

# Managing Borders and Migrants through Citizenship: A Japanese Case

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## Abstract

In the present era of globalisation, border studies take centre stage in social and historical studies. However, they have not yet matured enough in order to approach issues related to globalisation. In particular, with taking up territorial borders as objects, they rarely focus on the social borders created by human movements across territorial borders within the nation-state. How can we transform border studies into social border studies? This article argues two things. First, the Hammar-Koido-Tarumoto Model (the HKT Model) can clarify types of social borders within the nation-state. Second, it is necessary to develop a theoretical hypothesis. For example, in cases of undocumented immigrants and temporary stayers, the closing border hypothesis under the recent recession, triggered by the subprime loan crisis in the United States, helps to consider the diversity of the state's management of the social border. Through these research strategies, border studies can incorporate social border studies which deal with issues related to globalisation.

## Border Studies and International Migration

Border studies is a novel and promising research field. On one hand, it is often assumed that the acceleration of globalisation weakens national territorial borders. On the other hand, there is an argument that globalisation strengthens national borders further than before. The correct answer does not lie on either side, but rather involves a more complex alternative. Compared to movements of goods, human movements across national borders clarify the complexity of border issues. First, human movement tends to induce the state to tighten national borders to delineate territories. Second, human movement elicits reactions of the state and/or other actors to create social borders to differentiate people within the territory. Third, human movement often creates transnational spaces beyond the nation-state. Thus, in terms of the globalisation of migration, border studies are required to investigate territorial borders between nation-states, social borders within the nation-state, and transnational borders beyond the nation-state as a whole.

However, how can border studies take up not only territorial borders but also social borders and transnational borders? How can border studies differentiate social borders and transnational borders from territorial borders? To explore these questions, this article will focus on social borders within the nation-state, rather than transnational borders beyond the nation-state.

In addition, David Newman argues that although border studies are varied along with their disciplines such as geography, politics, anthropology and sociology, they can have some common

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themes: boundary demarcation and delimitation, management of borders, globalisation and securitisation, borderlands and zones of transition, daily life practices, ethics of the border processing.<sup>1</sup> Among these common themes, this article mainly pays attention to the former three in order to examine social borders.

How do social borders work on immigrants and foreigners within the nation-state? Economic turmoil sheds light on social borders generally. Under such turmoil, immigrants and foreigners are supposed to be excluded and marginalised in the workplace, the local society and the general society and so on. As an extreme case, some of them are deported due to their legal status.

By chance, the subprime loan crisis in the United States triggered an unprecedented heavy recession which has prevailed all over the world since the summer of 2007. The recession causes serious effects not only on economic aspects but on all aspects of the everyday lives of people across the world. Greater Eurasia, including East Asia, is not an exception. It is a necessary task of border studies scholars, who are interested in Greater Eurasia, to investigate the effects the recession has had on territorial borders and social borders. So, to explore the questions above, this article focuses on the current period of economic recession and pursues an appropriate research strategy for border studies.

To carry out this task, first, this article will focus on immigration issues. As mentioned before, we are in the globalised migration era in which people easily cross borders. This era is peculiar in terms of the quality as well as the number of people moving across borders. In particular, globalised migration has accelerated and produces transnationalism in which migrants create uniform social spaces of migration, living, information and solidarity, beyond national territorial borders.<sup>2</sup> Thus, migration makes the border a much more sensitive issue at the present time. Second, in order to understand borders – territorial and social – and to consider relations among the recession, immigration and borders, this article will adopt an analytical angle of state actions on the issues, using a theoretical model. In order to face the “challenge to state sovereignty” by international migration, all states are struggling to plan and implement immigration policy to resolve immigration issues involving globalised migration.<sup>3</sup> Finally, as the first step to researching Greater Eurasia, this article will look into the recent experiences of one particular East Asian country, Japan.

To explore social borders and immigration policy in the recession, this article poses a working question: During economic turmoil, how does the state utilize social borders to deal with immigration flows? Through the investigation of this question, let us understand how the Japanese

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<sup>1</sup> David Newman, “Contemporary Research Agendas in Border Studies: An Overview,” in *The Ashgate Research Companion to Border Studies*, ed. Doris Wastl-Walter (Farnham: Ashgate, 2011), 33-47.

<sup>2</sup> Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World* (4th ed.) (London: Macmillan Press, 2009); Hideki Tarumoto, *Yokuwaku kokusai shakaigaku* (Understandable introduction of transnational sociology) (Kyoto: Mineruva Shobo, 2009).

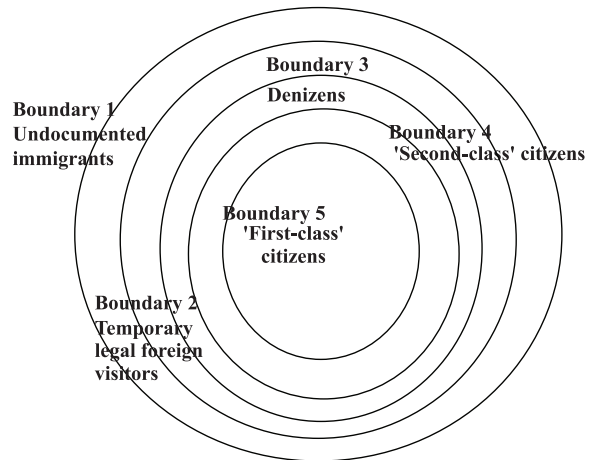
<sup>3</sup> Christian Joppke, ed., *Challenge to the Nation-State: Immigration in Western Europe and the United States* (Oxford: Oxford University Press, 1998); Hideki Tarumoto, “Multiculturalism in Japan: Citizenship Policy for Immigrants,” in *Governance in Multicultural Societies*, eds. John Rex and Gurharpal Singh (Aldershot: Avebury, 2004), 214-26; Hideki Tarumoto, “Is State Sovereignty Declining? An Exploration of Asylum Policy in Japan,” *International Journal on Multicultural Societies* 6:2 (2004): 133-51 (<http://www.unesco.org/shs/ijms/vol6/issue2/>).

