

## **Abe Cabinet Migration Reforms: Cautious Liberalization?**

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**Abstract.** Japan is a developed country which, however, is facing an acute problem of population aging and demographic decline, including that of the number of working-age population, due to a combination of low fertility and high life expectancy. Most countries solve the problem of labor shortage by actively attracting labor migrants to the country. However, Japan – one of the most mono-ethnic countries in the world – is known for its strict migration legislation. The migration balance in 2018 amounted to a little more than 160,000 people, despite the fact that, in order to stabilize the population, the influx of people into the country should be about 500,000 annually. This situation is largely caused by limited migration attractiveness of Japan, where migrants still often face violations of their rights, difficulties in renting housing, employment and in everyday life due to the language barrier, complexity of administrative procedures, and socio-cultural characteristics of Japanese society.

Given the demographic trends, the use of labor migration to fill the shortage of labor in Japan seems to be not only reasonable, but also an uncontested option. That is why the migration policy of Japan became one of the most important issues with regard to the well-being of the Land of the Rising Sun during the premiership of S. Abe, who decided to gradually move to liberalize migration legislation. Since 2012, initiatives and goals of Abe Cabinet in the field of immigration control, in fact, affected all categories of migrants – highly qualified specialists, students, low-skilled workers, medium-skilled workers, and illegal immigrants.

The article will examine what measures were taken during Abe's premiership to attract foreigners and how the liberalization of migration legislation correlated with the growth strategy of Japan, Abenomics.

**Keywords:** migration policy, migration legislation, labor migrants, illegal migration, Abenomics

The issue of gradual liberalization of migration legislation is one of the hottest in Japan's politics. On the one hand, the trends of internal and global development literally push Japan towards attracting foreign workforce more actively. Currently, one of the most serious problems for Japan is the aging and decrease of population, including that which is economically active. According to forecasts, by 2065, out of 88 million people – and this is what Japan's population is going to be if the present-day reproduction level persists – only 39 million will be of working age. For comparison, in 2019, the population of the Tokyo urban agglomeration alone, which includes Tokyo, as well as Yokohama, Kawasaki, Saitama, Chiba, and Sagami-hara, was estimated to be 38.5 million people. According to the data of the Ministry of Health, Labour and Welfare (MHLW), in 2018, 20 sectors experienced acute shortage of workforce, among them construction (average of 8.5 positions for a single candidate), mining industry (7.4), healthcare (4.66-3.27), automobile repair (4.25), transportation (3.66-3.28), hotel and restaurant business (3.08), food industry (3.07), and others.<sup>1</sup> Moreover, *The Japan Times* reports that even such a popular and cutting-edge industry as IT is expected to have a deficit of 800,000 workers by 2030 [Hughes 2019]. Yamada Hisashi, chief researcher at the Japan Research Institute, a leading think tank in Tokyo, said that, to meet this demand, it will be necessary to bring the number of foreign workers to 3.9 million, so that they make up 5 to 6 percent of the total

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<sup>1</sup> Jobs with Labor Shortages in Japan, Ranked (2019). <https://izanau.com/article/view/labor-shortages-japan>

workforce [Tanikawa 2019]. On the other hand, for a monoethnic state like Japan, which is a country with a “closed” mentality, liberalization can prove no easy task.

Even though the prospect of liberalizing the rules of entry and residence, as well as creating beneficial conditions of life and work for foreigners began to be discussed at the turn of the 21<sup>st</sup> century, the first politician who endeavored a massive rework of immigration laws was Prime Minister Abe Shinzō. Since 2012, Abe amended the legislation with measures aiming to attract more highly skilled specialists and students, protect the rights of technical interns, fight illegal immigration, and, in 2018, he gained the approval of the Diet to establish two new categories of visas permitting the work of medium-qualified migrants. In the light of these innovations, politicians, researchers, and the general public are increasingly discussing the liberalization of migration processes in Japan. However, neither Abe nor his colleagues pronounced this phrase aloud, probably fearing the negative reaction of the public and the probable gaps in the realization of the strategy.

This article aims to characterize the immigration reforms conducted by the Abe cabinets, to understand what goals the prime minister pursued, how these measures related to his key strategy of national growth, Abenomics, and to evaluate how far Japan is going to be able to advance in terms of liberalizing its migration legislation.

### **Key Changes of Migration Legislation under the Premiership of Abe Shinzō**

Japan is known as one of the most monoethnic countries of the world. According to the CIA World Factbook, in 2016, 98.1 percent of its population were ethnically Japanese (this figure includes the people of Ryūkyū, the Ainu, and some other native peoples of Japan), 0.5 percent were Chinese, 0.4 percent were Korean, and only 1 percent represented other ethnicities (primarily the citizens of the Philippines,

Vietnam, and Brazil). Traditionally, the nation's migration policy was based on limiting the entry of unqualified migrants, and the share of foreigners in Japan's population did not exceed two percent.

