

The transformation from restrictive to selective immigration policy in emerging national competition state: case of Japan in Asia-Pacific region

Kuboyama, Ryo

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Ryo Kuboyama*

The Transformation from Restrictive to Selective Immigration Policy in Emerging National Competition State: Case of Japan in Asia-Pacific Region

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University of Bielefeld
Faculty of Sociology
Centre on Migration, Citizenship and Development (COMCAD)
Postfach 100131
D-33501 Bielefeld
Homepage: http://www.uni-bielefeld.de/ag_comcad/

Abstract

This paper introduces and reports a part of my own research project “cross-national analysis of immigration reform politics” in several OECD countries during the last decade. The research aims primarily to make a theoretical explanatory model to explain this paradigm change of immigration policy and secondarily to investigate the different domestic political processes in comparative perspective. The paper attempts to explain the recent transformation of immigration ‘policy paradigm’ in European destination countries, focusing on the historically contingent modality of state intervention, taking the cases in West Europe since the late 1990s, and using the arguments of ‘national competition state’ by Philip Cerny, and others. Then the paper applies this time the explanatory model to a case in quite different region, Japan where the government in past pursued the most restrictionist immigration policy among OECD countries and the neo-liberalist and reformist conservative government since 2001 opened the way to immigration policy reform, in the changing international and regional circumstances. Although we have experienced few outcomes of the reform, Japan has been launching the policy paradigm shift with the emergence of ‘national competition state’ and by the foreign and trade policy’s imperative in Asian-Pacific region and it has transformed in part even the form of immigration politics in which the ministry bureaucrats and the governing party politicians dominated in past.

1. Introduction

Since the last 1990s, we have undergone the shift of national immigration policies in destination countries, in particular Europe, the departure from ‘zero-immigration policy.’ I define it the transformation from restrictive to selective immigration policy, wherein the national policy does not any more pursue the restrictionist course at the latest since the early 1970s that state primarily aimed at limiting the scale of immigration as a whole, minimizing the settlement of immigrants, while, denying the reality of migration and migrants, state demonstratively closed the front doors to labour migrants, and opened the side doors a crack. The ongoing change of national immigration policy of destination countries is not limited the expansive policy to gain skilled or highly-skilled migrants : some states have tried to open the front door even for unskilled labour migrants, too.

The core of ‘selective immigration policy’ is the flexible management and selection of immigration, not any more restriction nor limitation of immigration based on the static ideas, adapting to the shifting paradigms of state intervention in national economy and the supply of welfare as well as manpower ; it is combined with the enhancing restraint on ‘not desirable’ migration like illegal migration and family union, and with the ‘selective’ integration policies, in part, in the sense of Joppke’s (2007) ‘civic integration.’ Rather than focusing on the adaptation and incorporation of entire immigrants to national society on some universalist and assimilationist principle, the selective immigrant policy centres on the competence and competitiveness of immigrants, growing language and life skills of them, promoting the incorporation of ‘competent’ immigrants and excluding ‘burdensome’ immigrants, on the principle of utility and selection (Kuboyama 2004; 2005; 2006).

However, the paradigm change of immigration policy itself has been rarely systematically explained, while recently the shift of political arrangement and strategies by states and the European Union (EU) has been in a broad way mentioned in connection to the “neo-liberalist ideologies” or “neo-liberalist capitalism”.

My hypothesis is that the change of state immigration policy is mainly based on the alteration in the modus of state interventionism that is historically contingent, namely changes over time, and it is particularly characterized as the transition from the national welfare to the national competition state. Beyond European countries and EU, we can now observe clearly this shift in Asian Pacific region, above all in Japan pursuing the extremely restrictive immigra-

tion policy in past. In this paper, I discuss the transformation in this direction in Europe and try to explain it, using Philip Cerny's arguments on 'competition state'. And then I analyze the case of Japan, especially the expansive reform of labour migration policy under the neo-liberalist government strongly motivated to carry out the 'structural reform'.