state attempts to confront the changing circumstances of international migration, thereby acquiring a clue to undertake border studies on social borders concerning immigrants and foreigners. This article will take the first step towards the ultimate goal of transforming border studies into social border studies.

### A Theoretical Model of Social Borders

It may be assumed that previous border studies might have focused on social borders in their works. But this is not the case. The *Eurasia Border Review*, a major academic journal of border studies, has overwhelmingly taken up territorial-geographical borders under the term of border.<sup>4</sup> In particular, although Ladislav Lesnikovski has a similar interest in inter-ethnic relations in Macedonia, in his terms, internal boundaries, remain geographical. By mentioning “mental borders” of the European Union, Ilkka Liikanen comes close to the concept of social borders, but remains close to the concept of territorial borders.<sup>5</sup> Consequently, it is widely understood that borders “delimit the territorial possessions of sovereign states” in border studies.<sup>6</sup> Therefore, it is worth discussing social borders in this article.

What are social borders in terms of immigrants and foreigners? In border studies, Newman highlights the sociological understanding of borders, saying that the sociological categories of borders are expressed through binary distinctions such as Here-There, Us-Them, Include-Exclude, Self-Other and Inside-Outside.<sup>7</sup> Nowadays, such distinctions are significantly created and/or enforced through differences of citizenship rights by immigration and the state’s citizenship policy. Often, social borders overlap dividing lines between social groups – ethnic, religious, gender, and so on – but this is not always the case. A social border may divide a social group into its parts. To clarify territorial borders between nation-states and social borders within the nation-state, this article



**Figure 1: The Hammar-Koido-Tarumoto Model  
(the HKT Model)**

<sup>4</sup> See *Eurasia Border Review*, issues 1-3.

<sup>5</sup> Ladislav Lesnikovski, “Macedonia’s Ontological Insecurity and the Challenges of Stabilizing Inter-ethnic Relations,” *Eurasia Border Review*, 2:1 (2011): 61-71; Ilkka Liikanen, “From Post-Modern Visions to Multi-Scale Study of Bordering: Recent Trends in European Study of Borders and Border Areas,” *Eurasia Border Review* 1:1 (2010): 17-28.

<sup>6</sup> Emmanuel Brunet-Jailly, “The State of Borders and Borderlands Studies 2009: A Historical View and a View from the Journal of Borderlands Studies,” *Eurasia Border Review* 1:1 (2010): 3.

<sup>7</sup> David Newman, “Borders and Bordering: Towards an Interdisciplinary Dialogue,” *European Journal of Social Theory* 9:2 (2006): 171-186.

introduces a theoretical model of immigration and citizenship policy. This model is called the Hammar-Koido-Tarumoto Model (the HKT Model). The production process of the model is summed up briefly: Tomas Hammar advocated a prototype of the HKT Model composed of Boundary 2, 3 and 4 at the beginning; then Akihiro Koido added Boundary 1 to the model; and Hideki Tarumoto improved it by adding Boundary 5.<sup>8</sup>

This article will use the terms “border” and “boundary” interchangeably hereafter. Generally, the state seeks to regulate international migration by creating and maintaining five main boundaries. Boundary 1 signifies a physical and geographical boundary to prevent so-called undocumented immigrants from entering the territory of the state. Most of the research in border studies focuses on a territorial border, or Boundary 1.

Rainer Bauböck, a pioneer of citizenship studies, might have recognised the issue of undocumented immigrants as well as temporary foreign stayers.<sup>9</sup> And yet, by using a concentric model, his main focus was on naturalisation (“consent in entry” in his term) rather than temporary stay and undocumented entry and stay. This meant that he could not clarify the difference between Boundary 1 and Boundary 2. Furthermore, the purpose of his research was to make normative statements about the political order concerning citizenship, which is different from the descriptive and explanatory approach that this article takes.

Tomas Hammar, another pioneer of immigration studies, noticed the presence of undocumented immigrants in society prior to Koido’s work. His purpose, however, was to advocate that undocumented immigrants should obtain the higher status of legal temporary stayers, particularly through regularisation according to their residential period in the receiving society. Hammar overlooked the issue as to how individuals become undocumented immigrants and how the state deals with their entering the territory of society. As a result, he did not conceptualise Boundary 1 in his model. In other words, it is evident that Hammar did not mention Boundary 1 as a “gate” in his terms.<sup>10</sup> This brings much implication to border studies: Hammar did not recognise territorial borders to examine the status of immigrants. As Koido argues, it is appropriate that Boundary 1 should be conceptualised as a boundary employing a theoretical model to analyse situations involving immigrants and immigration policy after the 1990s.<sup>11</sup>

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<sup>8</sup> Tomas Hammar, *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration* (Aldershot: Avebury, 1990); Akihiro Koido, eds., *International Comparison of Migration Policies: Japan and Immigration Issue in Globalization Series, Vol.III [Imin seisaku no kokusai hikaku: gurobaruka suru nihon to imin mondai, Vol. III]* (Tokyo: Akashi shoten, 2003); Hideki Tarumoto, “Towards a Theory of Multicultural Societies, Department of Sociology,” in *Sociological Perspectives on Contemporary Societies: Essays in Honour of Professor Hajime Kobayashi’s Retirement from Hokkaido University* (2004): 84-96; Hideki Tarumoto, “Un nouveau modèle de politique d’immigration et de citoyenneté?: approche comparative à partir de l’expérience japonaise,” *Migrations Société* 17:102 (2005): 305-37. (trans. Catherine Wihtol de Wenden).