However, starting with the 1980s, when the country faced the shortage of workforce, the Japanese government started to reconsider its migration policy. In 1983, the goal was set to increase the number of foreign students from 10,000 to 100,000 by 2000, in 1990, the Immigration Control Act was revised, simplifying the entry of foreigners, in particular, of those of Japanese ancestry, and in 1993, the TITP internship program was launched. The share of migrants in the population was gradually increasing, from 0.67 percent in 1979 to 1.88 percent in 2016.<sup>2</sup> In 2018, the Japanese and international media reported that the share of foreign population exceeded two percent for the first time and reached 2.66 million people.<sup>3</sup> One of the reasons for this was probably a more "welcoming" policy of the Japanese government. Nowadays, both conservatives and liberals understand that, under the conditions of the demographic crisis, not only highly qualified, but also medium- and low-qualified foreign workers are a necessary condition to maintain the viability of Japanese economy and to retain its positions in the international arena.

Since 2012, the government undertook several measures to promote migration, as well as to strengthen the protection of foreigners and improve their living and working conditions in Japan. At present, the 2015 Basic Plan for Immigration Control (5<sup>th</sup> edition) is in effect, its main goals consisting in more actively attracting foreign workers in the light of demographic decline in Japan, fighting illegal immigration, and creating

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<sup>2</sup> Heisei 28 nenmatsu genzai ni okeru zairyū gaikokujin sū ni tsuite [About the number of foreigners at the end of 2016]. Ministry of Justice, Japan. <http://www.moj.go.jp/content/001237697.pdf>

<sup>3</sup> Gaikokujin saita no 266 man nin, 20 dai ga 3 wari. Rōdōryoku sasaeru [The number of foreigners reaches 2.66 million people, 30 percent of them are in their 20s. Japan's labor force is supported by foreigners]. Nikkei. <https://www.nikkei.com/article/DGXMZO47203370Q9A710C1EA1000/>

conditions for harmonious co-existence of the Japanese and foreign citizens.<sup>4</sup>

As far as the general liberalization of migration policy is concerned, the present Residence Management System was introduced in July 2012 and replaced the alien registration system which existed since 1952 according to the Alien Registration Law of April 28, 1952.<sup>5</sup> It was claimed that the old system stopped being efficient due to the number of migrants rising and their spheres of activity becoming more diversified. According to the new system, in order to stay in Japan, foreign citizens must receive one of the 30 residence statuses designated by the addenda to the 1951 Act. This status defines the length of stay and the type of work that the foreigner is permitted to do while staying in the country. At present, the maximum period of stay does not exceed 5 years (with the exception of diplomats and permanent residents), but some are allowed to have it extended.<sup>6</sup>

### **Attracting highly Qualified Workers**

At present, the majority of qualified migrants are highly qualified specialists, entrepreneurs (managers and executives), engineers or specialists in the humanitarian or international fields, as well as professionals of a narrow specialization. Up to the 2010s, the Japanese government put an emphasis on attracting qualified workforce to facilitate the exchange of knowledge and experience and thus to revitalize the nation's economy. However, attracting talented foreigners and keeping

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<sup>4</sup> Immigration Services Agency of Japan. Basic Plan for Immigration Control (5<sup>th</sup> Edition). [http://www.immi-moj.go.jp/seisaku/2015\\_kihonkeikaku\\_honbun\\_pamphlet\\_english.pdf](http://www.immi-moj.go.jp/seisaku/2015_kihonkeikaku_honbun_pamphlet_english.pdf)

<sup>5</sup> Alien Registration Law. <http://www.japaneselawtranslation.go.jp/law/detail/?id=36&vm=04&re=01>

<sup>6</sup> Immigration Services Agency of Japan. Procedures for examinations for entries into and departures from Japan – Q&A. <http://www.immi-moj.go.jp/english/tetuduki/kanri/qa.html>

them in the country turned out to be not so easy due to several negative factors – high homogeneity of Japanese society, the language barrier, the rejection and suspicion on the part of the local population, weak legal protection of the migrants’ rights. In 2012, aiming to increase Japan’s attractiveness in the eyes of foreigners, the government introduced a points-based system of evaluation for highly qualified specialists. A similar system is in use in Australia, the US, Canada, and a number of other Western countries.

The points-based system gives foreigners several advantages. First, it provides for fast-track document review for highly qualified specialists. It takes no more than 10 days to receive the Certificate of Eligibility, which defines the status of the applicant, and no more than 5 days to have the status of residence confirmed. Second, foreigners with a high points score can apply for a permanent residence status earlier – after 3 years for highly qualified specialists with more than 70 points and after 1 year for highly qualified workers specialists with more than 80 points.<sup>7</sup> Besides, since 2019, the Immigration Service started accepting visa applications on-line.<sup>8</sup>

Highly qualified specialists can also bring their family members with them (using the “Family Member”, 家族滞在 *kazoku taizai*, visa), with the latter being permitted to work, or domestic workers (using the “Designated Activities”, 特定活動 *tokutei katsudō*, visa). One of the advantages especially relevant for people from Asian countries is the opportunity to bring with them to Japan not only a spouse and a child, but also parents to take care of a pregnant mother or a child if the child is younger than seven years old. Such a practice is widespread in Asian countries, and this opportunity makes the “Highly Qualified Specialist” visa especially convenient for Chinese citizens. It is probably