2. Shift to Selective Immigration Policy and Emergence of National Competition State in Europe

2.1 Shift to Selective Immigration Policy

Since the late 1990s, we have witnessed more and more the shift of immigration policies in West European countries. As above shown, it is the emergence of 'selective' immigration policy that combines the active 'foreign manpower policy' with the intensified 'restrictive' policy (against 'undesirable migration') and with the 'selective' integration policy. After the long-standing zero-immigration policies, wherein the governments established the post-1970 principles to take a passive stance toward migrant labour demands, with the exception of temporary schemes for a few special sectors and segments designed to save social costs and to close the bar to permanent residence ; they have launched the active policies to gain labour force from abroad in the sectors of IT technology, medical service, nursing and caring, and in other special qualified occupations, and have relaxed the policy for university students and graduates of foreign nationality.

The first step was the initiative to deregulation of labour migration taken by some states. Since the late 1990s, Sweden with the quite strong regulative institution dominated by the labour unionⁱ, changed the rule for labour migration, and there arose the adoption of measurements designed to gain actively skilled migrants in Denmark, the Netherlands and France. In all these countries, laws were modified and new ordinances or schemes were ordered, and the number of granted work permits in total has drastically increased since 2000. As we know, the Green Card policy and the new legislation of immigration of 2004 by the German government, and the UK's reforms of the labour permit policy since 2001 took the most important and symbolical step to the paradigm shift of immigration policy, and the French new legislation by Sarkozy government reinforced determinatively the trend to selective immigration policy. The EU policies since the treaty of Amsterdam of 1999 have also showed the

similar direction, emphasized it, in particular during the period of the commissioner for home affairs, Vitorino.

It is remarkable that in Austria, Denmark and the Netherlands in the beginning of 2000s, despite enhanced anti-immigration sentiments and movements, the new legislation by the governments in coalition with or in cooperation with populist anti-immigrant parties included the expansive policy to gain skilled labour migration. Some governments have attempted to expand non-skilled labour migration, too, which was 'taboo' in the era of zero-immigration policy. Indeed, the German and British policy makers planned to encourage even unskilled labour migration, although it ended up in failureⁱⁱ. Austria extended the seasonal worker scheme to the general one for unskilled migrant workers of all sectors in the new Act of Alien, while the new law limited the permanent-residence-based labour migration to the highly-skilled. In southern Europe where have experienced uncontrolled labour migration, governments and policy makers have similar ideas, too, which are particularly shown in the policy reform plan of the Spanish social democratic government since 2004.

2.2 Selective Immigration Policy and 'Restructuring' Interventionist State

The states that played pioneer roles in the transformation to selective immigration policy — Germany, UK, Denmark, and the Netherlands — have gone forward the formation of new paradigm not only in the domain of immigration. They have already or parallelly intended and advanced the 'restructuring' of welfare state; the reform of pension scheme and medical insurance system, labour market policy and administration, the subsidies and supports for national industries and large enterprises, the regulation of economic activities, financial systems, and government budget, and the financial allocation and transfer that all established and have maintained for the post war period. Needless to say, these 'structural' reform are mostly based on the market-based, competitive, self-reliance, flexibility and parsimonious principles, as Philip Cerny and some theorist of 'Regulation', Bob Jessop and Hirsch argue : the shift from national industrial welfare state to competition state or from 'Keynesian' to 'Schumpeterian' welfare state.

The essence of the post-war national welfare state lays in the capacity which state actors and institutions had gained, since the Great Depression of the 1930s, to insulate certain key elements of economic life from the market forces, especially including both protecting citizens from poverty and pursuing welfare goals like full employment and regulating business in the public interest (Cerny 1996, 1997). The immigration policy of industrial nations has developed since Interwar or the early twentieth century in the closed linkage to the develop-

ment of social security schemes and the worker's welfare that later after the end of War led to the establishment of the national welfare state. By the genesis of expansion of 'welfare state system', Freeman (1986), Faist (1995, 1996) and Bommers and his colleagues (Bommers and Halfmann 1994, 1998) have explained the motives and reasons why nation states continue strictly to regulate international migration. Their arguments centred in the incompatibility between the endogenous logic of 'closeness' constrained by the welfare state and the exogenous forces of the global markets and international relations to force states into the 'openness', which results in state's efforts to restrict international human migration.

However, if how state should intervene and in what state should intervene— I term it the 'modality of state interventionism' — changes over time, how state should regulate immigration to protect and promote national interests also changes. National interest for immigration might change according as the transformation of 'interventionist statehood.' I assume that the shift in collective meaning and model of state intervention in the context to international migration might be conceptualized as a transformation from national welfare to competition state. In short, it is the "new social contract" (Blair).