<sup>9</sup> Rainer Bauböck, *Transnational Citizenship: Membership and Rights in International Migration* (Aldershot: Edward Elgar, 1994).

<sup>10</sup> Tomas Hammar, “Legal Time of Residence and the Status of Immigrants,” in *From Aliens to Citizens: Redefining the Status of Immigrants in Europe*, ed. Rainer Bauböck (Aldershot: Avebury, 1994), 187-67.

<sup>11</sup> Koido, eds., *International Comparison*.

From the perspective of transnational sociology, not only territorial borders but also social borders – Boundary 2 to Boundary 5 – should be investigated. Boundary 2 was created to regulate foreigners who can stay in the host society legally but temporarily. Boundary 3 selects denizens who can reside in the host society permanently. Boundary 4 is set up for determining nationals, many of whom acquire citizenship of the host society through naturalisation. Even after passing through Boundary 4 and obtaining citizenship rights, immigrants often remain “second-class” citizens who are inhibited from enjoying their rights fully. In other words, the state sets up Boundary 5 to delineate “second-class” and “first-class” citizens in terms of whether they can enjoy rights fully or not. A typical example of “second-class” citizens is immigrants who moved from former colonies to its suzerain state while holding citizenship of the suzerain state. As is well known, Britain has accepted an influx of immigrants from New Commonwealth countries such as countries of the Caribbean Islands, India, Pakistan, Bangladesh and Hong Kong. As a result, it has created ethnic stratification including “second-class” citizens within it. In spite of holding British full citizenship, some black minority ethnic immigrants suffer multi-dimensional disadvantages – economic, political and social. A large portion of immigrants of Pakistani and Bangladeshi origin are often mentioned as a case in point.<sup>12</sup>

One may suppose that Boundary 5 is not significant nor appropriate, because Boundary 5 seems to be more unclear than other boundaries and/or it may depend on countries and periods whether Boundary 5 exists or not. However, every country in every period after the globalisation of migration is very concerned about integration policy on immigrants, which leads to countries recognising Boundary 5. Countries are pressed to implement integration policies over a broad range. In this context, it is highly significant that Boundary 5 is added with the other boundaries. After having a glance at the HKT Model, one can consider the interrelations of policies around all boundaries – the relationship between immigration policies and integration policies in particular.<sup>13</sup>

As an aside, the HKT Model seems to indicate the level of integration of individuals in society. However, as mentioned above, it originally delineates boundaries in terms of differences in the citizenship rights that individuals hold. The rights of individuals and the level of integration among them do not necessarily accord. For example, an elaborate investigation would be needed to judge whether or not “second-class” citizens between Boundary 4 and 5 are better integrated than the denizens between Boundary 3 and 4.

The HKT Model would be useful in providing a theoretical framework to cross-national research on citizenship rights for immigrants.<sup>14</sup> In addition, it offers significant suggestions for border

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<sup>12</sup> Hideki Tarumoto, *Kokusai imin to siminken gabanansu: Nichiei hikaku no kokusai shakaigaku [International Migration and Citizenship Governance: A Comparative Study on Japan and Britain from Perspective of Transnational Sociology]* (Kyoto: Mineruva Shobo, 2012). Another example is returnees from China to Japan (*Chugoku kikokusha, Zairyu koji*, in Japanese) who faced disadvantages, although Boundary 5 of Japan is relatively invisible. See Tarumoto, “Un nouveau.”

<sup>13</sup> Tarumoto, “Towards a Theory;” and Tarumoto “Un nouveau.”

<sup>14</sup> Atushi Kondo, *Citizenship in a Global World: Comparing Citizenship Rights for Aliens* (Basingstoke: Palgrave, 2001).