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<sup>7</sup> Immigration Services Agency of Japan. Points-based Preferential Immigration Control and Residency Management Treatment for Highly-Skilled Foreign Professional. [http://www.immi-moj.go.jp/newimmiact\\_3/en/index.html](http://www.immi-moj.go.jp/newimmiact_3/en/index.html)

<sup>8</sup> Abenomics, March 2020. The Government of Japan. [https://www.japan.go.jp/abenomics/\\_userdata/abenomics/pdf/2003\\_abenomics.pdf](https://www.japan.go.jp/abenomics/_userdata/abenomics/pdf/2003_abenomics.pdf)

to attract them that this provision was introduced. In recent years, China experiences an “emigration boom”, and Japan, located within an average two-hour flying distance from the central cities of China, is one of the “hottest” directions. For example, a native of Shanghai said that Tokyo was very convenient because of its clean air and because it was a good place to raise children, and some of his friends were very interested in obtaining the Japanese visa permitting to live there together with relatives [Himeda 2017]. Due to the barriers lowered in 2017, the number of foreign specialists increased 12-fold compared to 2013 – from 800 to 10,500 people,<sup>9</sup> while in December 2018 it reached 15,300 people.<sup>10</sup>

The Strategy of growth in Japan aimed at attracting 10,000 qualified workers by and 20,000 by 2022. One must notice, however, that even though the former goal was reached ahead of schedule, the COVID-19 pandemic and the travel restrictions caused by it will likely undermine the achievement of the latter. Significant attention is paid not only to attracting specialists to work in Japanese companies but, even more so, to attracting foreign investors. S. Abe claimed: “The Japan that I am pursuing is a Japan that leads to being wide open to the entire world. What is necessary for Japan’s revival is a powerful catalyst that will restyle the old Japan and then make the “new” Japan even stronger. These are the expectations I hold towards direct investments into Japan”.<sup>11</sup>

To do this, the government took measures to simplify the visa procedures for highly qualified specialists, as well as administrative procedures for entrepreneurs and foreign companies. In particular, the Japan External Trade Organization (JETRO) provides free market information assistance to companies planning to open a new or expand

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<sup>9</sup> The Government of Japan. Welcoming Government. [https://www.japan.go.jp/investment/welcoming\\_government.html](https://www.japan.go.jp/investment/welcoming_government.html)

<sup>10</sup> Prime Minister of Japan and His Cabinet. (2019). Report on Priority Measures and Others for Innovative Business Activity Action Plan. <https://www.kantei.go.jp/jp/singi/keizaisaisei/pdf/report190621en.pdf>

<sup>11</sup> Talk to JETRO First about business in Japan. JETRO. [https://www.jetro.go.jp/en/invest/reports/pdf/talktojetro\\_en.pdf](https://www.jetro.go.jp/en/invest/reports/pdf/talktojetro_en.pdf)

an existing business in Japan, conducts consultations on administrative procedures for business registration, visa, labor, and tax issues, and also assists in searching for potential partners among Japanese companies. The organization has already supported more than 17,000 foreign companies willing to start business in Japan, and more than 1,700 of them continued working there successfully.

Moreover, in 2013, as a part of Abenomics, several National Strategic Special Zones (NSSZ) were created in Japan, where structural reforms aimed at the realization of the Fourth Industrial Revolution are conducted and where the government actively attracts highly qualified specialists. In 2015, startup visas, simplifying entry and stay for startup entrepreneurs, were introduced for starting business in the NSSZs. A startup visa can be received if one starts a business in one of the NSSZs in certain industries deemed useful for the region: innovative manufacturing; healthcare and medicine, social sphere; environment and energy production; logistics; commerce. To obtain this type of visa, one must present a CV, a detailed business plan, a roadmap of work, as well as a residence confirmation and a bank account statement confirming the ability of the applicant to reside in Japan during a half-year stay in Japan. If the application is approved, the startup entrepreneur will have from 6 months to a year to finish all the necessary preparations while staying in Japan and apply for an extendable Business Manager Visa. This initiative deserves high praise, for it will be able to significantly simplify the entry of new entrepreneurs into Japanese market and will facilitate further growth of the number of foreign specialists.

Based on the above, it can be said that the conditions of work and life of highly qualified foreign specialists in Japanese companies, as well as the conditions of entry of foreign investors into the Japanese market are improving. Nevertheless, their number remains comparatively small (slightly over 10,000 people), and this is not enough to stimulate the growth of Japanese economy. Moreover, the COVID-19 pandemic causes a postponement of indeterminate duration in the achievement of the set plans. Still, the increase of the number of professionals, their positive opinions about life and work in Japan and their stories of success in the

Japanese market demonstrate that the Japanese government is moving in the right direction in accordance with the goals of revitalizing the nation.