The weakening post-war consensus of the welfare states stands in their decreasing capacity to insulate national economies from the global economy, which since then leads to emergence of a different modus of state, the competition state (Cerny 1997, 2000). The state actors and institutions are themselves promoting new forms of complex globalization, in the attempt to adapt state action to cope more effectively with what they see as global "realities". This interaction of economic transformation and state agency, is leading to a re-structuration of the state itself as relatively efficient alternative modes of adaptation to economic and political globalization (Cerny 1997).

This restructuring state, that is, 'competition state' has been pursuing increasingly marketization, rather than attempting to take certain economic activities out of the market, in other words, to decommodify them as the welfare state was organized to do so. This commodification of the state itself is aimed at making economic activities located within the national territory, or in the way that contribute to national wealth, more competitive in inter-/transnational terms (Cerny 2000, 1996, 1997).

By emerging "competition states", Cerny explains the transformation of state's tasks, roles, and actions by globalization. Behind the shift of state intervention, there raised moreover the alteration in domestic political domains. One of them is a shift in the focus of the interventionism, a shift from the development and maintenance of economic activities, to one of flexible response to competitive conditions in diversified rapid evolving international marketplaces.

Another one is a shift in the focal point of party and governmental politics: away from the general maximization of public welfare within a nation (full employment, redistributive transfer payments, social service provision etc.), to the promotion of enterprise, innovation and profitability in private and public sectors (Cerny 2000, 1997).

In sum, a state itself transforms as agent from civil to enterprise association, a promoter of market forces. Rather than providing public goods and services (not effectively produced by the market), rather than acting as decommodifying agent, state — as market-based commodifying agent now — is drawn into promoting the commodification and marketization (Cerny 1996, 1997, 2000). Giving instances, state intervention is thus likely to focus on strengthening educational system, job-training and industrial infrastructure, fostering innovation, and increasing national industrial and economical competence in global markets on the one hand, and attempt to reduce welfare and social benefits scales, shrink targets of social protection, and curtail subsidy for less competent industries as well as financial transfer between regions. As Cerny (1996, 2000) also points out, pioneers of competition state model is, of course, found in UK under the Thatcher government and the USA under the Reagan administration in the 1980s. One can also observe it in Australia and New Zealand during and after the neoliberalist reform since the 1980s.

The pioneers of selective immigration policy in Europe are the middle left's governments in UK and Germany. The Blair government in UK and the Schröder one in Germany planned structural reforms under the phrase "Third Way". As to the Netherlands and Denmark, the both destination states that changed most drastically immigrant policy and the conception of social integration in the last decade, Green-Pedersen et. al. (2001, 2002) stresses, analyzing their party political transformations and focusing on social democratic course changes, that the third way course of social democracies is a policy complex of market-oriented and — intervention ones and encompasses an significant role for strong state interventions which differentiates it from neoliberalism, too. It follows such effective and flexible market-oriented policies as cuts in personal income taxes, social security limitation and making labour market more flexible, whereas it aims at state intervention, that is, for the goal of job creation and increasing market participation by the active labour market policy and social investments. (Green-Pedersen, et.al. 2002).

These shifts in state interventionism, "from the general maximization of public welfare within a nation, to the promotion of enterprise, innovation and profitability", could change state interests for immigration control. Adapting in this change process, it would be assumed that states have been obliged to modify her approach toward immigration and political consideration of immigration. Rather than keeping non-citizen as long as possible away from redistri-

bution of public goods and restricting entrance to national labour market simply on basis of citizen/alien distinction, the target of immigration policy in competition state is gaining flexibly and rapidly human resource fit to demand of certain skills and sections in industries in good timing and facilitating transnational-mobility of business persons inside multinational corporations and networks of global productive process and network.

Nevertheless, states are continuously obliged to expand welfare supply, since the *reductive reorganization, not retrenchment* of welfare states in this very shift to competition states (e.g. deregulation of labour markets) and of corporations (e.g. reduction of fringe benefits and occupational welfare) of as well as aging of national society, still increase needs and state's task to care social welfare of citizens. Thus, besides national interests based on *welfare state interventionism* to protect generally employment and welfare finance and material resource in regulating immigration, now as results of globalization processes in the last decade, there raised antagonistic interests based on emerging competition states to promote enrichment of national human resources by expanding immigration.