**Table 1: Population of Foreigners in Selected OECD Countries<sup>(1)</sup>**

	1983	1989	1995	1997	1999	2005	2009	(Thousands, 2009)
Austria	3.9	5.1	9.0	9.1	9.2	9.7	10.7	892.2
Belgium	9.0	8.9	9.0	8.9	8.8	8.6	9.8	1057.5
Denmark	2.0	2.9	4.2	4.7	4.9	5.0	6.0	329.9
Finland	0.3	0.4	1.3	1.6	1.7	2.2	2.9	155.7
France	n.a.	6.3 <sup>(2)</sup>	n.a.	n.a.	5.6	5.7 <sup>(3)</sup>	n.a.	n.a.
Germany	7.4	7.7	8.8	9.0	8.9	8.2	8.2	6694.4
Ireland	2.4	2.3	2.7	3.1	3.1	9.7 <sup>(3)</sup>	n.a.	n.a.
Italy	0.7	0.9	1.7	2.1	2.2	4.6	7.1	4235.1
Japan	0.7	0.8	1.1	1.2	1.2	1.6	1.7	2184.7
Luxemburg	26.3	27.9	33.4	34.9	36.0	41.5	43.8	216.3
Netherlands	3.8	4.3	5.0	4.3	4.1	4.2	4.4	735.2
Norway	2.3	3.3	3.7	3.6	4.0	4.8	6.9	333.9
Portugal	n.a.	1.0	1.7	1.8	1.9	4.1	4.3	457.3
Spain	0.5	0.6	1.2	1.6	2.0	9.5	12.4	5708.9
Sweden	4.8	5.3	5.2	6.0	5.5	5.1	6.4	595.1
Switzerland	14.4	15.6	18.9	19.0	19.2	20.3	21.7	1680.2
United Kingdom	3.1 <sup>(4)</sup>	3.2	3.4	3.6	3.8	5.1	7.1	4348.0

(1) Ratio to the whole population (%), except for naturalised people and people with citizenship. All data obtained from population registration or foreigner registration except France (Census), Portugal (residential permit), and Ireland and Britain (Labour Force Survey).

(2) In 1990. (3) In 2006. (4) In 1985.

Source: OECD (1995:194; 1997:218; 2001:282; 2011:403-4).

studies. Border studies assume that the “border” is equal to Boundary 1.<sup>15</sup> However, as the HKT Model suggests, the state develops multiple borders to handle immigration effectively through immigration and citizenship policy. For example, the state regulates the process of asylum application for asylum seekers in Boundary 1, 2, and 3. As a recent policy, the temporary protection of European Union countries places asylum seekers between Boundary 2 and 3.<sup>16</sup> Muslim minorities in Britain are treated as “second-class” citizens between Boundary 4 and 5, because even if they obtain full British citizenship, they often suffer disadvantages in opportunities related to education, employment, housing, etc., due to their religion and ethnicity.<sup>17</sup>

With reference to the HKT Model, how does the state manage social borders for and against international migrants in a time of economic turmoil? Every research field needs a theoretical hypothesis to be explored. Borders studies is not an exception. Common sense tells us that under economic recession the state is expected to close boundaries to prevent the influx of migrants. Globalised migration is mainly created by globalised capitalism which attracts a massive flow of migrants across territorial borders towards relatively well-paid but mostly lower-skilled jobs of the host society. If so, under economic turmoil, the state holds an excess labour surplus and attempts to close boundaries to prevent international migrants from entering. In this article, let us refer such a

<sup>15</sup> Akihiro Iwashita, ed., *Kokkyou darega konosen wo hiitanoka: Nihonto yuurashia [The National Border, Who Drew This Line? Japan and Eurasia]* (Sapporo: Hokkaido University Press, 2006).

<sup>16</sup> Daniele Joly, “Temporary Protection and the Bosnian Crisis: A Cornerstone of the New Regime,” in *Global Changes in Asylum Regimes: Closing Doors*, ed. Daniele Joly (Basingstoke: Palgrave Macmillan, 2002), 49-78.

<sup>17</sup> Muzammil Quraishi, *Muslims and Crime: A Comparative Study* (Aldershot: Ashgate, 2005).

hypothesis as “the closing boundary hypothesis.”

Japan is one of the most suitable countries to test the proposed hypothesis. Some may question the suitability of Japan on the grounds that there are few foreigners in Japan. Certainly, Japan has fewer foreigners than other developed countries. In terms of the ratio of foreigners to the whole population, Italy was on the same level of Japan (0.7% in 1983), but now greatly exceeds Japan (7.1% in 2009). Moreover, whilst Finland had a smaller ratio than Japan (0.7% in 1983), it has overtaken Japan since the 1990s (2.9% in 2009) (Table 1).<sup>18</sup> Having said that Japan has also experienced significant changes in society due to the influx and settlement of immigrants.

Due to the lack of coordination from the central government, some local governments and actors such as NGO/NPOs have been pressed to provide services for immigrants and foreigners who stay or settle in local communities.<sup>19</sup> This paper asks if the proposed hypothesis agrees with the immigration policies and social borders of Japan during the recent recession. To test the closing boundary hypothesis, it looks into relatively newly arriving immigrants: undocumented immigrants around Boundary 1, and *nikkeijin* (Japanese descendants), foreign trainees and care immigrants around Boundary 2. Other boundaries will be discussed in a future research paper.

### Undocumented Immigrants: Boundary 1

First, we will cover territorial borders (i.e. Boundary 1), which is the main point of interest for border studies. In terms of immigration, the state creates Boundary 1 to block undocumented immigrants from entering its territory.<sup>20</sup> However, no state can perfectly prevent them from entering and staying within its territory. Japan is no exception, which receives a certain amount of undocumented immigrants mainly from neighbouring countries in Asia. In other words, Boundary 1 mostly involves immigrants from Asia (Table 2).