### **Attracting Medium-qualified Specialists in Sectors Experiencing the highest Workforce Deficit**

According to the current immigration legislation, only the *nikkeijin* foreigners of Japanese ancestry (the so-called “front door” of immigration) and foreign students and technical interns (the so-called “side door”) can apply for unqualified jobs in Japan, while immigrants of medium qualification can enter the country using the “Specified Skilled Worker” (特定技能 *tokutei ginō*) visa since April 1, 2019. The Technical Intern Training Program, which promotes studying technology and mastering skills and knowledge in Japanese public or private organizations, was officially launched in Japan in 1993. It is considered the “side door” because it is meant to satisfy the demand for unqualified workers in sectors experiencing labor deficit while hiding this fact from the population, which does not approve of the influx of “aliens” [Korostikov 2018]. The intern training program is sponsored by the Japanese government and is conducted according to the 2016 Act on Proper Technical Intern Training and Protection of Technical Intern Trainees. The period of stay of different categories of interns has a one or two-year limit, with the total period of training being at most five years long. The trainees primarily come from China, Vietnam, the Philippines, Indonesia, Thailand, Myanmar, and Cambodia.

Within the framework of the program, upon arriving in Japan, the interns hear a lecture course on Japanese language, specifics of work in Japanese companies, as well as on the legal basics (primarily in the fields of immigration and labor law) for at least two months (320 hours), after which they start receiving practical skills directly in the companies. To advance to the next level (there are three of them, I, II, and III), it is necessary to pass an exam. In the case of passing it successfully, one can

apply for a visa of the next category, while, in the case of failure, it is necessary to go back home with the right of passing the exam again after not less than one month.

Despite the original design – training foreign specialists as a part of exchange of technologies and manufacturing skills between developed Japan and the developing nations of East and South East Asia, the TITP quickly turned into a channel of importing cheap and relatively disempowered workforce. From the very beginning, the interns were doing work characterized by the “three K’s” – 汚い *kitanai* (dirty), 危険 *kiken* (dangerous), and きつい *kitsui* (hard), while training itself was taking the back seat [Douglass & Roberts 2000, p. 6]. The employers were hiring foreigners in the areas where the latter could stay “invisible” to Japanese customers, so as not to spoil the company’s image. Even in such low-qualified fields as cleaning streets, taking out the garbage, or housekeeping, where, in other countries of the world, a significant part of workplaces is occupied by foreigners, Japan did not permit foreign labor.

The Japanese intern training program has often been criticized by interns and lawyers, who called it exploitation of workers for a small salary [IHRB 2017]. Due to this, the Japanese government has on numerous occasions taken measures to strengthen the legal basis in this field. The most recent amendments were made in 2016, as the Technical Intern Training Act was adopted and the responsibility of receiving organizations as well as the control over them was strengthened.<sup>12</sup> Article 3 of the Act claims that the goal of TITP is developing human resources, rather than it being “a means of adjusting labor demand and supply” in the national labor market.

According to the new legislation, since 2016, the implementing organizations (there are more than 35,000 of them) and the supervising organizations (more than 1,900) started to be monitored by the Organization for Technical Intern Training (OTIT). Its goals include

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<sup>12</sup> Ministry of Justice, Japan. 2017. New Technical intern Training Program. <http://www.moj.go.jp/content/001223972.pdf>

sanctioning the establishment of organizations and issuing licenses to them, accreditation of training plans, inspecting their facilities, accepting notifications from the organizations, preparing reports, supporting and protecting the rights of technical interns, as well as other interactions with controlling, implementing, and dispatching organizations. The maximum period of stay for interns was increased from 3 to 5 years.

The new legislation also requires the appointment of designated officers – a supervising manager, who successfully finished the relevant training within the recent three years, a technical training instructor with the experience of working in the industry for at least five years, and an officer responsible for the daily life of the technical interns. A hotline has been established to provide for communication between the OTIT and the interns, which receives complaints and provides consultations in the most frequently used languages – Chinese, Vietnamese, Indonesian, Tagalog, English. Probably the most important feature is that the legislators managed to impose the obligation to pay foreign workers a salary that is not lower than that paid to the Japanese doing the same work. This measure is aimed at preventing the decline of salaries due to using cheaper foreign labor.

One more achievement is the introduction of fines for breaking the Technical Intern Training Act, immigration, or labor laws. For example, forcing a foreigner to participate in the intern training program by means of assault, intimidation, or any other violent means is punished by imprisonment with penal labor for a term from 1 to 10 years, or a fine of 200,000 to 3,000,000 yen. Imposing fines or punishments for an intern, taking away their passport or taking control over their bank accounts, as well as limiting their freedom of action outside the workplace is punishment by imprisonment for up to 6 months or a fine of up to 300,000 yen.

Of course, now it is too early to speak about the efficiency of the measures proposed by the government, but one can be sure that the strengthening of the legislative base and the control system, as well as imposing punishments for inappropriate realization of the TITP demonstrates the responsible approach of the Japanese authorities to the

interns' problems. This, in turn, can be explained by two factors. First, this is a matter of reputation, as the problem of exploitation of trainees and human rights violations in Japan has been covered by regional and global media, with human rights activists in Japan and the immigrants' countries of origin increasingly focusing on this. Such a development can undermine Japan's reputation while it aims to play a significant role in global politics and economy.

