table with selected data categories. *The 2022 data is the mid-year report from June 2022. **includes Taiwan, Hong Kong, and Macau in 2000. **reports as one category and the 10th group of the population ranking in 2022.			

Newer immigrant groups from Southeast Asia have received growing attention particularly as capable workers who play important roles in aging Japanese society. Healthcare worker migration from Indonesia, the Philippines, and Vietnam has been studied for the human resource usability within the specific legal frame of the Economic Partnership Agreement (Hirano, 2018). Similarly, healthcare workers from Southeast Asia to Japan have been examined with a focus on the subsequent legal reforms and news media portrayals in globalization (Shinohara, 2016). In addition, the rising influence of the migration industry has been documented with the commercialization of

transnational mobility (Koido, 2021). Little attention is paid, however, to disclose how the social transformation has developed in recent expansion of global migration and in the time of Covid-19.

Table 2 shows Southeast Asian national groups in Japan in order of the population ranking with selected visa status. The major Southeast Asian group is the Vietnamese (1. in Table 2; 432,934 in total), comprising close to one half of the regional migrants in the country (48.8%). Among them, the Technical Intern and Training Program (TITP) visa holders are the largest (160,563) visa status group, followed by the Engineer/Specialist in Humanities /International Services (Engineer/Specialist) visa holders (64,200) and students (46,403). The second leading group is the Filipino (2. in Table 2; 267,615 in total), consisting of a third of the regional migrants (31.2%). Among them, the Japanese citizens' family members (25,538) are the largest, followed by the TITP visa holders (23,186) and permanent and long-term residents (198,096). The third leading group is the Indonesian (3. in Table 2; 59,820 in total) (6.7%), with the TITP visa holders being the largest (25,007), followed by the residents (9,829) and students (4,686). The Thai migrants (4. in Table 2; 50,324 in total) are the fourth group (5.7%), with the resident visa holders being the majority (25,743), followed by the TITP visa holders (7,478), and Japanese citizens' family members (7,192). While the majority of Vietnamese and Indonesians live with their temporary visa status, the vast majority of the Filipino and Thai migrants hold family and long-term resident visas. These four national groups in Japan represent 92.4 percent of the Southeast Asian migrant population in 2021.

Another set of recent statistics shows the rates of employees from abroad and their countries of origins. The registered international employee statistics (Japanese Ministry of Health, Labour, and Welfare 2021) reveal that Vietnamese (26.2% of all the registered employees from abroad) are the largest group of migrant workers in Japan. Those from China including Hong Kong and Macau are the second largest (23.0%), followed by the Filipinos (11.1%), Brazilians (7.8%), Nepalese (5.7%), South Koreans (3.9%), Indonesians (3.1%), and Peruvians (1.8%). The workers from other Group of Seven (G7) nations, such as the Unites States and United Kingdom, are collected together in the statistics as a minority group of international workers (4.6%). In sum, over 40% of migrant workers in Japan nowadays are from and rooted in Southeast Asia. How then has this change occurred with legal reforms in globalization?

Table 2 Southeast Asian Migrants in Japan with Selected Visa Status in 2021

Countries of Origin	Total N (%)	Visa Status								
		TITP	Nursing Care Work	Engineer/ Specialist	Specified Skills 1	Student	Family	Citizen's Family	*Residents	All Others
1. Vietnam	432,934 (48.8)	160,563	1,906	64,200	31,721	46,403	31,351	5435	28,082	63,273
2. Philippines	276,615 (31.2)	23,186	365	7,784	4,607	1,600	3,732	25,538	198,096	11,707
3. Indonesia	59,820 (6.7)	25,007	383	4,120	3,889	4,686	3,012	2,236	9,829	6,658
4. Thailand	50,324 (5.7)	7,478	11	2,251	1,034	2,216	652	7,192	25,743	3,747
5. Myanmar	37,246 (4.2)	11,388	138	6,087	2,294	3,207	1,123	574	5,122	7,313
6. Cambodia	14,736 (1.7)	7,475	23	341	990	579	103	343	2,040	2,842
7. Malaysia	9,659 (1.1)	27	2	2,079	13	2,169	907	535	3,258	669
8. Laos	2,823 (0.3)	356	0	66	51	233	48	144	1,769	156
9. Singapore	2,738 (0.3)	0	0	583	0	191	167	360	1,124	313
10. East Timor	40 (0.0)	0	0	0	0	35	0	1	1	3
11. Brunei	39 (0.0)	0	0	9	0	15	1	4	5	5
Total	886,974 (100)	235,480	2,828	87,520	44,599	61,334	41,096	42,362	275,069	96,686

Author created this table with the selected data categories from the following data.