I assume that the ongoing shift in state interventionism models followed by these two antagonistic interests for national welfare changed the state interests for immigration control :

Thus, the formation of *selective immigration policy* since the late 1990s could be explained as a coupling of the continuing or strengthening restrictive policy against the 'costly' migration and the expansive policy toward the beneficial one : in other words, the combination of the restrict and protectionist tradition of immigration policy in Europe with the 'conservative corporatist welfare regime' (Esping-Andersen) and the partial imitation of Anglo-Saxon immigration countries' policy with the 'market-centred liberalist welfare regime.'

In this context of emerging national competition state, we can explain also the case of Japan, too, not only the European destination countries. One can observe that the structural reform by the Japanese government followed by ideological key terms "small government" "limiting administrative power, expanding private power" since the beginning of 2000s have promoted the protagonist arguments for expansive immigration policy that is now totally different from the past protagonist's positions in its logics, preferring economical logics rather than humanitarian ones.

The government's some specific organs and councils for economical reforms and industrial policies have brought forward the sets of controversial proposal in favour of both the skilled migration and skilled migrant's settlement, and moreover they have required more and more the reform of immigration policy — incorporated in the national projects toward 'competition

state’— that pressures the ministry of justice responsible for immigration control, the hard liner, reform inhibitor, and sometimes even ‘veto player’ in the past immigration policy making, to reexamine restriction of labour migration and the ministry’s restrictionist course. The impetus for bilateral free trade agreements emerged in this trend, which went back to the national business organization, the Ministry of Foreign Affairs (MOFA), and the reformist ministry, Ministry of Economy, Technology and Industry (METI)—most strong advocator of the competition state within the government—and which forced the protectionist ministry, Ministry of Health, Welfare, and Labour (MHWL), to accept the opening of border for foreign health care workers, as discussed below.

3. Emerging Competitive State and Transformation of Immigration Policy in Japan

3.1 ‘Organized Hypocrisy’ — Japan and Zero-Immigration Policy

Japan has been well known for its very strict immigration policy and its most rigorous attitude toward asylum-seekers in industrial democratic nations. Like the European countries’ zero-immigration policy, the government has refused unskilled labour migration and officially admitted small numbers of labour migrant within the really limited categories and sorts of occupation listed in the Immigration Control and Refugee Recognition Act, although it has a few exceptions as below noted, and large number of illegal migrants (overstayers)—even more than 500,000 at peak and now less than 200,000—have worked at the latest since the 1980s to make much contribution to the subcontracting enterprises in the manufacturing and construction industry that have suffered from serious labour shortageⁱⁱⁱ.

Additionally, the Japanese government has used the same praxis for labour force demand as European countries developed, after the ban of 1970s. These countries developed such short term schemes of labour migration as a project-tied subcontracting workers’ program or seasonal workers’ program to import temporarily migrant workers and not to allow them way to permanent residence. Japan also took the foreign trainees program in 1993, reacting to the increasing pressure to loose regulation of labour migration; however the program has been abused, making the young “trainees” from other Asian developing countries the low paid unskilled or semiskilled workers in labour-intensive sectors. The admission scheme of foreign students, especially from China, has been also abused to produce the unskilled labour in service sectors, which is quite ‘benignly neglected (Philip Martin)’, despite the ‘official’

strict control. The re-immigration of Japanese immigrants from Latin America since 1989 that has supplied the export industry with a pool of unskilled and semiskilled manpower ; The Trainees and Technical Internship Scheme and the admission of foreign students that have provided the labour intensive sectors with the low paid labour force ; The residential status of 'Entertainers' that was misused in a long time for the supply of female workers in the sex and other similar service industry from Philippine legally not admitted and often even the human trafficking, which were tacitly permitted by the ministry's officers under pressure from the politicians of the governing LDP (until 2005)^{iv}. All these government's practices, combining with the political 'myth' established since 1989 "Japan opens the door to highly-skilled migration, but continues to close it to unskilled migration" (from the cabinet statement at that time), have developed the huge gap between the 'official' concept as well as extremely strict rules and the reality of migration. It is the 'hypocrisy' of Japanese immigration policy organized by both the private and government actors, borrowing Stephen Krasner's (1999) known term 'organized hypocrisy' for the constitution of state sovereignty in international relations. The consequence of the 'organized hypocrisy' constituted by the state and private agents is that most of migrant workers in Japan today are, not the skilled, but the unskilled or semi-skilled, in contradiction to the government's official stance (see table 1).