Second, the labor deficit does not decrease, while potential interns are not as willing to participate in the program due to the negative experiences of their compatriots. Internal measures taken by the Japanese government to compensate for the consequences of the demographic decline, such as increasing the retirement age and material stimuli of a later retirement, or facilitating the participation of women in workforce, are not sufficient to retain the production potential. Therefore, the demand for importing workforce from abroad does not decrease either. Naturally, it is only possible to attract the increasingly cautious migrants only by persuading them of the absolute safety and profitability of the program, which is what the government is trying to do.

One more measure aimed at tackling the lack of labor resources was the amendment of immigration laws in December 2018. On December 8, the Diet of Japan passed the law opening the access to the country of low-qualified foreign workers with visas of the "Specified Skilled Worker (I)" and "Specified Skilled Worker (II)" type.<sup>13</sup> They are meant for the employment of persons who have professional skills in areas designated by the Japanese government as experiencing deficit of workforce. There is a total of 14 of these – electronics, construction, industrial machinery, shipbuilding and ship machinery, raw materials industry, automobile repair and maintenance, food service industry, aviation, food and beverages, agriculture, fishery and aquaculture, nursing care, accommodation industry, cleaning. It is worth noting that the aim of this visa is to increase the number of foreign workers, unlike the technical

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<sup>13</sup> Ministry of Foreign Affairs of Japan. Specified Skilled Worker. <https://www.mofa.go.jp/mofaj/ca/fna/ssw/us/index.html>

intern visa, which should not be used to cover the “gaps” in the labor market.<sup>14</sup> This visa will suit those who do not have higher education but graduated from a professional school or have experience of working in one of the 14 above-mentioned areas.

The category I skilled workers have a period of stay of 1 year, 6 months, or 4 months, with the possibility of extending it to a maximum of 5 years. For the category II skilled workers it is 3 years, 1 year, or 6 months, with the possibility of extending it for an unlimited number of times. Currently, only applications from the workers of the category I are accepted. One of the features of this residence status is that the workers are not permitted to take their family members with them, but the government expects that, after receiving enough experience of work under this visa category, the workers will be able to apply for category II, with all the advantages provided by it, including the right to bring a spouse and children under the family visa. This is likely meant to stimulate the attraction of permanent labor resources to the country, who have not only the skills and knowledge necessary for work, but also a sufficiently high command of the Japanese language and the Japanese culture, unlike the technical interns.

Despite the fact that both technical interns and skilled workers are usually hired in the same industries, their different statuses of residence determine their different terms of staying in Japan. First, the skilled workers’ activities are performed exclusively on the basis of the Immigration Control and Refugee Recognition Act, while the technical interns are also subject to the Technical Intern Training Act. Second, unlike the technical interns, in order to sign a contract with the receiving organization, the skilled workers must pass two exams: a language proficiency one (at least the N<sup>o</sup>4 or equivalent level), and a professional one. At present, the exams are held in nine countries: China, Vietnam, Cambodia, the Philippines, Indonesia, Thailand, Myanmar, Nepal, and Mongolia.

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<sup>14</sup> JITCO. What is the Technical Intern Training Program? <https://www.jitco.or.jp/en/regulation/index.html>

Staying in the country under this visa is also permitted to citizens of other countries, including those from the CIS countries, but initial entry has to be done under a different visa (for example, a student one as a part of studying Japanese language), and, at the same time, the two exams necessary for the skilled worker visa have to be taken. However, it is unlikely that there will be many applicants, as salary expectations in Russia and Central Asia are higher than in South East Asia, so the emphasis is most likely going to be made on the SEA nations [Korostikov 2018].

Skilled workers work directly with the receiving organization and do not require intermediaries like the dispatching or controlling organization. Moreover, unlike the technical interns, they can apply to any support organization to receive help in searching for a place of accommodation, adapting to the Japanese way of life or studying the Japanese language, receiving consultations on administrative procedures, promptly resolving any issues related to their work, and receiving assistance in the case of being fired. They also have a right to freely change jobs within the industry or even within adjacent industries, provided they have qualification proven by the test. The amendments became effective on April 1, 2019. It was expected that, within 5 years, up to 345,000 people would enter the country under the Specified Skilled Worker visa if the market conditions do not require a larger or smaller number of workers. Meanwhile, the industry quotas may change following the increase or decline of the demand in the labor market. The government was going to estimate the first results of the initiative after two years and make changes, should it be necessary.