Data: Immigration Services of Japan. (2021). Ministry of Justice. Retrieved in October 2022 from https://www.moj.go.jp/isa/publications/press/13_00001.html

*includes special permanent residents, permanent residents and their family members, and long-term residents.

Immigration Legal Reforms in Globalization 2000-2022

Southeast Asian immigrant populations have grown in Japan along with a series of immigration related legal reforms. What brought these legal changes? Globalization research provides explanations for socio-legal and cultural resemblances of social structural trends and institutionalized policy across nation-states (e.g., Meyer & Rowan, 1977). International organizations are designed on world culture and world citizenship (Boli & Thomas, 1999). This theoretical tradition recognizes migration and related social change as part of world culture; such world models have been developed and institutionalized, shaping local identities, values, and behaviors toward globally uniform models (Meyer, 2009; Boli & Thomas, 1999). Despite traditions and cultures, individuals as well as organizations and nation-states seek to legitimize our actions aligned with the directions guided by such world models (Meyer, Boli, Thomas, & Ramirez, 1997). This theoretical perspective

provides us understanding of why Japan, long reluctant to accept immigrant workers, has transformed itself as a country with growing immigrant populations.

Growing research focuses on the global mobility of workers, such as care workers (Ehrenreich & Hochschild, 2004; Hochschild, 2000). Southeast Asian care workers have migrated to Europe (Ito, 2016), to Northeast Asia and more globally (Shinohara, 2018). Up to now, studies on migration in Japan underscore the importance of global impacts: global policy adoption, global networks including international economic relations and other local interest groups. This study suggests taking Japan and its global networks into account, beyond local or national contexts, to consider how it has created legally conscious conditions for the country to embrace a new change. For instance, Japan today is an immigrant-receiving host society, experiencing the labor shortage with limited young and eager workers, whereas many neighboring countries are migrant worker sources, overflown with capable workers determined to travel and work. Migration is a developing trend in Southeast Asia due to population growths, rural poverty, and other social inequality, and crises (e.g. Charoenratana & Shinohara, 2018). Therefore, the world society view (Meyer et al., 1997) offers a reliable explanation for the transformation of a country in globalization, becoming an immigrant-accepting society particularly.

No Decent Policy for Immigrant Workers

The population growth from abroad was recognized as an emerging cultural diversity in Japan at the dawn of the millennium. Scholars have, however, recorded social challenges at both community and legal/policy levels (e.g. Tarumoto, 2003). They have argued against the lack of national policy on immigrant workers. Previously the country had no official legal system to accept low-skilled workers from outside the country. Yet, the incoming workers accounted for close to 1 million, which was a top in the 35 Organisation for Economic Co-operation and Development (OECD) countries by the mid-2010s (ADB Institute, ILO, & OECD, 2015). De facto immigrant workers had been accepted for filling the labor shortage. The Japanese legal trends on immigration were not simply based upon the supplemental role of workers in the market, however.

Pushed by the reality, Japan has gradually amended laws to accept incoming migrant workers. Japanese descendants from abroad, such as the second and third generations of Japanese-Brazilians and Japanese-Peruvians, have been allowed to stay in the country with the long-term resident visa to work with fewer restrictions since the 1990s. In addition, the labor shortage since the 1980s, emerged in the dual structure of employment work (Gordon, 2017), has produced

growing numbers of local female employees and migrant workers into the country as well. Younger employees in creative industries, for instance, compete with workers in emerging Asia, working long hours with low wage and modest benefits, if any (e.g., Ergin & Shinohara, 2021). Consequently, these human resources from abroad were gradually perceived by Japan as crucial for its local and national economic development. Formerly, the government long refrained from acknowledging the labor shortage and was reluctant to adopt an immigrant worker policy (Asato, 2014). Clearly, by the early 2000s social leaders recognized that immigrant worker policy should have been integrated into local level policy, and they critiqued the country's challenges without decent immigrant worker policy. Subsequently, stronger expectation emerged for Japan to develop strategic policy for incoming workers by the mid-2010s.