According to Japan’s Ministry of Justice, the number of undocumented immigrants decreased over the past five years. In particular, the number decreased from 149,785 as of January 1, 2008, to 113,072 as of January 1, 2009, which indicates a reduction of 24.5%. Moreover, the number dropped to 91,778 in 2010. The Ministry of Justice argues that its policy development has had positive effects on the decrease in undocumented immigrants since 2004,<sup>21</sup> but this argument needs to

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<sup>18</sup> OECD, *Trends in International Migration: Annual Report 1994 SOPEMI* (Paris: OECD, 1995); OECD, *Trends in International Migration: Annual Report 1996 SOPEMI* (Paris: OECD, 1997); OECD, *Trends in International Migration: Annual Report 2001 SOPEMI* (Paris: OECD, 2001); OECD, *International Migration Outlook: SOPEMI 2011* (Paris: OECD Publishing, 2011) ([http:// dx.doi.org/10.1787/migr\\_outlook-2011-en](http://dx.doi.org/10.1787/migr_outlook-2011-en)).

<sup>19</sup> Takeyuki Tsuda, *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspective* (Lanham, MD: Lexington Books, 2006).

<sup>20</sup> The term “illegal immigrant” is often considered socially and legally negative, implying that a crime has been committed. So, this article adopts the term of “undocumented immigrant” to refer to immigrants who enter and/or stay in the host country without permission.

<sup>21</sup> The Ministry of Justice, *Houdou happyou siryou [A Press Release Handout]* February 17, 2010. Accessed January 31, 2012. <http://www.moj.go.jp/PRESS/090217-2.html>; Jyunichi Akashi, *Japan’s Immigration Control Policy: Foundation and Transition [Nyukoku kanri seisaku: “1990 nen taisei” no seiritu to tenkai]* (Kyoto:

**Table 2: Undocumented Foreign Stayers by Nationality of Origin<sup>(1)</sup>**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
South Korea	56023	55164	49874	46425	43151	40203	36321	31758	24198	21660
China <sup>(2)</sup>	30975	27582	29676	33522	32683	31074	27698	25057	18385	12933
Philippines	31666	29649	30100	31428	30619	30777	28491	24741	17287	12842
China (Taiwan)	8849	8990	9126	7611	6760	6696	6347	6031	4950	4889
Thailand	19500	16925	15693	14334	12787	10352	8460	7314	6023	4836
Malaysia	9651	10097	9442	8476	7431	6822	6397	4804	2986	2661
Peru	8502	7744	7322	7230	6624	5997	5283	4481	3396	2402
Singapore	3302	3494	3556	3216	3075	3587	2241	2207	2128	2107
Sri Lanka	3489	3730	3909	4242	4209	4590	4042	3615	2796	1952
Indonesia	5315	6393	6546	7246	7169	6926	6354	5096	3126	1820
Other	54849	54299	55308	55688	52791	46721	39205	34681	27797	23676
Total	232121	224067	220552	219418	207299	193745	170839	149785	113072	91778

(1) As of January 1 in each year. (2) China does not include Taiwan, Hong Kong and other areas.

Source: *White Paper: Immigration Control* (2010: 33).

be investigated, especially as it is more persuasive to argue that economic recession exercised considerable effects on the decrease in the number of undocumented immigrants since 2008.

Certainly, in spite of whether or not its policies were effective, the Ministry of Justice puts much effort in the planning and implementation of policies designed to tackle issues that involve undocumented immigrants. But these policies fail to address problems related to the current economic condition, and presumably aim to enshrine national integrity.

A recent example of these policies clearly shows how Japan sticks to maintaining national integrity. The Calderon family entered Japan as immigrants from the Philippines and stayed in Japan illegally for over 15 years. Although their stay in Japan was illegal, the family worked in Japan earnestly without committing any crime. After the court decided the family should be deported, the family wished to stay in Japan permanently and requested the Ministry of Justice grant them a special residence permit (*zairyu tokubetsu kyoka*) in order to secure their legal status in Japan.<sup>22</sup> However, the Ministry denied their request and ordered their deportation to the Philippines. The Calderon's daughter was allowed to continue her studies at a junior high school in Japan.<sup>23</sup>

As the media was critical about the Ministry's handling of the case, the Ministry published guidelines to grant special residence permits in July 2009. The guidelines set one condition that a family should meet in order to receive a special residence permit: The family should have a child attending a Japanese primary, junior high or senior high school.

This example of policy demonstrates that the Japanese state seeks to close Boundary 1 against undocumented immigrants. However, it does not address problems caused by the economic recession, but follows a cultural logic that aims at maintaining national integrity. Consequently, the

Nakanisiya shuppan, 2010).

<sup>22</sup> Special residence permits can be granted to undocumented immigrants at the discretion of the Minister of Justice who considers their reasons to stay in Japan on a case-by-case basis.

<sup>23</sup> "Miss Calderon sadly sees off her parents to the Philippines," *Asahi Shinbun*, April 13, 2009. Accessed August 7, 2009. <http://www.asahi.com/national/update/0413/TKY200904130186.html>



closing boundary hypothesis does not fit well with policies directed against undocumented immigrants.<sup>24</sup>

## Temporary Foreign Stayers: Boundary 2

After surveying territorial borders and immigrants, we will move to the investigation of social borders, an area of inquiry that border studies have so far dismissed. To regulate temporary foreign stayers, the state sets up Boundary 2 as a social border. If migrants cross Boundary 2, they can stay in Japan on a temporary basis, that is, for a few years at most. Currently, there are three salient types of temporary stayers around Boundary 2 in migration issues: *nikkeijin* (Japanese descendants), *kenshusei/jisshusei* (foreign trainees) and care immigrants. In general, Boundary 2 involves all immigrants who could stay in Japan on a temporary basis, but concerning the three types, it consists of immigrants from Brazil, Peru, Indonesia, the Philippines and other Asian countries.