Immediately after the Immigration Control Act was amended, the government published a document titled Comprehensive Measures for Acceptance and Coexistence of Foreign nationals,<sup>15</sup> which laid out the ways of safely and efficiently introducing the new system. In particular, the

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<sup>15</sup> Ministry of Justice, Japan. (2018). Comprehensive Measures for Acceptance and Coexistence of Foreign nationals. <http://www.moj.go.jp/content/001301382.pdf>

government decided to establish unified consultation centers throughout the country, working in 11 languages, so that every foreigner could receive necessary information; to create the environment accessible to foreigners in the fields of healthcare, communications, banking services, education; to develop a program of Japanese language training to help foreigners adapt to the Japanese culture and customs. The government also recommends full-time employment as regular workers, directly without intermediaries, so as to provide equal working conditions for Japanese citizens and foreigners (without differences in providing days off, paid vacations, bonuses, social and medical insurance, etc.). The employer is also required to transfer the salary to the worker's bank account or pay it in a different way that can be verified – this measure is meant to protect foreigners from not being paid their salaries [OECD iLibrary 2019].

Despite the initiative being criticized by the opposition, in particular, due to the documents being not detailed enough, to the insufficient protection of rights of foreign workers, as well as to the inability to properly regulate the existing program of attracting low-qualified workforce (TITP), at present, there is a consensus in political circles concerning the necessity to use migrants to satisfy the internal demand in industries experiencing labor deficit. The introduction of a new category of working visas also helped to partly alleviate the problem of employment of people who have professional education, but do not have a bachelor's or a master's degree. It seems that this amendment of migration legislation demonstrate a change in the approach to the issues of immigration, which will likely significantly influence Japanese society and its future development.

### **Is Gradual Change of Migration Legislation a Structural Element of Abenomics?**

To understand the essence and the depth of the reforms, the measures undertaken by the government in the field of migration control need to be considered not only in the context of the demographic crisis as

such, but also in the context of other initiatives, first and foremost, the large-scale and comprehensive program of Abenomics, which remains the backbone of the government's economic policy even after Suga Yoshihide succeeded Abe Shinzō as Prime Minister in September 2020. Initially, in 2012, the goal of Abenomics was to vitalize the stagnant economy by means of “three arrows” – monetary policy to overcome deflation, flexible fiscal policy to support the economy, in particular, infrastructure projects and developing new technologies, and also a growth strategy involving structural reforms aimed at securing the sustainable growth of Japanese economy. The plans included the creation of special economic zones, the labor legislation reforms, including the abolition of lifetime employment and the realization of the “equal pay for equal work” principle, involvement of women in the economy and keeping elderly persons there, cancellation of several restrictions for businesses, attraction of foreign investment and foreign workers, as well as other changes.

However, the strategy was not static – it was amended and changed with consideration of the requirements of time. As one goal was achieved, new ones were set. The analysis of the current measures allows one to say that many measures are aimed precisely at halting the reduction of the working-age population. The website of the Japanese government openly declares: “The greatest structural issue facing the Japanese economy is the aging of society and shrinking of the population. However, we see this challenge as an opportunity.”<sup>16</sup>

On the one hand, the solution to this problem lies in increasing productivity. That is why now Japan is abandoning such inefficient practices as overtime work, removes the difference in pay for regular and irregular workers, abandons the system of lifetime employment and stimulates re-employment of middle-aged and elderly workers, as well as women quitting their childcare leaves. Two more key tasks are the stimulation of commerce and investment and the creation of favorable conditions for doing business.

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<sup>16</sup> The Government of Japan. Abenomics. <https://www.japan.go.jp/abenomics/>

Due to this, the creation of the so-called innovative Society 5.0, which provides for the mobility of human resources, knowledge, and capital without any barriers, has become one of the goals of the new Abenomics. It is expected that informatization and robotics will make it possible to create equal opportunities for all, as well as facilitate the creation of the environment to realize the potential of every person. “In Society 5.0, technology will help to remove physical, administrative, and social barriers for the self-realization of a person and the development of technology, and this, in turn, will lead to sustainable social and economic growth,” claims Onoda Hiroyuki, the CEO of Mitsubishi Electric (RUS), in his interview with the Forbes magazine.<sup>17</sup>

Nevertheless, aware that Japan will not be able to halt the decrease of the working-age male population and provide for economic growth only with the help of this group, the government is “opening doors for a more diverse and more flexible workforce” – women, foreign workers, and elderly people. As of March 2020 (that is, immediately before the COVID-19 pandemic, which engulfed Japan and most other countries of the world), compared to 2012, the number of employed persons had increased by 4.4 million people (out of them, 3.3 million are women), the employment of elderly persons over 65 had increased by 5.4 percent, while unemployment had decreased from 4.3 to 2.4 percent. The number of foreign workers had increased from 680 thousand to 1.4 million people. There is no doubt that the increase of the number of foreign workers can be explained by the growing popularity of Japan as an immigration destination due to the sensible policy of the government, which includes measures taken both within the country and abroad.