Table 3 shows Japan's migration legal reform history and selected events related to migration from Southeast Asia between 2000 and 2022. This history map helps us visualize and comprehend the legal reform processes and related conditions, not just in the local national context (left column in Table 3) but as well in the networks with the regional neighbors (right column in Table 3). Precisely, the right column in Table 3 shows selected immigration related events and legal cases involving Southeast Asia. As the table shows, quite a few legal reforms have taken place in the country. During the early 2000s, Japan amended its Immigration Control and Refugee Recognition Act (Immigration Control Act, hereafter) to be more severely restrictive against illegal migrants. The act legally restricted the re-entry of deported illegal residents (2000 in Table 3). The entertainment visa, which was contributing as a route to human trafficked women to work in the country, also became restricted (2004 U.S. Department of State in Table3).

Table 3 Major Immigration Legal Reforms & Southeast Asia related Cases in Japan 2000-2022

Year	Immigration related Legal Reforms & National Plans	Japan and Southeast Asia related Changes and Events
2000	Re-entry restricted for the deported (No.135*, ICA reform**) Basic Plan for Immigration Control for actively accepting highly skilled workers	
2001		
2002	Increased penalty (deportation for criminal noncitizens) (No.136, ICA reform)	Economic Partnership Agreement (EPA) with Singapore
2003		
2004	Increased penalty & revocation of resident status for illegal immigrants included (No.73, ICA reform)	Japan established a committee on human trafficking and later developed action plan

2005	Entertainment visa restricted for trafficking prevention, penalty added (No.66, ICA & Penal code reforms)	
2006	International researchers & engineers promoted further nationwide (No. 43, ICA & SDA reforms***)	EPA with Malaysia
2007		EPA with Thailand
2008	300,000 International Students Plan by 2020	EPA with Indonesia, Philippines, Brunei EPA care worker candidates, 1st group arrived from Indonesia Court Case: Citizenship, granted to children of unmarried Japanese and migrant parents, no longer conditioned with the parental marital status
2009	Basic Resident Registration Act and other reforms (No.79, ICA reform)	EPA with Vietnam Court Case: A Japan-born Filipina girl w/o registration (Japan Supreme Court case, lost in 2008) legalized to stay EPA care worker candidates, 1st group from the Philippines Japan's 2009 action plan against human trafficking
2010	Technical Intern Training Program unified (part of the 2009 ICA reform)	
2011	Great East Japan Earthquake, Tsunami, Nuclear Disaster, March 11	
2012	Japan International Training Cooperation Organization, later in 2020 renamed as Japan International Trainee & Skilled Worker Cooperation Organization (JITCO) incorporated under the Cabinet Office of Japan	
2013		
2014	Highly Skilled Professionals & other new visa categories established and reorganized (No.74, ICA reform)	EPA care worker candidates, 1st group from Vietnam Japan's 2014 action plan against human trafficking
2015	Domestic Care Workers included (No.107, Strategic Special Zones Law reform)	
2016	Nursing care visa (No.88, ICA reform) Hate Speech Elimination Act enacted (No.68)	
2017		Domestic Care Workers, arrived from the Philippines

		Court Case: Japan-born Thai boy (Tokyo High Court case, rejected in 2016) w/o registration legalized to stay
2018	Specified Skills Visa No.1 and 2 (No.102, ICA reform)	
2019	Specified Skills Visa starts the operation	Covid-19 Outbreak
2020	Specified Skills Visa expanded to 14 job categories (later integrated to 12)	
2021		
2022	Specified Skills Visa reorganized manufacturing categories	Court Case: TITP worker's abandoned babies (Japan Supreme Court case, acquitted in March 2023; Kumamoto High Court case, 2-year probation in 2021)

Data: Selected Legal Reforms and Events by Author (Japanese Ministry of Law; Table 1 in Shinohara *forthcoming*)

*No. =legal reform number of each year's legal record, could include and involve multiple laws

**ICA = Immigration Control and Refugee Recognition Act

***SDA = Special Districts for Structural Reform Act

The Basic Plan for the Immigration Control was proclaimed in order for Japan to actively accept highly skilled workers (See 2000 in Table3). Later, it embarked upon the 300,000 International Student Plan for increasing the number of international students in the country to 300,000 by the year 2020 (2008 in Table 3). Japan Student Services Association (JASSO 2008), an administrative agency of the country, recorded the number of international students was 123,829 in the year 2008. In 2009, the Basic Resident Registration Act included the migrant resident information, which previously was managed separately from the citizens' resident registration, into the system of the local communities. In sum, during the early 2000s, Japan restructured its laws to restrict further illegal migrants out and also prepared for receiving more highly educated and skilled incoming population by setting goals for the near future.