### *Nikkeijin* (Japanese descendants)

*Nikkeijin* are Japanese descendants who mainly come from Latin American countries such as Brazil and Peru. Along the traditional policy line in Japan, foreign workers have not been permitted to work in unskilled jobs. However, the revised Immigration Control and Refugee Recognition Act in 1990 opened some residential statuses for skilled foreign workers (Table 3 shows these classifications). At the same time, it enabled *nikkeijin* to be engaged in all skill levels of work including unskilled work. As a consequence, irrespective of its intention, the state utilizes *nikkeijin* to address a shortage in unskilled labour.<sup>25</sup>

When the current recession hit the Japanese economy, *nikkeijin* began to lose their manual labour jobs in factories and construction sites etc., ahead of Japanese employees. To handle the unemployment issue of *nikkeijin*, a local government in central Japan, Gifu prefecture, undertook a policy of arranging financial loans for *nikkeijin* to return to their home countries.<sup>26</sup> Moreover, the

**Table 3: Residential Statuses**

Annex 1

1	Diplomat, Official, Professor, Artist, Religious Activities, Journalist
2	Investor/Business Manager, Legal/Accounting Services*, Medical Treatment*, Researcher*, Instructor*, Engineer, Specialist in Humanities/International Services*, Intra-company Transferee*, Entertainer, Skilled Labour
3	Cultural Activities*, Temporary Visitor
4	College Student, Pre-college Student*, Trainee, Dependent
5	Designated Activities

As of August 2008. \* Newly added in 1990.

Source: The Ministry of Justice (Accessed on December 22, 2009. <http://www.moj.go.jp/NYUKAN/NYUKANHO/ho12.html>).

<sup>24</sup> In addition to undocumented immigrants, other types of immigrants, e.g. asylum seekers, are involved in Boundary 1. It is an interesting topic to highlight how the state deals with asylum seekers in the current recession. However, this article has no room to discuss it. About recent Japanese asylum policy and state sovereignty, see Tarumoto, "Is State Sovereignty Declining?"

<sup>25</sup> Tarumoto, "Multiculturalism in Japan."

<sup>26</sup> "Gifu prefecture will provide financial assistance to Brazilians for their returning: Numerous inquiries," *Yomiuri Shinbun*, March 5, 2009. Accessed July 15, 2009. [http://chubu.yomiuri.co.jp/news\\_kan/kan090305\\_4.htm](http://chubu.yomiuri.co.jp/news_kan/kan090305_4.htm)

national government began to provide financial aid for *nikkeijin* to return to their home countries. When the national government published their plan for financial aid, it originally intended to prohibit *nikkeijin* recipients who receive aid from re-entering Japan, but this plan was criticised on humanitarian grounds. Therefore, with reference to the policy of Spain, the national government revised the plan from prohibition of re-entry to a three-year re-entry.<sup>27</sup>

The policy on *nikkeijin* clearly shows that the Japanese state seeks to close Boundary 2 against *nikkeijin* for economic reasons. That is, the closing boundary hypothesis is valid for the policy on *nikkeijin*.

### ***Kenshusei/Jisshusei* (Foreign Trainees)**

A second type of immigrants around Boundary 2 is *kenshusei/jisshusei* (foreign trainees). The *kenshusei/jisshusei* programme, called the Foreign Trainees and Technical Internship Programme before 2010, was originally set up to transfer skills across international borders. Foreign trainees train for six months to one year after their arrival, then become eligible to take a technical internship for three years at most. This article employs the term *kenshusei/jisshusei* to refer to both *ginou jisshusei* (technical intern trainee) and *kenshusei*.

Despite the original purpose of the programme, *kenshusei/jisshusei* are exploited to address the unskilled labour shortage in Japan, in addition to making up the mismatch found in the labour market between job seekers and job openings. Whilst the acceptance of *kenshusei/jisshusei* was intended to fix the mismatch before 2001, it has acquired a new responsiveness to the economic conditions since 2002.<sup>28</sup> This tendency is peculiar when small and medium enterprises stopped accepting *kenshusei/jisshusei* after the Lehman Shock. The number of *kenshusei/jisshusei* decreased to 23,890 from January to May 2009 – a reduction of 26.8 per cent.<sup>29</sup> The policy on *kenshusei/jisshusei* significantly responded to the economic situation.

In addition, various problems related to *kenshusei/jisshusei* emerged, which reveals their vulnerability in the recession. First, although the policy on *kenshusei/jisshusei* was aimed at the international transfer of job skills in the official sense, *kenshusei/jisshusei* are engaged in *de facto* unskilled work, a clear departure from the original purpose. Second, the gap between the policy's purpose and its consequence brings about poor working conditions for *kenshusei/jisshusei*, such as low salaries, long working hours, and injury and death in some cases. Third, employers tend to infringe on the human rights of *kenshusei/jisshusei*, as a report issued by United States Department of

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<sup>27</sup> “A Project to Assist Nikkeijin to Return: A Three-year Ban on Re-entry as a Rule,” *Asahi Shinbun* May 11, 2009. Accessed July 15, 2009. <http://www.asahi.com/politics/update/0511/TKY200905110259.html>

<sup>28</sup> Kei Shiho, “Gaikokujin kenshusei, ginou jisshusei no ukeirega yusuru jyakunen jinkou hojyu no yakuwari oyobi keiki kannousei [Acceptance of Foreign Trainees and its Responsiveness to the Economic Situation: Trends of Economic Stagnation Period and Recovery Period],” *Imin seisaku kenkyu [Migration Policy Review]* 4 (2012): 41-60.