The primary source of attracting foreigners lies in increasing their interest in Japan by means of the activities of Japanese organizations

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<sup>17</sup> «Общество 5.0»: японские технологии для цифровой трансформации российской экономики [Society 5.0: Japanese technology for digital transformation of Russia's economy]. Forbes. <https://www.forbes.ru/partnerskie-materialy/367837-obshchestvo-50-yaponskie-tehnologii-dlya-cifrovoy-transformatsii>

abroad and the popularization of Japanese culture and achievements. This is what the Cool Japan strategy is aimed at, as it focuses on the global popularization of the Japanese language, Japanese culture and its products, such as anime, manga, video games, Japanese cuisine, traditional culture, Japanese fashion, robots, and other goods. Since 2013, in addition to humanitarian contents, the project started focusing on the economic goal of promoting the development and export of products made by Japanese creative businesses. The Cool Japan strategy is realized by Japan's diplomatic missions abroad, the Japan House, the Japan Foundation, the Japan External Trade Organization (JETRO), the Japan Food Product Overseas Promotion Center (JFOODO), and others.

Despite the lack of accumulated data on the relation between the realization of the Cool Japan program and the growth of interest in Japan on the part of foreigners, since 2012, Japan managed to achieve substantial progress. In 2018, 3.85 million people were studying the Japanese language in more than 18,600 educational institutions globally, while the number of Japanese language teachers grew by 20.3 percent.<sup>18</sup> The data published by the Statistics Bureau of Japan show the growth of short-term visits to Japan from 197,000 (out of them, 139,000 were tourists) in 2012 to 601,000 (502,000 were tourists) in 2019.<sup>19</sup> Even more illustrative is the number of entries into Japan: in 2012, 9.1 million people entered Japan with different purposes (out of them, 7.5 were first-time visitors), while, in 2018, 30.1 million people entered Japan (with 27.5 million being first-time visitors). In the same 2018, foreign tourists spent in Japan 4.5 trillion yen, or more than 40 billion dollars by the current exchange rate, which is a tremendous source of income for the Japanese economy and a stimulus for the development of retail business.

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<sup>18</sup> No. of Japanese language institutions soars in Asia: survey. Kyodo News. <https://english.kyodonews.net/news/2019/10/5a68e414f248-no-of-japanese-language-institutions-soars-in-asia-survey.html>

<sup>19</sup> The number of foreigners in the country with a "short-term stay" residence status at the time of the census.

This was in accordance with Abe's plans to turn the country into a "tourism superpower". In 2015, the Prime Minister set a national goal to bring the number of foreign guests coming to the country to 30 million people a year, to 40 million people in 2020, and to 60 million people in 2030 [The Japan Times 2019]. To do this, visa procedures were simplified, low-cost airlines flying not only to Tokyo, but also to other potentially attractive cities were developed, transport and IT infrastructure was improved, old resort towns were renovated, while new ones are being developed, opportunities for cash-free travel are introduced. The government was also going to lift some restrictions on using private apartments as hotels, solve the problems of training translator guides, lack of tour busses, lack of information in foreign languages, etc. Even though inbound tourism collapsed because of the COVID-19 pandemic, all of these trends are likely to continue after this crisis is over.

The growing number of foreign workers (both employees of Japanese companies and investors) is also the result of the efforts of the Japanese government to attract them. A significant advantage from the point of view of international investors is Japan's macroeconomic and financial stability, as well as access to the world market – the Japanese network of free trade zones covers 85.5 percent of world trade and 86.3 percent of global GDP.<sup>20</sup> In 2019, Japan occupied the 6<sup>th</sup> place out of 141 in the World Economic Forum competitiveness ranking, which takes into account economic growth, infrastructure development, efficiency of governance, and efficiency of business [WEF 2019]. On the everyday level, according to the Global Peace Index, Japan is one of the countries most suitable and safe for life – in 2019, the country occupied the 9<sup>th</sup> place out of 163 [IEP 2019]. The rating is based on 23 indicators, including respect for human rights, the risk of terrorism, the number of police officers, relations with neighboring countries, and others. The website of the Government of Japan published the information that, according to the Monocle's Quality of Life Survey, Tokyo occupies the second place after Zurich

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<sup>20</sup> Talk to JETRO First about business in Japan. JETRO. [https://www.jetro.go.jp/en/invest/reports/pdf/talktojetro\\_en.pdf](https://www.jetro.go.jp/en/invest/reports/pdf/talktojetro_en.pdf)

among the cities most comfortable for life [Monocle 2019]. The rating considers such indicators as the level of crime/safety, climate, condition of environment, quality of architecture, infrastructure development, conditions for doing business, quality of medical services, and even tolerance of local population. As foreign population is increasingly concentrated in the three largest urban agglomerations of Tokyo, Osaka, and Nagoya, the government has also started to encourage them to work in less populated areas, some of which are in acute need of highly qualified, medium-qualified, and low-qualified workers due to the trends of internal migration.

On the other hand, the Japanese government, while urging foreigners to come to Japan to rest or work, has at multiple occasions stated that the measures taken to simplify their entry and stay do not constitute immigration policy. Prime Minister Abe said several times that the country invited foreign workers to alleviate the acute deficit of workforce and denied the prospect of these foreign workers “transforming” into long-term migrants [Murakami 2018]. This fuels the discussions about whether the liberalization of Japan’s migration legislation is actually taking place or not. On the one hand, new, less strict rules are being introduced and the number of foreigners is growing, but, on the other hand, the government staunchly denies this fact.