However, as is the cases with West European countries, since the late 1990s, the government, political elites, the business circles in closely connection with the government and governing party, and public opinion have argued loudly needs to gain the skilled migrant workers and experts from abroad. Some arguments have supported even the admission of unskilled migrants, and then most hard liner within the government in past, the Ministry of Justice (MOJ) began to consider the extension of migration of skilled workers and experts, for the first time, in 2001. In 2004, Japan made the agreement with Philippine that includes admission of nurses and care workers per year's quota and furthermore MOJ engages in the planning of expansion of labour migration in future, while the government has been strengthening controls and sanction rules toward illegal migrants and their employers.

One of reasons why the rigid and restrictionist course of Japanese immigration policy has not changed and why the lively controversy during the last tow decades has never led to the policy reform is, of course, the well known dominance of ministerial bureaucracy and the cliental connection of ministerial bureaucrats and LDP politicians in national policy-making in Japan. Although I will discuss this issue, the block of immigration policy reform, in a future paper, other reasons might be the long time rule of the LDP government and the marginal position of immigration issue on the national policy agenda that has allowed such overwhelming

dominance of MOJ in immigration policy making as MOJ can sometimes served as veto player in past.

As Blair government and Schröder government that replaced the long-standing conservative government opened the way to fundamental reform of immigration policy, so the Koizumi government established in 2001, although the same conservative party LDP continued to govern, launched the venturous reform of the government organization and macro-economical, industrial and welfare policy that yielded the imperative of immigration policy reform in similar way.

Table 1: Migrant Workers in Japan (2006)

① Foreign Nationals with Residence Status of Specialists, Intra- Company Transferee, Skilled Workers	176,417	20.05 %
② Trainees and Technical Interns of Foreign Nationality (<i>de facto non-skilled workers</i>) ※	167,995	19.10%
③ Descents of Japanese Immigrants and their Spouses from Latin America with unlimited work opportunity (<i>non-and semi-skilled workers in manufacturing industries</i>)	257,276	29.25%
④ Students permitted to work (<i>non-skilled workers mainly in service sectors</i>)	107,158	12.18%
⑤ Irregular Foreign Workers (Overstayers)	170,839	19.42%
Total	879,685	100.00%

Calculation based on the data issued by Ministry of Justice (2007)

□The figure includes the foreign nationals with “Working Holiday” status.

3.2 Setting ‘Bypass Route’ for Policy Making

—Neo-liberalist Conservative Government and ‘Structural Reform’ since 2001

The Government by the Prime Minister Koizumi since 2001 that manifested the structural reform and break away from the Post-war regime, attempted to change even the institutional setting for the policy-making in order to avoid the blockade and withstand by ministries’ high officers and LDP’s ruling politicians with strong cliental connections with ministries in a variety of policy realms. As is well known, these both actors have been dominated in policy making processes in most of public policy domains in post-war Japan.

The Koizumi government set two councils as subordinate institutions of Cabinet Office and Prime Minister's Office that played important roles in making of his reform policies and reflected more interests of business circles and private finance sectors — *Council on Economic and Fiscal Policy* (CEFP)^v and *Council for the Promotion of Regulatory Reform* (CPRR), on the one hand. In particular, the latter institution for deregulation policy was given so much competence by an ordinance that its annual report is mostly accepted as one of Cabinet Decisions, while the president of the Council was occupied by the CEO of an investment and finance company, the well known advocator of neo-liberalist reform and the Council was dominated by business managers, economists and scholars.