<sup>29</sup> The number of *kenshusei/jisshusei* here means applicants whose application forms JITCO checked out as a support service. See Japan International Training Cooperation Organization (JITCO), “Trainees whom JITCO supported (as of the end of May 2009).” Accessed July 16, 2009. <http://www.jitco.or.jp/about/data/statistics-trainee.pdf>

State pointed out. Finally, there are cases of *kenshusei/jisshusei* protesting their treatment, and some have sued their employers in court.<sup>30</sup> Critics pressed the government to revise the Immigration Control and Refugee Recognition Act in July 2010 for modification of the programme into the Technical Intern Training Programme for Foreigners (*Gaikokujin Ginou Jisshu Seido*). The main purpose of this modification is to replace *kenshusei* with *ginou jisshusei* (technical intern trainee) to enhance their legal protection. But, despite the modification of the categories, it is unclear whether this modification will guarantee the legal protection of *kenshusei* or *ginou jisshusei* who are expected to remain sources of cheap labour to fill demand, and/or to make up the mismatch, of the labour market.

Thus, moving away from its original purpose of international skill transfer and even after being modified institutionally, the policy on *kenshusei/jisshusei* is planned and implemented along economic logic. In other words, the closing boundary hypothesis is compatible with the *kenshusei/jisshusei* policy.

### Health Care Immigrants

A third salient type of temporary foreign stayers around Boundary 2 is care immigrants who have recently emerged as a crucial migration issue in Japan. Japan began to introduce nurse candidates and care worker candidates from Indonesia in August 2008 and from the Philippines in May 2009. The Ministry of Justice has recognised such care immigrants as unskilled workers who must not be permitted to stay and work in Japan even on a temporal basis. However, Japan started to receive care immigrants because of two main reasons: First, an ageing population and a consequent care labour shortage inclined the public towards tolerating care immigrants; Second, the Japanese government concluded the Economic Partnership Agreement (EPA) with the Philippines and Indonesia respectively, which created a “tactical issue linkage” between tax reduction on goods and trans-border movement of care immigrants.<sup>31</sup>

This policy on care immigrants designates that Japan attempts to open Boundary 2 even in a time of recession, which is contrary to the closing boundary hypothesis. However, two notes need to be made here. First, although Japan began to introduce care immigrants, it imposes strict requirements on nurse candidates and care-worker candidates from foreign countries. Nurses should

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<sup>30</sup> Mo Bang-Fu, “Japanese Agricultural Sector Cannot Exploit Chinese Trainees Any More,” *Toshi mondai [Urban Problems]* 100:3 (2009): 68-74; Eigo Murakami, “Testing the Industrial Training and Technical Internship Program for Foreigners as a System of Skill Assistance,” *Toshi mondai [Urban Problems]* 100:3 (2009): 49-59; Nobukatsu Onodera, “Nominally International Contribution, Practically Securing Low-wage Workers in Terminal Condition,” *Toshi mondai [Urban Problem]*, 100:3 (2009): 40-8.

<sup>31</sup> Lisa Martin, “The Rational State Choice of Multilateralism,” in *Multilateralism Matters: The Theory and Practice of an Institutional Forum*, ed. John Gerard Ruggie (New York: Columbia University Press, 1993); Hideki Tarumoto, “Koukyouken to kokusai imin rejimu: toransnashonaruna kihan wo motomete [The Public Sphere and the International Migration Regime: Towards a Transnational Norm],” in *Nashonarizumu to toransnashonarizumu: Henyo suru koukyouken*, [Nationalism and Transnationalism: Transforming the Public Sphere] ed. Shigeki Sato (Tokyo: Hosei University Press, 2009), 259-61.

have nursing qualification from their own countries and three-years of work experience. Care workers should be graduates from four-year universities with training in care work, or should be graduates from nursing colleges.<sup>32</sup> Moreover, to work formally in Japan, care immigrants must take national exams in Japanese and pass them within three years in the case of nurses or within four years in the case of care workers. These requirements are quite strict for foreign immigrants who are not familiar with the Japanese language before coming to Japan. Thus, the Japanese government does not completely open Boundary 2 for care immigrants.

A second note is on the effects caused by the policy on care immigrants. Foreign workers are usually engaged in the production process of the economy, working in factories and construction sites for example. As a result, they have few opportunities to interact with the majority of Japanese in a face-to-face manner. However, such invisible characteristics of traditional foreign workers are not shared with care immigrants. Nursing and care work are intrinsically a type of person-to-person service in society. Care immigrants are clearly involved in face-to-face interaction with ordinary Japanese, which makes care immigrants visible in Japanese society. Such visible characteristics will induce Japan towards a multicultural society further and more substantially.

If we look around other Asian countries, a lot of foreign house-workers enter and work in households in Taiwan, Hong Kong and Singapore at the present time, while foreign brides move to South Korea and Taiwan to get married and live with their husbands. These types of immigrants – care immigrants, foreign house-workers and foreign brides – can be called “foreign caregivers” and fulfil the function of taking care of children as well as elderly people and family in society, which is very different from that of producing goods in the economy. Consequently, they all entail globalisation of the private sphere of host societies. As care immigrants experience this radical change in the private sphere, it is ambiguous whether or not Japan will continuously adopt the strategy of opening Boundary 2 for care immigrants not only in the long term but also in the short term.