One of the reasons for the government trying to mention the “change of immigration policy” as seldom as possible and, generally speaking, does not recognize the fact of immigration itself is the cautious or even openly hostile attitude of Japan’s population towards foreigners. The overwhelming majority of the population, who are unfamiliar or only superficially, sometimes just indirectly familiar with foreigners, the *gaijin* are potential competitors in the labor market, criminals, or just people violating the harmony of Japanese society. For example, Nishimura Yasutoshi, a Cabinet member responsible for the Government’s policy in the field of foreign labor resources, said in his interview with the Financial Times: “We don’t use the word ‘immigration’. There is still a strong insular mentality. Still, (it) would be a big change for Japan.”

At the same time, many, including the former head of the Tokyo Immigration Bureau Sakanaka Hidenori, believe that the changes and the new measures represent a de facto shift to an immigration policy.<sup>21</sup> Moreover, it is obvious that all the new measures, initiatives, and goals discussed in this article are aimed at a certain category of migrants. In essence, no one was left without attention – the measures taken under Abe, and especially in the last six years, concerned highly qualified specialists, students, low-qualified workers, workers of medium qualification, as well as illegal immigrants. Sasaki Shirō, secretary general of one of Japan’s large labor unions, explains the government’s position in the following way: “Abe’s definition of an immigrant is someone who lives in Japan long-term, with family. But by international standards, the trainees are immigrants. In this sense we can say that Japan is already an immigrant society.”

Therefore, the first step towards fully using the opportunities and solving the problems that arise as large numbers of migrants are attracted to Japan is to recognize the fact of immigration to Japan. As the Japanese government refuses to conduct immigration policy in its public statements, it prepares itself three pitfalls. First, this sort of rhetoric strengthens distrust on the part of foreigners and makes them choose other directions for immigration, therefore preventing the government from reaching the set goals of increasing the number of migrants of different categories and tackling the problem of demographic decline. Second, these statements complicate the work of immigration services and other organizations, making it impossible to conduct full-fledged legal regulation in the fields of protecting the migrants’ rights and creating equal opportunities in the socio-economic field. Third, this misinforms Japanese citizens, who observe the growing number of foreigners in their country but refuse to accept them in their “closed” (as the government claims) society.

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<sup>21</sup> Japan to loosen strict immigration rules amid labour shortage. Aljazeera. <https://www.aljazeera.com/news/2018/11/japan-loosen-strict-immigration-rules-labour-shortage-181102031450029.html>

Generally speaking, based on the above, one can conclude that attracting foreign specialists already became one of the key elements of the third arrow of Abenomics, namely, structural reforms – at least, before harsh travel restrictions were imposed due to the global coronavirus pandemic. Because of this, the government aimed to create the environment favorable for foreigners and spreads information about the benefits of living, studying, and working in Japan. Therefore, in the light of changes in the world and Japan itself, the Japanese migration legislation is actually becoming more liberal, which is also testified by the fact of the amendments to the Immigration Control Act, which became effective since April 1, 2019. Despite all this, there remained strict attitude about the issue of accepting large numbers of foreigners, which is caused by the necessity to provide public safety within the country and maintain a high level of socio-economic welfare, as well as the fear to displease the public. For the current strategy to be successful, after the situation with international travel is “back to normal”, the government will have to find the “golden mean” – the balance between giving foreigners an opportunity to be full-fledged and useful members of Japanese society and the desire to preserve the uniqueness of the Japanese culture.

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A study of the Abe government’s migration policy leads to the conclusion that Japan has come to realize the need to open to the world and cooperate with other countries in attracting the necessary labor resources. Since 2012, the Abe cabinet took a large number of measures aimed at promoting migration, as well as at protecting foreigners’ right and creating more favorable conditions for their life and work in Japan.

Currently, the issue of inbound migration is temporarily overshadowed by the COVID-19 global pandemic and the travel restrictions caused by it, but it will likely become relevant again once this unprecedented crisis is over. The consequences of liberalizing migration legislation can manifest in various areas and be both good and bad. On the one hand, attracting foreigners will help to meet several goals: tackling demographic decline, increasing domestic consumption,

developing Japan's regions, creating and introducing innovations, which will enable sustainable economic growth. Because of this, one can say that the future success of Abenomics under Prime Minister Suga and his successors largely depends upon the government's skillful immigration policy. On the other hand, there are certain problems barring the achievement of the government's goals in the field of immigration – the remaining language barrier, the complexity of administrative procedures, the issue of public services, primarily education and healthcare, being accessible to foreigners, the cautious attitude of the Japanese public.

Due to this, one of the key problems Japan is facing in the era of globalization is the search for a balance between giving foreigners an opportunity to be full-fledged members of Japanese society, provided they meet certain requirements, and the desire to preserve the uniqueness of the Japanese culture. What is required is further improvement and efficient implementation of migration policy which clearly regulates migration processes so as to provide conflict-free and happy coexistence of the local population with foreigners, as well as future economic, political, cultural, and social thriving of the country.

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