A Shift toward Immigrant Worker Policy

Legal amendments show acceleration for receiving diverse immigrant workers in Japan. Certain migrant workers in specified industries are not considered temporary workers anymore. Currently, they are permitted to continue working in the country with a possible pathway to permanent residency. The government has enhanced its legal reforms for accepting migrant workers,

particularly since the Great East Japan Earthquake and Tsunami Nuclear Disaster followed by the long stable leadership of Prime Minister Shinzo Abe's (1954-2022; 1st term: 2006-2007; 2nd term: 2012-2020) return in 2012. The Japan International Training Cooperation Organization renamed itself as Japan International Trainee & Skilled Worker Cooperation Organization (JITCO), and it was later incorporated under the Cabinet Office of Japan in 2020 (2012 in Table 3). This organization is a public-foundation to promote the acceptance of intern trainees and specified skilled workers and to contribute to the development of the international economic community (JITCO 2022). Soon later, the Immigration Control Act was amended again for further accepting skilled professionals and adding more job categories (2014 in Table 3). Similarly, around the mid-2010s, the Economic Partnership Agreements (EPA), bilaterally arranged economic agreements with each country, began bringing in care worker candidates, nurses and elderly care workers-to-be, from three Southeast Asian countries: Indonesia (2008, right column in Table 3), the Philippines (2009 in Table 3), and Vietnam (2014 in Table 3). Domestic care workers as well arrived from the Philippines in 2017 after the earlier legal reform (Ito, 2020; 2015, left column in Table 3).
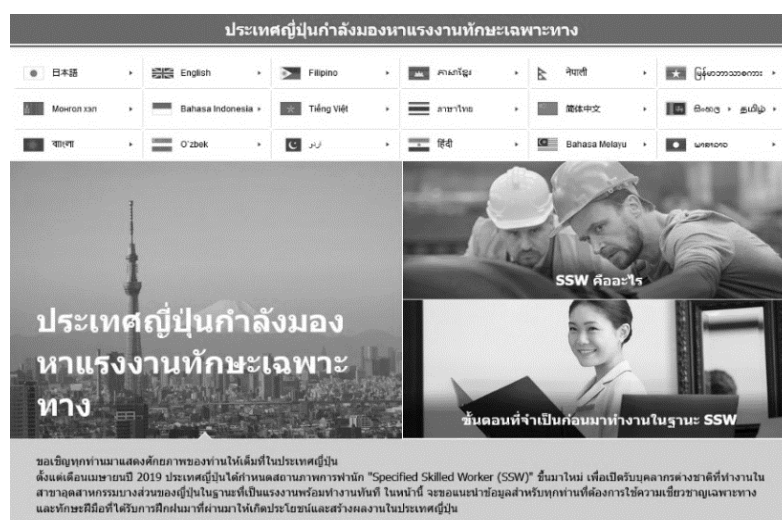

Figure 1: Thai version/Multilingual Website of Specified Skilled Workers

Source: Japanese Ministry of Foreign Affairs. 2022. Japan is looking for specified skilled workers!

The year 2018 marked the historic legal passage for Japan to establish the Specified Skills Visa system, which has allowed migrant workers in the government specified industries to continue working in the country (reformed in 2018 and implemented in 2019, left column in Table 3). Specified Skilled Workers are immigrant workers with considerable knowledge of or experience in the government specified industries/ job categories currently experiencing the labor shortage in the

country. They have two types; freshly arrived or TITP-visa-transferred workers (i) can stay in the country and work up to 5 years with no families allowed. After the 5 years, some proficient workers in specified industries (ii) can renew work visa unlimitedly to stay, work, and invite their family members over to Japan. Figure 1 shows the Thai language/multilingual website of the Japanese Ministry of Foreign Affairs. This legal shift finally created a condition for migrant workers in particular industries to have a legal route to settle in Japan.