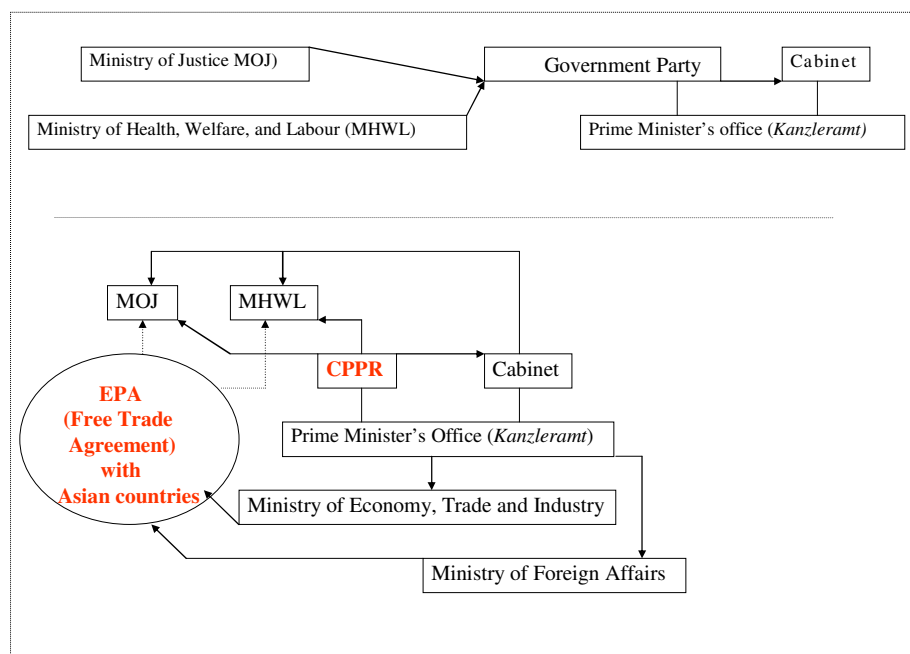
CEFP and CPRR have often included immigration issues in their agendas of 'structural reform'. These Councils, national business organizations, and the reformist politicians and officers initiated the national debates on reform of immigration policy and the intense debate was took place above all between 2002 and 2006 under the Koizumi administration, and made the reports on the reform to expand labour migration, sometimes even unskilled migration and to plan the settler immigrants policy,.

CPRR, by the means of negotiations in working group meetings with the responsible high officers, informal contacts with them, the pressures from the Cabinet Office, some obligatory reform plans and others, endeavoured to diminish the blockade the ministries, in particular MHWL in the issues of foreign nurses' and care workers' admission based on bilateral agreements, and to force MOJ to liberalize the rules and practices in a variety of questions, including even the issue of irregular migrants' regularization on case-by-case basis (stipulated in the Immigration Control Act) that resulted in the slightly increasing transparency of its procedure, on the one hand.

On the other hand, the Prime Minister, Koizumi endeavoured to move both the arena and authority for policy planning and consultations from ministries to the Prime Minister's Office, to make the policy-making top-down process. Koizumi government undoubtedly used the concepts and actions by Blair government in UK as reference of his structural reform. As Cerny's argument above quoted, the Koizumi government attempted to transform the state organizations as "agents from civil to enterprise association", "a promoter of market forces". In this respect, no less important is the fact that the reforms of employment permit administration by Blair government denote the reorganization of bureaucratic administration to an 'efficient' agency like a private-sector corporation and the British government's reform of immigration policy encompassed implicitly the 'semi-privatization' of state activities^{vi}. Thus, the neo-liberalist reform course toward the formation of national competition state, led by the conservative politician originally with the nationalist stance, produced, as a result, even if

weak and not in the long run, the bypass route for the immigration policy making. (See, Figure 1)

Figure 1: Conventional (top) and New (bottom) Pattern of Immigration Policy Making



3.3 Attempt to Reform Immigration Control as 'Deregulation Policy'

—Endogenous and Exogenous Pressure

In this circumstance, there arose two — endogenous and exogenous imperatives to the turn of labour migration policy. The first is the rising mood and discourses to expand labour migration which was accelerated by the Councils as well as reformist politicians and officers. The second is the negotiations for and the conclusions of bilateral Free Trade Agreements (it has been now extended to the Economic Partnership Agreement, EPA) — it is the decisive and unavoidable strategy for the export-led and foreign trade-dependent national economy — with the rapidly developing ASEAN countries that forced the Japanese government to open the front door for labour migrants. The ministries, METI and MOFA have in recent years increasingly asserted for the departure from the conventional restrictive immigration policy and the expansion of labour migration^{vii}. The negotiations for the agreements with ASEAN countries (and also India) has since 2003 promoted by the both ministries, and supported and encouraged by the Prime Minister's Office. Most of the partner countries, Thailand, Philippine, Indonesia and India, pressed the Japanese government for the liberation and deregulation

lation of “natural person’s” movement, not only the one of goods and commodity in the framework of FTA. (See, Table 2)