### **Theoretical Considerations**

In a time of recession, how does the state handle social borders to manage international migration which is accelerated by globalisation and transnationalism? To investigate this question, this article posed the closing boundary hypothesis: In a recession, the state attempts to close boundaries to prevent the influx of international immigrants along economic logic. Is the hypothesis compatible with recent Japanese immigration policies?

With respect to policies on immigrants around Boundary 1 and 2 of the HKT Model, the closing boundary hypothesis cannot be adopted uniformly (Table 4). The hypothesis is valid for the policies on *nikkeijin* and foreign trainees, because the state clearly tries to close Boundary 2 against the two types of immigrants due to declining economic conditions. In addition, against undocumented

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<sup>32</sup> Sun Won Suk, “The Policy on Receiving Foreigners in Nursing and Care Sector and its Issues,” in *Eldercare in a Multicultural Society: A New Horizon for 21st Century Japan*, ed. Chizuko Kawamura and Sun Won Suk (Tokyo: Akashi Shoten, 2007), 76.

**Table 4: Types of Immigrants and Border Openness**

Type	Border	Logic
<i>Nikkeijin</i>	Closing	Economic
Foreign trainees	Closing	Economic
Undocumented immigrants	Closing	National integrity
Care immigrants	Opening	Ageing of society

immigrants, the state struggles to close Boundary 1, but the logic of closing is not to deal with economic turmoil rather to maintain national integrity. Finally, for care immigrants, the

state seeks to open Boundary 2 regardless of the economic recession.

Why is the closing boundary hypothesis inapplicable to all these policies uniformly? There are three main reasons: First, the case of the policy on undocumented immigrants demonstrates that the state does not necessarily act according to economic logic. Generally, even under rapidly changing economic circumstances, the state is restricted by path dependency in policy making and implementation. Even in a heavy recession, it cannot change its policy easily. In particular, the state has inertia to track the logic of policy prior to the recession, such as the enhancement of national integrity and agreements in diplomatic relations.

Second, the recession is not the only type of social change that the state has to deal with. In particular, to understand policy change of the state, we should, at the very least, categorise social change into long-term and short-term types. The recession generally belongs to short-term social change which lasts around three to ten years at most. The implication of this is that while policies on *nikkeijin* and foreign trainees were affected by recession as a short-term social change, the policy on care immigrants is largely influenced by an ageing society, which is a longer-term social change. Surely, this dichotomy of social change – long-term and short-term – is a relative categorisation rather than an absolute distinction. To understand the effects of the recession and the financial crisis on social borders, it is necessary to distinguish two types of social change. As a consequence, the dichotomy of social change clarifies that the validity of the closing boundary hypothesis is different among these policies.

Finally, related to the second point mentioned above, different types of immigrants around Boundary 1 and 2 have different characteristics. On one hand, *nikkeijin*, foreign trainees and undocumented immigrants are generally incorporated into the production process of global capitalism, developing within the nation-state. They work in manufacturing and the food-processing plants and at construction sites in many cases. On the other hand, care immigrants are introduced into the reproduction process of human beings and society. They provide person-to-person service to care for elderly people and patients at hospitals and nursing homes. In other words, the state's attitude towards border control depends on characteristics of the economic sectors where foreign workers get into. This difference of immigrants in type produces differences in policy that the state implements.

These three points clarify why the closing boundary hypothesis does not agree with all policies on immigrants around Boundary 1 and 2 uniformly.

### **Towards the Establishment of Social Border Studies**

As illustrated above, under globalisation, transnationalism and the economic recession, the

Japanese state manages social borders to handle migration based on state sovereignty. In the complex circumstances of migration, it is quite difficult for the Japanese state to maintain economic prosperity, social order and national dignity altogether. Thus, although this article does mention Boundary 2 only among all social borders, it implies that the state utilises not only the territorial border ( Boundary 1) but also social borders (Boundary 2, 3, 4 and 5) to deal with migration. Moreover, it shows that the state does not uniformly pursue a policy of closing down borders against migrants. To close borders is not the only policy choice to deal with the migration issue effectively. Rather the state adopts a more flexible policy strategy in terms of border management. To explore globalised migration, we advocate undertaking “social border studies” on social borders as well as territorial borders.

Can social border studies be applicable to other countries in Greater Eurasia? The answer must be “Yes.” Surely, even countries in one corner of the world, East Asia, have diverse experiences and histories in terms of international migration. For example, since the end of the 1980s, South Korea has shifted from an emigration country to an immigration country, receiving undocumented immigrants and foreign trainees in order to address a shortage in unskilled labour. After 2000, South Korea has had to confront immigration issues such as the introduction of a guest worker system, foreign brides and the subsequent management of a “multicultural” society.<sup>33</sup>

In China, a rapid increase in emigration has been a big issue. In addition, there are a considerable number of ethnic minorities in its territory, such as Korean Chinese around the territorial border with North Korea. At the same time, the Chinese government needs to find ways to integrate a considerable number of newly arrived immigrants and consider a process for granting them citizenship.

To understand fully the diverse experiences of the countries and states’ behaviour towards international migration, border studies should extend its interest from territorial borders between nation-states to multi-layered social borders within the nation-state. In a nutshell, border studies needs to incorporate social border studies.

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<sup>33</sup> Tarumoto, *Yokuwakaru*, 150-5.