By this time, a strong local demand appears that Japan should change for a new direction. The formation of such social appeal or "social expectation" emerged and became recognized through the legal reform processes and the earlier mentioned political shift locally (Hasegawa, Shinohara, & Broadbent, 2007; Shinohara, forthcoming). It first appeared among social leaders like scholars, activists, and some political elites and later grew larger in society via the mass media such as newspaper reports (e.g. see Figure in Koido & Kobayashi, 2018: 469), Internet and TV programs, and social networking communication tools. It is crucial to note that historic political turnovers occurred during this period.[2] These short but critical years of political change (2009-2012) and its effects would require further examinations concerning the country's shift toward the migrant worker policy and actual migration growth. These rare events in Japan's political history with the formation of "social expectation" are very much likely to have made impacts on the shift in its policy direction (Hasegawa et al., 2007). Internationally as well, the country was anticipated to contribute by providing jobs for growing workers in Asia. Further studies on this case would require us to comprehend the mechanism for this historic transfer.

Social Integrations of Migrants

These legal changes are only one aspect of social transformation. The immigrant workers continued to grow to 1.65 million toward the end of 2019, right before the emergence of Covid-19, and hit the record number of 1.72 million at the end of 2021 in the midst of the pandemic (Japanese Ministry of Welfare, Health, & Labour, 2020; 2021). The number indeed hit the largest number of immigrant workers in the country's history, breathtaking to believe how reluctant it was to adopt an immigrant worker policy (Asato, 2014). How exactly do local communities embrace migrants into

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[2]Since 1955, the Liberal Democratic Party (LDP), a conservative and nationalistic political party, has long ruled the post-WWII Japanese Government except for the two short periods, 1993-1994 and 2009-2012. LDP has led its coalition government with Komeito Party since 1999 (1999-2009 and 2012-to date). During 2009-2012, the Democratic Party of Japan took over the government with the Social Democratic Party and People's New Party.

their socioeconomic and cultural developments? Let us take a look at Japanese societal changes focusing on social integration, inequality, and sustainability.

Multiculturalism in Local Communities

With the emerging immigrant population, multiculturalism and multicultural society have become the key words that frequently appeared in the Japanese local communities since the 1990s. Public announcements are now shown in multiple languages on local subways, in public facilities, or at shopping malls. Still, the average rate of international residents in the entire country is 2.3 percent. In the early 2020s, however, over 10 percent of the young population in their 20s are internationals in metropolitan Tokyo and Osaka. Similarly, more than 10 percent are residents from abroad in particular urban areas of Kanagawa, Gunma, and Hokkaido. Influenced by earlier social movements for social rights by the older immigrant groups, the country and local communities have adopted action plans and guidelines for promoting multicultural society since 2005. Social integration toward multicultural society, thus, is a national policy. Since the early 2000s, the Japanese government ministries, such as the Ministry of Internal Affairs and Communications (2009), have begun promoting internationalization of multiculturalization in local communities. The Ministry of Foreign Affairs has also engaged in social integration measures of residents from abroad. They provide information on such residents and deliver knowledge to the local citizens to promote multicultural communications and social integrations through their websites and paper publications, workshops, and public presentations. Previously, the migrant population in Japan was mostly those permanent residents rooted in colonial Korea (1910-1945) and Taiwan (1895-1945).   The migrants are now more diversified with newer long-term residents, TITP trainees, engineers/specialists, care workers, family members of the citizens, and more. Note that the naturalized citizens of Japan are excluded in the statistics on resident foreigners, as they are no longer registered as such.[3]

In such an emerging multicultural society, social integration of newly arriving and diverse migrants would require at least the four basic elements as proposed here: i) participation, ii) relationship, iii) equity, and iv) rights. "Participation" is crucial, whether to enroll in work, education, or any other activities held in communities where both migrants and local citizens take part. Through such participation, members in society are able to establish "relationships" with local individuals and organizations. Within those relationships, they should be able to construct and maintain "equity."

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[3]The Japanese Ministry of Justice (2020) reported that the accumulative number of naturalized Japanese citizens is 577,321 in its post-WWII history. In the 2000s and 2010s, the numbers were 151,453, and 98,838 respectively.

The relationship should not just be equal but must be fair and just in society moving toward multiculturalism. For instance, both local and international children, regardless of their origins, should have their "rights" respected at school. Children, regardless of their national origins or migrant status, should be able to participate in education and to receive the qualified care so that they can grow up with supportive relationships in their host society. Children's rights should be secured and maintained for educational equity in such a multicultural society.