The immigration Control Act has de facto banned the migration of nurses and care workers to Japan^{viii}. As the negotiations with Thailand and Philippine progressed from 2002 to 2004, in which the both especially required the acceptance of health care workers (nurses, care workers, and other medical specialists), so the CPRR took the deregulation of migration of health care workers as one of reform goals and succeeded to include it to the government’s 3-years plan of deregulation and privatization that was endorsed by the Cabinet in March 2005 and that requires ministries to work on and attain issues listed in the plan within a time limit. Pressured by the government’s plan, MOJ, the ministry concerned with immigration control and legislation, decided to withdraw the limitation of employment’s length for nurses and medical doctors of foreign nationality by ordinance in May of the same year.

Moreover, as the negotiations with Indonesia which also pressed Japan for the large-scale acceptance of nurses and care workers in the EPA got underway and reached the agreement in November 2006, both the councils in April (CEFP) and July (CPRR) took the acceptance of care workers in their reform and deregulation plans. The working team of CPRR attempted to make the liberation of migration of health care workers through the consultations with the ministries representatives. Against the government’s plan, against the opening of the front door for health care workers, MHLW, as protectionist agency for the labour market, welfare, and medical policy, made vehemently oppositions^{ix}. Despite its opposition to ‘deregulation’ of health care worker’s migration, as to the acceptance of them by bilateral agreements, MHLW had no alternative but to agree with it.

Between the late 2005 and 2006, as it became obvious that the open of front door by EPA is inevitable, there appeared a variety of concentrated debates and proposals toward expansive reforms of immigration control and labour migration policy within the government. MOJ, the ministry advocated the restrictive immigration policy for a long time in past now discuss the expansion of occupations and sectors to allow migrants’ labour in its white paper of 2005 (MOJ 2005), and the working group of MOJ led by the vice minister made recommendation to admit unskilled labour migration and the work permit system for admission and control of migrant workers in Mai, 2006. The government party, the LDP’s commission for the foreign workers policy released the report to recommend the acceptance of unskilled migrants, too. However, the government never reached a consensus.

Table 2 Japan's Economic Partnership Agreement (Extended FTA)

Partner Country	Admission and Deregulation of Labour Migration Required by Partner Countries in Negotiation
Philippine (concluded in 2004)	Nurse, Care Worker, (Domestic Worker)
Indonesia (validated since 2008)	Nurse, Care Worker
Thailand (concluded in 2007)	Care Worker, Cook, (Massager)
India (in negotiation)	Nurse, Physician, Architect
Malaysia (validated since 2007)	Scholars, Researchers, Specialists
Korea (in negotiation)	Nurse, Care Worker, Physician, Engineer

4. Preliminary Conclusion and Discussion

I discussed in this paper, (1) the transformation of immigration policy and politics in Europe, the departure from the zero-immigration policy, (2) the shifting modality of state interventionism as the explanatory model for the change, and (3) then attempted to analyze the case of Japan.

The EPA with Philippine, the most important sending country for the health care workers, after the vigorous debate in the parliament, ratified the treaty in the last year, 2008, while about 200 nurses and 300 care workers have already worked since July 2008. They are obliged to earn the Japanese certification within 3 -4 years and only those who earned it are allowed to work furthermore in Japan, which is really characterized as 'selective policy'.

Despite these extremely strict rules, indeed it is the breakthrough of Japanese zero-immigration policy since the end of WW II . In the same time, MHLW created newly the certification for the 'assist-care worker' so that those who failed to pass a qualifying exam for the 'care worker' can work further in Japan. It means that the government opened the front door for unskilled worker for the first time.

While the expansion of ‘desirable’ migration in emerging Japanese selective immigration policy has gone slowly, the government has rapidly brought forward the policy against ‘undesirable migration’, particularly the irregular migration. Following to the USA, Japan began to adopt fingerprints of and take photos of almost all immigrants at entry in airports and havens, with the exceptions of settled Korean and Chinese immigrants and the immigrants under 16 years old. Since 2002, Immigration Control Bureau of MOJ has organized the special troops to detect and arrest irregular migrants, whereby the state has politicized irregular migration and linked it to security issue (securitization).

Furthermore, I would like to shortly point out two remarks here. Firstly, the emerging reform of immigration policy that was set in motion by the Koizumi government changed the contexts and meaning of immigration policy and politics. His government’s reform course, despite few policy outcomes in the domain of immigration, correlates to the changing modality of interventionist statehood that I discussed in the linkage to immigration, in part, changed the immigration politics in Japan.

However, this transformation process did not go alone, but hand in hand with the change of meanings that I argued in another paper (forthcoming) about the cases of Germany and the UK since the late 1990s. Immigration policy does not any more remain the traditional ‘Alien Policy’. It has gradually been reorganized as one integrated in the domain of ‘security policy’ (the policy against the ‘undesirable migration’), on the one hand, and also reorganized as one incorporated into the realm of ‘economical and industrial policy’ (the policy against the ‘desirable migration’). ‘Immigration’ has gained different meanings than in conventional discourses. The meaning of *immigration* slowly but obviously shifted from *risks* and *costs* to *resources* and *ability*.

It is very symbolically observed in the case of UK, where the changing usage of “economic migration” “economic migrants” — quite ambiguous, even ideological terms — is in the reform by the Blair government revealed. It was until legislation of Act of 1999 that the terms were used only as negative symbol in the same way as “economic refugees (*Wirtschaftsflüchtlinge*)” in Germany. It was illustrated by Home Office, that “there is no doubt that large numbers of economic migrants are abusing the system by claiming asylum” and “economic migrants will exploit whatever route offers the best chance of entering or remaining within the UK”, and Home Secretary, Jack Straw, proclaimed that one of aims to legislate the Act is to minimise the attractions of the UK to economic migrants (Home Office 1998). Here, (labour) migration in economical contexts was considered wholly as negative phenomenon.

Secondly, the turn to 'selective policy' is driven not any more exclusively by the destination states. The sending states also are likely to take the 'active and selective *emigration* policy.' In recent years, the government of Philippine has increasingly endeavoured the qualification and selection of labour migrants to abroad, while the government has developed the active policy for the extension of labour migrant market in abroad (Ogaya 2003, 2005). The strict qualification rules for the reception of health care workers in the framework of EPA seemed to be initiated, not only by the Japanese government, but also by the government of sending countries. The latter will now select and 're-commodify' emigrants in the changing circumstances. In this sense, the trend to selective immigration policy has been emerged in interrelations between both the governments, in sending and destination countries.

ⁱ See, Hammar 1985, 1996.

ⁱⁱ United Kingdom (Act of 2002) and Germany (Enactment of Immigration Control Law in 2003) planed it, but it met with setback. Norway reformed work permit system fundamentally in 1997, too.

ⁱⁱⁱ In the last years, they are estimated to about 180,000.

^{iv} In 2006, the government abolished this intentional practice, mainly by the force of international community against human trafficking and the U.S. government's administration related to human rights. The retired director of Immigration Control Bureau with long carrier in the Bureau reveals in a newspaper interview (and his web site in Japanese: <http://blog.livedoor.jp/jipi/> the last access on 30.12.2007) that he, as chief of the department for residence permit issuance, strengthened the control for the stay with this residential status in 1995, but his department's action was interrupted by the politicians and stopped mainly by their oppression. (*Asahi Shinbun*, 28.02 2006).

^v The CERP founded by the former government was activated and strengthened as center institution for structural reforms by the Koizumi government.

^{vi} The CPRR proposed radically even the privatization of tasks and procedures of immigration administrations in its proposal report of July 2002.

^{vii} For instance, METI have emphasized in every annual white paper the needs of expansive labour migration policy, especially expansion of skilled labour migration. The council of MOFA issued in 2004 the full report to propose even the deregulation of unskilled labour migration.

^{viii} The law excluded the residence status as care worker. It allows a nurse of foreign nationality only to work as trainee for up to 4 years after obtaining the Japanese state-ruled qualification.

^{ix} Records of meetings by CPRR sub-working group for alien policy on June 2, and July 13, 2006 (Japanese); CPRR Sub-working for alien policy reports by Sub-working group on June 2, 2006, and CPRR Sub-working for alien policy reports by MHLW on June 2 and on July 13, 2006 (Japanese).

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