Growing numbers of migrant children in Japan today are going to public schools where teaching is primarily conducted in Japanese. Some parents and children who have just arrived the country might be lucky enough to find schools where the children can learn in their own native languages. Many are, however, unable to find their schools in their communities. Not all schools having migrant students provide language education and cultural support for migrant children who are not native Japanese speakers. In such cases, migrant children might not fully understand school lessons they receive in classrooms so that their educational participation could indeed be limited. Some might feel uncomfortable not understanding much of what their teachers tell and have hard time making friends at school. Others might stay home with their young siblings or cousins, while their parents or relatives are away for work during the day. It is estimated that over 20,000 migrant children in Japan are not going to school on a regular basis (Japanese Ministry of Education, Culture, Sports, Science, and Technology, 2021). According to the Ministry, children in the country, whether citizens or not, are provided equal educational opportunities for free, if they wish to go to compulsory level public school. As the number of children who require Japanese language education grow recent years, the Ministry report indicates that over 20 percent of such children were not able to receive special language education in 2019. Based on the government report, therefore, it is not a small number of migrant children who have hard time for quality school "participation." Those children would have difficulty constructing essential "relationships" with friends and teachers in local communities. Children's "rights" for educational "equity" should be further developed and fortified. Therefore, the data show that simply providing "equal" opportunities, resources, or environment are not enough to guarantee the equity and rights for minority individuals like migrant workers and their children. To be fair and just in multicultural society, "equity" is crucial – having necessary support for overcoming obstacles and positioning oneself at a reasonable starting point.

Social policy as well should clearly include these points and enforce actual practice on community and school levels. Theoretically, social integration in multicultural society is enhanced not solely by the ability or effort of immigrants, but as a result of socio-legal structures interacting

complexly with a variety of opportunities and resources produced in civil society. In other words, in order for positive social integration to take place in multicultural society, it is crucial to ensure active social participation of both migrants and local citizens in mature civil society, along with the role of the legal conditions and social structures shaped by the political and bureaucratic efforts.

Citizenship and Rights: Challenges and Sustainability

How exactly is social inclusion of migrants and their families from Southeast Asia taking place in contemporary Japan? What issues of rights and inequality have come about in the emerging multicultural society? Are all these sustainable for both immigrants and their host society? Japan's migrant worker policy added a principle which allows proficient workers to stay in the country and work longer as well as to invite their families over after the first 5 years (Specified Skills Visa No.2). This final section evaluates those emerging issues, case stories, and challenges focusing on Japan's new policy. Social developments would not be sustainable for both the migrants and the host society unless the citizenship and rights challenges of migrants and their families were fully understood and well resolved. Social inclusion is not just for migrants but indeed for local citizens of the rapidly aging society with declining population as well.

For those from Southeast Asia who have resided in Japan long enough, two significant challenges are their children's citizenship and residency rights. Over 136,000 of children with foreign passports reside in Japan today (Japanese Ministry of Education, Culture, Sports, Science and Technology, 2022). Children born in the country neither become citizens naturally, nor do they have residency granted necessarily. Japan's citizenship runs under the *jus sanguinis* principle, in which the right to citizenship was determined by the parent(s) or grand-parent(s) having Japanese citizenship registered in the family registration. Remarkable advances occurred in 2008 with some cases of Japan-born children, of Southeast Asian migrant parents, without citizenship and residency. The first case was a class action filed for the children's citizenship status – they were born to the immigrant mothers from the Philippines and Japanese fathers without marital registration. They had difficulties obtaining citizenship, thus, had been left with no citizenship. The Supreme Court recognized the illegality of the discrimination against such children out-of-wedlock, which simultaneously violated the Constitution of Japan (2008 in Table 3)[4]. Children's citizenship is no longer conditioned under the parental marital status in the country. The second set of cases were

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[4]The Supreme Court of Japan [Case Number: 2006 (Gyo-Tsu) 135].

the children's residency status – they were born in Japan to migrant parents of illegal entrants (2009 & 2017 in Table 3)[5]. The first case is a teenage girl born and raised in Japan, of migrant parents from the Philippines. The second is a teenage boy of a migrant single mother, a victim of human trafficking, from Thailand. The parents in each case were deported out of the country, while the Minister of Justice eventually allowed both Japan-born children to stay. These two cases marked a precedent that the unregistered children of migrants born and raised in the country were granted the permission to reside in the country. Conservatives condemned the decision. Contrarily, criticism toward the decision to deport the parents evolved, as it resulted in separating the minors from their guardians, which went against the children's rights guaranteed by the United Nations Convention on the Rights of the Child which Japan has ratified since 1994.

Other challenges among migrant workers arrived recently are employment rights issues related to workplace environment and conditions, payment and benefits, family leave rights, and workplace harassment. The Immigration Services Agency of Japan (2018, 2022) reported that around 2 percent of TITP intern trainees, in many farming and construction industries, went missing between 2014 and 2022. Over 4,700 TITP trainees from Vietnam, for example, went missing in 2022, reasoning the employer's illegal treatments such as excessive work hours, low or no pay for such additional work, unjustified deduction from wages, or the contracted amount unpaid. For female migrant workers, particularly intern trainees, the realities of pregnancy, childbirth, and family leave are extremely challenging, as illustrated in the example of a court case of a trainee woman accused of abandoning her stillborn babies in her work dormitory room (acquitted in March 2023, see Table 3) . Reacting to that, the agency (2022) conducted interviews with 650 intern trainees and released the results that over a quarter (26.5%) of them were mis-informed that they would be forced to leave the job upon pregnancy. The strong influence of the migration industry (e.g. Koido, 2021), or job suppliers back home, is evident in the following results. The majority of them (73.8 %) heard about it from their job supplying organizations in their home countries, and the rest were told by their managing organizations (14.9%) and the job providers (11.3%) in Japan. While the majority (59.1%) answered that they knew the illegality of the employers dismissing their employees due to pregnancy, over a half (53.2%) neither knew that they could turn to consultations nor were informed that they would be able to receive monetary and other support for childbirth. Moreover, the majority (52.3%)

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[5] Neither of these legal cases ended in September 2008 (the Supreme Court of Japan) and in December 2016 (Tokyo High Court) were successful for the children to have their residency rights assured in the courts; yet, later the Minister of Justice granted them to temporarily stay in the country as exceptions for the purpose of education as long as they have guarantors.

did not know they could resume work after taking a family leave. It is ironic that the majority of local women in the host society end up leaving their full-time jobs upon pregnancy or childbirth. The work-family reality in Japan indeed is neither supportive nor well-satisfying for working families.

As the migrant population grew in Japan, further challenges would arise in the near future. It is crucial for the country to advance legal and structural conditions for migrant workers and their families to be able to live, work, and raise families without concerns. Japan's migrant worker policy now embraces a newly added principle which allows proficient workers to work longer and invite their families over. Is Japan ready to support and educate these migrant workers' children in local communities? The country has just enacted the Basic Act on the Child (Act No. 77 of 2022, enforced in April 2023), along with the establishment of a new government agency named, Children and Families Agency. Its effectiveness and Implications are unknown; yet, as a migrant accepting society, Japan needs to resolve these rights issues of the migrant workers and their children, not just for the immediate economic gains or regional developments, but for social justice and sustainability. Further analyses on this issue with a comparative perspective would be essential for understanding the rights of the migrant workers and their families.

Conclusion

This study explored the processes of a socio-legal transformation in favor of growing migration from Southeast Asia to Japan, a country with previously rigid legal restriction against immigration (Douglass & Roberts, 2000). Social change has taken place along with the frequent legal amendments for the sake of Japan's international contribution in its regional political relations. The world society perspective (Meyer & Rowan, 1977; Meyer et al., 1997; Boli & Thomas, 1999) provided explications for the country's amending a part of the Immigration Control Act by claiming "no immigration policy" internally, while responding to international demands for legally consolidating the conditions for the rights of immigrant workers and their family externally. To comprehend the changing procedures, this research utilized historical event-sequence mapping methodology (Aminzade, 1992), and highlighted how a social expectation emerged for the country to transform (Hasegawa et al., 2007). Note that the policy reforms affected by such internal and external expectations occurred under the conservative political coalition leadership with a short but historical political power-shift. It would have been possible that the March 2011 disasters in northeast part of the country had effects on the local-international political interactions on various levels. The Covid-19 outbreak surely affected the global population mobility for a while. Yet, the greatest number of

migrant workers was recorded in the country during the Covid-19 pandemic. This could only be the advent of Japan's change toward further migration in- and out-flows for its survival in globalization. The question remains whether the migration in Japan is sustainable for all.

Acknowledgement

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